

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

NUMBERR : 25 / P / M.Kominfo / 11 / 2005

ON

**FIRST AMENDMENT TO THE DECISION OF THE MINISTER OF COMMUNICATION
NUMBER : KM. 31 YEAR 2003 ON ESTABLISHMENT OF THE INDONESIAN
TELECOMMUNICATION REGULATORY BODY**

BY THE GRACE OF GOD THE ALMIGHTY

MINISTER OF COMMUNICATION AND INFORMATION TECHNOLOGY,

- Considering:
- a. that within the framework of increasing the performance of the Indonesian Telecommunication Regulatory Body so that it may accommodate the increase of duties related to competency increase in telecommunication sector, it is deemed necessary to improve organization and membership of Telecommunication Regulatory Committee at the Indonesian Telecommunication Regulatory Body;
 - b. that in view of what is stated in point a, it is considered necessary to make Amendment to the Decision of the Minister of Communication Number KM. 31 Year 2003 on 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, Supplement to the 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, Supplement to the State Gazette of the Republic of Indonesia Number 3980);

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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, Supplement to the State Gazette of the Republic of Indonesia Number 3981);
4. 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;
5. Decree of the President of the Republic of Indonesia Number 10 Year 2005 on Organizational Unit 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;
6. Decree of the Minister of Communication and Information Technology Number 03/P/M.Kominfo/5/2005 on Adjustment of Nomenclatures of a number of Decisions/Decrees of the Minister of Communication which regulate special material contents in the field of Post and Telecommunication;
7. Decision of the Minister of Communication Number : KM.31 Year 2003 on Establishment of the Indonesian Telecommunication Regulatory Body

DECIDES

To issue : DECREE OF THE MINISTER OF COMMUNICATION AND INFORMATION TECHNOLOGY ON FIRST AMENDMENT TO THE DECISION OF THE MINISTER OF COMMUNICATION NUMBER KM.31 YEAR 2003 ON ESTABLISHMENT OF THE INDONESIAN TELECOMMUNICATION REGULATORY BODY (BRTI)

Article I

- A. Amend and add a provision of Article 7, so that the whole provision reads as follows:

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Article 7

In implementing the duties referred to in Article 6, BRTI members are free from any interest and their decisions are solely for the interest of the public..

B. Amend and add the provision of Article 10, so that the whole provision reads as follows:

. Article 10

- (1) The number of Committee members is odd at least five (5) persons and maximum seven (7) persons, two (2) of them are from the Government element.
- (2) The Committee referred to in paragraph (1) is chaired by one chairman concurrently member.
- (3) Committee members are determined through selection process.
- (4) Committee members originating from the Government element are designated and appointed by the Minister.

C. Amend, add, and insert a new paragraph in Article 11, so that the whole provision reads as follows :

. Article 11

- (1) The Committee Chairman is assumed by the Director General.
- (2) The term of office of Committee members other than the Director General is three (3) years and may be reappointed for one (1) time for the following term of office.
- (3) The term of office referred to in paragraph (2) terminates at the time of the designation of new Committee Member.
- (4) Reappointment referred to in paragraph (2) is determined by the Minister.

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D. Amend, add, and insert a new paragraph of Article 13, so that the whole provision reads as follows:

. Article 13

(1) Committee members must comply with the following requirements:

- a. Indonesian nationality;
- b. At the time of first appointment, age of the member is maximum 65 years;
- c. Healthy physically and mentally;
- d. Expert and or professional in the discipline of telecommunication science/information technology, law, economics, public policy related to telecommunication;
- e. Experienced in his/her expertise;
- f. Does not own shares directly and indirectly and/or own related business with telecommunication network and/or telecommunication service;
- g. Does not assume other profession as member of the Board of Directors or member of the Board of Commissioners or official/staff of telecommunication providers; and
- h. Not and/or no more member of political party at the time of designation as BRTI member.

(2) Committee member ends his/her term of office due to the compliance with one of the following matters :

- a. Demise;
- b. Withdrawal on own request ;

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- c. Undergoes sickness which makes him/her impossible to implement his/her duty based on statement from authorized agency;.
- d. Having the status of criminal with criminal threat of at least five (5) year imprisonment determined on the basis of decision of the judge at court of first instance;
- e. Having a domicile outside the territory of the Republic of Indonesia;
- F. Termination of his/her term of office.

Article II

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

Done at: Jakarta
On : November 29, 2005

MINISTER OF COMMUNICATION AND INFORMATION TECHNOLOGY

SOFYAN A. DJALIL

COPIES of this Ministerial Decree are sent to:

1. Chairman of the Audit Board of the Republic of Indonesia;
2. Coordinating Minister for Economic Affairs;
3. Minister of Finance;
4. State Secretary;
5. Attorney General of the Republic of Indonesia;
6. Officials of Echelon I of the Department of Communication and Information Technology.

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