

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

NUMBER : 17/P/M.KOMINFO/6/2006

ON

**PROCEDURE OF ADJUSTMENT OF LICENSE FOR THE PROVISION OF
BROADCASTING FOR PRIVATE BROADCASTING INSTITUTION THAT HAS
OWNED RADIO STATION LICENSE FROM DIRECTORATE GENERAL OF POST
AND TELECOMMUNICATION AND/OR NATIONAL BROADCAST LICENSE FOR
TELEVISION FROM DEPARTMENT OF INFORMATION AND FOR SUBSCRIBER
BROADCASTING INSTITUTION THAT HAS OWNED LICENSE FOR THE
PROVISION OF PAID TELEVISION SERVICE FROM DIRECTORATE GENERAL OF
POST AND TELECOMMUNICATION AND/OR LICENSE FOR THE PROVISION OF
SUBSCRIBER TELEVISION BROADCAST FROM DEPARTMENT OF INFORMATION**

BY THE GRACE OF GOD THE ALMIGHTY

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

Considering: that in order to implement the transitional provision of Article 60 paragraph (2) of Law of the Republic of Indonesia Number 32 Year 2002 on Broadcasting, and the provision of Article 71 paragraph (2) of the Government Regulation of the Republic of Indonesia Number 50 Year 2005 on Provision of Broadcasting of Private Broadcasting Institution, and the provision of Article 66 paragraph (2) of the Government Regulation of the Republic of Indonesia Number 52 Year 2005 on Provision of Broadcasting of Subscriber Broadcasting Institution, it is considered necessary to issue a Decree of the Minister of Communication and Information Technology of the Republic of Indonesia on Procedure of Adjustment of a license for the Provision of Broadcasting of Private Broadcasting Institution that has owned radio station license from Directorate General of Post and Telecommunication and/or a license for national broadcast television from Department of Information and for subscriber broadcasting institution that has owned a license for

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paid television service broadcasting from Directorate General of Post and Telecommunication and/or a license for the provision of subscriber television broadcast from Department of Information.

- 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, Supplement to the State Gazette of the Republic of Indonesia Number 3881);
 2. Law of the Republic of Indonesia Number 32 Year 2002 on Broadcasting (State Gazette of the Republic of Indonesia Number 139 Year 2002, Supplement to the State Gazette of the Republic of Indonesia Number 4252);
 3. 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, Supplement to the State Gazette of the Republic of Indonesia Number 3980);
 4. 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, Supplement to the State Gazette of the Republic of Indonesia Number 3981);
 5. Government Regulation of the Republic of Indonesia Number 50 Year 2005 on Broadcasting Provision of Private Broadcasting Institution (State Gazette of the Republic of Indonesia Number 127 Year 2005, Supplement to the State Gazette of the Republic of Indonesia Number 4566);
 6. Government Regulation of the Republic of Indonesia Number 52 Year 2005 on Broadcasting Provision of Subscriber Broadcasting Institution (State Gazette of the Republic of Indonesia Number 129 Year 2005, Supplement to the State Gazette of the Republic of Indonesia Number 4568);
 7. Decision of the President of the Republic of Indonesia Number 187/M Year 2004 on Structure of United Indonesian Cabinet as amended by the Decision of the President of the Republic of Indonesia Number 8 Year 2005;

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8. Decree of the President of the Republic of Indonesia Number 9 Year 2005 on Positions, Duties, Functions, Organizational Structure, and Work Method of State Ministries of the Republic of Indonesia;
9. Decree of the President of the Republic of Indonesia Number 10 Year 2005 on Organizational Units and Duties of Echelon I of State Ministries of the Republic of Indonesia as amended by the Decree of the President of the Republic of Indonesia Number 15 Year 2005;
10. Decree of the Minister of Communication and Information Technology Number 01/P/M.KOMINFO/4/2005 on Organization and Work Method of Office of the Department of Communication and Information Technology.
11. Circular of the Minister of Communication and Information Technology Number 02/SE/M.Kominfo/3/2006 of 6 March 2006 on Reporting of the Existence of Public Broadcasting Institution, Private Broadcasting Institution, Community Broadcasting Institution, and Subscriber Broadcasting Institution.

DECIDES :

To issue: DECREE OF THE MINISTER OF COMMUNICATION AND INFORMATION TECHNOLOGY ON PROCEDURE OF ADJUSTMENT OF LICENSE FOR THE PROVISION OF BROADCASTING FOR PRIVATE BROADCASTING INSTITUTION THAT HAS OWNED RADIO STATION LICENSE FROM DIRECTORATE GENERAL OF POST AND TELECOMMUNICATION AND/OR NATIONAL BROADCAST LICENSE FOR TELEVISION FROM DEPARTMENT OF INFORMATION AND FOR SUBSCRIBER BROADCASTING INSTITUTION THAT HAS OWNED LICENSE FOR THE PROVISION OF PAID TELEVISION SERVICE FROM DIRECTORATE GENERAL OF POST AND TELECOMMUNICATION AND/OR LICENSE FOR THE PROVISION OF SUBSCRIBER TELEVISION BROADCAST FROM DEPARTMENT OF INFORMATION

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CHAPTER I

GENERAL PROVISIONS

Article 1

In this Ministerial Decree, what is meant by :

1. Adjustment of license for the provision of broadcasting is an adjustment of license provided by the state to Private Broadcasting Institution that has owned radio station license from Directorate General of Post and Telecommunication and/or national broadcast license for television from Department of Information and to subscriber broadcasting institution that has owned license for broadcasting (**provision ?**) of paid television service from Directorate General of Post and Telecommunication and/or license for the provision of subscriber television broadcast from Department of Information to provide broadcasting.
2. Private Broadcasting Institution is broadcasting institution which is commercial in nature being a legal body of Indonesia, whose business is solely providing radio or television broadcasting service.
3. Subscriber Broadcasting Institution is broadcasting institution which is commercial in nature being a legal body of Indonesia whose business is solely providing subscriber broadcasting service
4. Minister is the Minister whose scope of duties and responsibilities is in the field of communication and information technology.
5. Indonesian Broadcasting Commission (**KPI**) is an independent state institution whose duties and authorities are regulated in Law of the Republic of Indonesia Number 32 Year 2002 on Broadcasting .

CHAPTER II

PROCEDURE OF ADJUSTMENT OF LICENSE FOR THE PROVISION OF BROADCASTING

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Article 2

- (1) Adjustment of License for the Provision of Broadcasting is given to
- a. Private Broadcasting Institution that has owned radio station license from Directorate General of Post and Telecommunication and/or national broadcast license for television from Department of Information; or
 - b. Subscriber Broadcasting Institution that has owned a license for broadcasting of paid television service from Directorate General of Post and Telecommunication and/or a license for the provision of subscriber television broadcast from Department of Information.
- (2) Before issuing Adjustment of License for Broadcasting Provision, the Minister announces openly a list of Private Broadcasting Institutions and Subscriber Broadcasting Institutions referred to in paragraph (1) in stages for each provincial region during the period of fifteen (15) calendar days for the respective provincial regions.
- (3) The announcement referred to in paragraph (2) is done through *website* of the Department of Communication and Information Technology, namely. www.depkominfo.go.id and www.postel.go.id .
- (4) The Minister issues the Adjustment of License for the Provision of Broadcasting at the latest thirty (30) work days since the final date of the announcement in *website* of the Department of Communication and Information Technology, with the following conditions;
- a. Private Broadcasting Institutions and Subscriber Broadcasting Institutions referred to in paragraph (1) have reported their existence to the Minister by completing administrative requirements, broadcast program, and technical data of broadcasting in accordance with the Ministerial Circular Number 02/SE/M.Kominfo/3/2006 of 6 March 2006 on Reporting of the Existence of Public Broadcasting Institutions, Private Broadcasting Institutions, Community Broadcasting Institutions, and Subscriber Broadcasting Institutions;
 - b. There is no objection from the Indonesian Broadcasting Commission in accordance with its authority.

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Article 3

- (1) In the event that there is a shortage in the completeness of the requirements referred to in Article 2 paragraph (4) point a., the Minister notifies in writing the concerned Private Broadcasting Institution or the Subscriber Broadcasting Institution to complete the requirements at the latest sixty (60) work days counting from the date of the receipt of the notification letter.
- (2) If the requirements are not completed within the period referred to in paragraph (1), the Private Broadcasting Institution or the Subscriber Broadcasting Institution in question is not given the Adjustment of License for the Provision of Broadcasting.
- (3) Within the period of at most thirty (30) work days since the fulfilment of the completeness of the requirements referred to in paragraph (1) and there is no objection on the part of the Indonesian Broadcasting Commission, the Minister issues the Adjustment of License for the Provision of Broadcasting.

CHAPTER III

MECHANISM FOR THE SETTLEMENT OF OBJECTION

Article 4

- (1) In case there is an objection from the Indonesian Broadcasting Commission in accordance with its authority, the Minister and KPI hold meeting together with the concerned Private Broadcasting Institution or Subscriber Broadcasting Institution to finalize the settlement of the objection within thirty (30) work days.
- (2) Submission of objection by the Indonesian Broadcasting Commission referred to in paragraph (1) must be done in writing to the Minister within the maximum period of thirty (30) calendar days counting from the starting date of the announcement in *website* of the Department of Communication and Information Technology.
- (3) The objection referred to in paragraph (2) must be submitted by giving clear and specific reason coupled with providing authentic proofs.

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- (4) The Minister issues Adjustment of License for the Provision of Broadcasting at the latest thirty (30) work days after achieving the settlement on objection submitted by the Indonesian Broadcasting Commission.

Article 5

- (1) In the event that the problem pertaining to the objection of the Indonesian Broadcasting Commission could not be settled within thirty (30) work days, the Minister makes a decision by taking cognizance of the opinions of the Indonesian Broadcasting Commission, the concerned Private Broadcasting Institution or Subscriber Broadcasting Institution besides paying attention to the interest of the public.
- (2) The Decision of the Minister may be in the form of:
 - a. Providing Adjustment of License for the Provision of Broadcasting after the concerned Private Broadcasting Institution or Subscriber Broadcasting Institution complies with the determined conditions; or
 - b. Not providing Adjustment of License for the Provision of Broadcasting.

CHAPTER IV

FORM OF ADJUSTMENT OF LICENSE FOR THE PROVISION OF BROADCASTING

Article 6

- (1) Adjustment of License for the Provision of Broadcasting is provided in the form of Ministerial Decision.
- (2) The Ministerial Decision referred to in paragraph (1) contains among other things :
 - a. frequency and area of broadcast service;
 - b. period of validity of the license for the provision of broadcasting;
 - c. right of license holder for the provision of broadcasting;
 - d. obligation of license holder for the provision of broadcasting; and
 - e. sanctions.

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- (3) Further provision regarding format of Adjustment of License for the Provision of Broadcasting referred to in paragraph (1) for each holder of Adjustment of License for the Provision of Broadcasting is regulated in a Ministerial Decree..

Article 7

- (1) In the event that Private Broadcasting Institution or Subscriber Broadcasting Institution referred to in Article 2 paragraph (1) points a and b cannot comply with the provision regarding the adjustment of license for the provision of broadcasting based on this regulation, the Private Broadcasting Institution or Subscriber Broadcasting Institution in question must submit application for a new license of the Provision of Broadcasting if it desires to carry out its activities.
- (2) In the event that Private Broadcasting Institution or Subscriber Broadcasting Institution has the objection on the decision referred to in paragraph (1), the concerned Broadcasting Institution may submit legal action to the party considered to create a loss to said Broadcasting Institution through State Administrative Court (PTUN) or through Court of First Instance.

CHAPTER V

LICENSING FEE

Article 8

- (1) Private Broadcasting Institution and Subscriber Broadcasting Institution of radio and television broadcasting services shall pay :
 - a. adjustment of license fee for the provision of broadcasting; and
 - b. license fee of frequency.
- (2) The amount of the fee referred to in paragraph (1) is fixed in line with the provision of the Government Regulation of the Republic of Indonesia on Non-Tax State Income within the Department of Communication and Information Technology.

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CHAPTER VI**FINAL PROVISIONS****Article 9**

- (1) The Minister may delegate his authority to the Director General of Communication Means and Dissemination of Information to implement the provisions of this Ministerial Decree.
- (2) Matters that have not been regulated in this Ministerial Decree, will be defined further in a separate Ministerial Decree.

Article 10

This Ministerial Decree shall come into force on the date of issuance, with the provision that when later mistakes are found in this Ministerial Decree, appropriate corrections will be made thereon.

Done at: Jakarta
On : June 2006

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

Signed

SOFYAN A. DJALIL

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Copies of this Ministerial Decree are sent to

1. President of the Republic of Indonesia;
2. Chairmanship of People's Representative Council of the Republic of Indonesia;
3. Ministers of United Cabinet of Indonesia;
4. Attorney General of the Republic of Indonesia;
5. Police Head of the Republic of Indonesia;
6. Head of Coordination Body of Capital Investment;
7. Head of Supervisory Body of Capital Markets (Bapepam);;
8. Chairman of the Indonesian Broadcasting Commission;
9. Chairmen of Regional Indonesian Broadcasting Commission throughout Indonesia;
10. Governors/Chief of Districts/Mayors throughout Indonesia;
11. Officials of Echelon I within the Department of Communication and Information Technology;
12. Broadcasting Organizations;
13. Heads of Offices/Loka(Shops) of Monitoring of Directorate General of Post and Telecommunication, Department of Communication and Information Technology throughout Indonesia.

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