

**DECREE OF THE MINISTER OF COMMUNICATION AND INFORMATION
TECHNOLOGY OF THE REPUBLIC OF INDONESIA**

NUMBER : 01/PER/M.KOMINFO/02/2011

ON

**SECOND AMENDMENT TO THE DECREE OF THE MINISTER OF
COMMUNICATION AND INFORMATION TECHNOLOGY NUMBER
36/PER/M.KOMINFO/10/2008 ON ESTABLISHMENT OF THE INDONESIAN
TELECOMMUNICATION REGULATORY BODY**

BY THE GRACE OF GOD THE ALMIGHTY

**MINISTER OF COMMUNICATION AND INFORMATION TECHNOLOGY OF THE
REPUBLIC OF INDONESIA**

- Considering:
- a. that within the framework of implementing the Decree of the Minister of Communication and Information Technology Number 17/PER/M.KOMINFO/11/2010 on Organization and Work Method of the Ministry of Communication and Information Technology, it is deemed necessary to adjust the status of the institution of the Indonesian Telecommunication Regulatory Body ;
 - b. that based on consideration referred to in point a, it is considered necessary to Make Second Amendment to the Decree of the Minister of Communication and Information Technology Number 36/PER/M.KOMINFO/10/2008 on Establishment of the Indonesian Telecommunication Regulatory Body.
- Bearing in mind:
1. Law of the Republic of Indonesia Number 36 Year 1999 on Telecommunication (State Gazette of the Republic of Indonesia Number 154 Year 1999, Additional State Gazette of the Republic of Indonesia Number 3881);
 2. Government Regulation of the Republic of Indonesia Number 52 Year 2000 on Provision of Telecommunication (State Gazette of the Republic of Indonesia Number 107 Year 2000, Additional State Gazette of the Republic of Indonesia Number 3980);
 3. Government Regulation of the Republic of Indonesia Number 53 Year 2000 on Use of Radio Frequency Spectrum and Satellite Orbit (State Gazette of the Republic of Indonesia Number 108 Year 2000, Additional State Gazette of the Republic of Indonesia Number 3981);

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4. Decree of the President of the Republic of Indonesia Number 47 Year 2009 on Formation and Organization of State Ministries of the Republic of Indonesia;;
5. Decree of the President of the Republic of Indonesia Number 24 Year 2010 on Positions, Duties, and Functions of State Ministries of the Republic of Indonesia and Organizational Structure, Duties, and Functions of Echelon I of State Ministries of the Republic of Indonesia;
6. Decision of the Minister of Communication Number KM. 21 Year 2001 on Provision of Telecommunication Service as amended latest by the Decree of the Minister of Communication and Information Technology Number 31/PER/M.KOMINFO/08/2008;
7. Decree of the Minister of Communication and Information Technology Number 36/PER/M.KOMINFO/10/2008 on Establishment of the Indonesian Telecommunication Regulatory Body as amended by the Decree of the Minister of Communication and Information Technology Number 31/PER/M.KOMINFO/8/2009;
8. Decree of the Minister of Communication and Information Technology Number 01/PER/M.KOMINFO/01/2010 on Provision of Telecommunication Network;
9. Decree of the Minister of Communication and Information Technology Number 17/PER/M.KOMINFO/10/2010 on Organization and Work Method of the Ministry of Communication and Information Technology.

DECIDES

To ratify : DECREE OF THE MINISTER OF COMMUNICATION AND INFORMATION TECHNOLOGY ON SECOND AMENDMENT TO THE DECREE OF THE MINISTER OF COMMUNICATION AND INFORMATION TECHNOLOGY NUMBER 36/PER/M.KOMINFO/10/2008 ON ESTABLISHMENT OF THE INDONESIAN TELECOMMUNICATION REGULATORY BODY

Article I

Some of the provisions in the Decree of the Minister of Communication and Information Technology Number: 36/PER/M.KOMINFO/10/2008 on Establishment of the Indonesian Telecommunication Regulatory Body, as amended by the Decree of the Minister of Communication and Information Technology Number 31/PER/M.KOMINFO/8/2009 are amended as follows:

1. The provisions of Article 1 are amended to read as follows:

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Article 1

In this Ministerial Decree, what is meant by:

1. the Indonesian Telecommunication Regulatory Body hereinafter called BRTI consists of the Directorate General of the Provision of Post and Information Technology, the Directorate General of Resources and Equipment of Post and Information Technology, and the Telecommunication Regulatory Committee.
 2. The Telecommunication Regulatory Committee hereinafter called Committee is a group of persons that fulfil the requirements comprising Government Element and Community Element with the tasks jointly undertaken with the Directorate General of the Provision of Post and Information Technology and the Directorate General of Resources and Equipment of Post and Information Technology in exercising the functions of BRTI.
 3. Minister is the Minister whose scope of duties and responsibilities is in the field of communication and information technology.
 4. Director General is the Director General of the Provision of Post and Information Technology.
 5. Directorate General is the Directorate General of the Provision of Post and Information Technology.
2. The provision of Article 8 is amended to read as follows:
- (1) The decisions of BRTI are defined by the Director General.
 - (2) Exceptions from the provision of paragraph (1), are the provisions referred to in Article 6 paragraph (1) point a figure 5 and point b figure 3 which are defined by the Director General of Resources and Equipment of Post and Information Technology .
3. The provisions of Article 10 paragraphs (1) and (4) are amended, and the provision of paragraph (2) is deleted, so that Article 10 would read as follows:

Article 10

- (1) The Committee members are nine (9) in number, comprising six (6) persons from Community Element and three (3) persons from Government Element.
- (2) Deleted.
- (3) Committee members from Community Element are appointed through selection mechanism.

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- (4) Committee members from Government Element consist of :
 - a. Director General;
 - b. Director General of Resources and Equipment of Post and Information Technology;
 - c. representative of the Government appointed by the Minister.
4. The provisions of Article 11 are amended to read as follows:

Article 11

- (1) The Committee is chaired by a Chairman concurrently Member.
 - (2) The Committee chairman is assumed by the Director General.
 - (3) The period of office of Committee members from the Community Element is three (3) years and may be reappointed one (1) time only for the following period of office through selection mechanism.
 - (4) The period of office referred to in paragraph (3) ends at the time of the appointment of a new Committee Member.
5. Between CHAPTER V and CHAPTER VI insert one (1) chapter, i.e. CHAPTER VA TRANSITIONAL PROVISION comprising one (1) article, i.e. article 17A which reads as follows:

CHAPTER VA TRANSITIONAL PROVISION

Article 17A

- (1) Committee members that have been appointed before the coming into force of this Ministerial Decree still exercise their tasks until the termination of their period of office.
- (2) Committee members coming from the Community Element that have not been appointed at the time of the coming into force of this Ministerial Decree, will be appointed by the Minister at the latest in April 2011 based on selection result.
- (3) Committee Members coming from the Government Element that have not been appointed at the time of the coming into force of

this Ministerial Decree, will be appointed by the Minister at the latest in February 2011.

- (4) The period of office of the Committee members referred to in paragraph (2) is up to December 2011 or up to the appointment of a new Committee member.

Article II

This Ministerial Decree shall come into force on the date of its ratification.

In order to make known to every body, instruct the promulgation of this Ministerial Decree by placing it in the State Announcement of the Republic of Indonesia.

Done at: JAKARTA
On : February 7, 2011

MINISTER OF COMMUNICATION AND INFORMATION TECHNOLOGY OF THE REPUBLIC OF INDONESIA,

Signed

TIFATUL SEMBIRING

Promulgated at Jakarta
On February 18, 2011
MINISTER OF LAW AND HUMAN RIGHTS
OF THE REPUBLIC OF INDONESIA,

PATRIALIS AKBAR

STATE ANNOUNCEMENT OF THE REPUBLIC OF INDONESIA YEAR 2011 NUMBER 77.