

Indonesia

Country Profile	
Regulator	Badan Regulasi Telekomunikasi Indonesia (Indonesian Telecommunication Regulatory Authority)
Acronym	(BRTI)
Website	http://www.brti.or.id/
Ministry	Ministry of Communication and Informatics
Website	https://www.kominfo.go.id/
Twitter	https://twitter.com/kemkominfo
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National Policy

National policy and regulation on information and communication technology (ICT) in Indonesia was started to take shape in around 1963, as the national government releasing the Act No. 5/1964 on Telecommunications (UU No. 5 Tahun 1964 Tentang Telekomunikasi) to stipulate the Government Decree No. 6/1963 (Perppu No. 6 Tahun 1963) that regulates telecommunications entity. At that time the model and approach adopted by existing telecommunication law and regulation are very monopolistic, anti-competitive, and oriented towards telecommunication operators, as the state institution navigate their position as the central regulator, as well as telecommunication operator.

This particular policy was then being replaced by Act No. 3/1989 on Telecommunications (UU No. 3 Tahun 1989 Tentang Telekomunikasi), which adopts a certain shift in the development of telecommunication and communication technology in general sense. Nonetheless, the policy and regulation are still very centralistic as the telecommunication operator is exclusively handed over to the state-owned enterprises (BUMN). The abovementioned policy that was applied during the New Order regime generally regulates all telecommunication instruments, including long-distance communication devices, wire networks, optical, radio, or other electromagnetic equipment, as well as the internet, although it was not explicitly mentioned as the subject to that regulation.

The Indonesian government then issuing the Minister of Tourism and Telecommunications Decree No. KM.59/PR.301/MPT-96, which regulates tariff for internet services when internet connectivity began to develop in Indonesia around 1996. At that time, the internet was equated with the broadcasting activity in which was considered in having some specific characteristic, so that in its regulation was the subject to the existing regulatory scheme under the Directorate General of Post and Telecommunications. This government agency is having the authority to grant licenses for the establishment of internet service provider companies (ISPs). Following to the regulation, an agency was formed by the Ministry of Tourism, Post and Telecommunications to applied the authority in conducting the selection and evaluation of license applications, including approval of the business plan of each ISP. Once established, ISP companies are required to report their activities regularly and licenses will be reviewed every five years.

After the fall of the New Order regime in 1998, the Indonesian government began to carry out a number of deregulation policy which was part of a further arrangement under the Letter of Intent (LoI) between the Indonesian government and the International Monetary Fund (IMF). As the follow up of this deregulation policy, the government stipulate the Act No. 36/1999 on Telecommunications (UU No. 36 Tahun 1999 Tentang Telekomunikasi) which replaced the Act No. 3/1989. The emphasis of this new telecommunication policy is focused on the efforts to liberalize the telecommunications sector,

by promoting more competitive structure and eliminating the centralized and monopolistic controls. This particular change can be seen from the designation of telecommunications operators, from what the government had arranged previously through the state authority agency, changed to state-owned enterprises (BUMN), regional government-owned enterprises (BUMD), private sector, and cooperative.

As this new policy is actually not specifically address internet utilization, the general understanding and definition of telecommunication technology and devices are still placed in a general framework, which is similar to the previous law and regulation. Nevertheless, the internet connectivity is considered still being regulated under this particular policy. As for example, the general understanding of telecommunications can be seen from the definition of Telecommunication according to the provisions of Article (1) paragraph (1) in the Act No. 36/1999 on Telecommunications, which states: *"Telecommunications are any transmissions, delivery, and/or reception of any information in the form of signs, signals, written languages, pictures, sounds and audio signals sent through a wire, optical, radio or any other electromagnetic systems."*

In regards to the implementation of Act No. 36/1999, the government then issued a number of policy and regulation related to the operation of telecommunications, including regulations on the use of internet connectivity. One of the derivative regulations is Government Decree No. 52/2000 on telecommunication services (PP No. 52 Tahun 2000 Tentang Penyelenggaraan Telekomunikasi). According to this regulation, the internet is classified as a multimedia service, including voice over internet protocol (VoIP), internet and intranet, as well as data communications and video conferences. A number of regulations were also being issued in order to regulate the traffic, as well as internet businesses in Indonesia, through a number of ministerial regulations and a package of regulations from certain government agencies.

After the release of this new policy and regulation, the government also established the Indonesian Agency for Telecommunications Regulation or Badan Regulasi Telekomunikasi Indonesia (BRTI) in 2003. This body is a multi-stakeholder agency which brings together government, private sector and the public in general, which is also part of the involvement of Indonesian government with the General Agreement of Trade and Services (GATS) in international level. Together with the requirement of the existence of an independent regulatory body, GATS also regulates universal service obligation (USO) policy for the Indonesian government. Both of these obligations are part of the commitment to arrange an open market, non-discrimination, and opportunities for open competition.

To complement the Act No. 36/1999 which is considered as a lex generalist policy, the Indonesian government is then issuing the Act No. 11/2008 on Information and Electronic Transactions (UU No. 11 Tahun 2008 Tentang Informasi dan Transaksi Elektronik), which also known as UU ITE. In general sense, the core policy that regulated in UU ITE is aimed at some of the excesses that occur due to the rapid development of global information and communication technology to the economy and trading. In its later development, there was an amendment within this law which then became the Act No. 19/2016 (UU No. 19 Tahun 2016). This new amendment regulates the authority of the government to restrict access or distribution of internet content that is considered illegal. However, after being ratified, there have been controversies, as well as polemics and concern, responding to certain law and regulation in UU ITE which implies restriction over freedom of expression and human rights in Indonesia.

Operator Licensing

1. Telecommunication Operator policy in Indonesia is regulated by Act No. 36/1999 (UU No. 36

Tahun 1999 Tentang Telekomunikasi);

2. Telecommunication Operator regulation in Indonesia is regulated by Regulation Of The Government Of The Republic Of Indonesia Number 52/2000 On Telecommunications Operations (Peraturan Pemerintah Republik Indonesia Nomor 52 Tahun 2000 Tentang Penyelenggaraan Telekomunikasi)

Technical and Administrative Requirements

Technical and administrative requirements for telecommunication operators apply for the state-owned enterprises (BUMN), regional government-owned enterprises (BUMD), private sector, and cooperatives in which is regulated under Act No. 36/1999 in the article (7), (8), and (9):

Article (7)

(1) Telecommunications operations shall include: a. telecommunications network operations; b. telecommunications service operations; and c. special telecommunications operations.

(2) In telecommunications operations, the following aspects shall be considered: a. protection of state interests and security; b. anticipation of technology development and global demands; c. professionalism and accountability; and d. public participation.

Article (8)

(1) The telecommunications network operations and/or telecommunications service operations as referred to in Article (7) paragraph (1) letter (a) and letter (b) may be conducted by a juristic person established for the said purpose based on the prevailing laws and regulations. Those operators are as follows: a. state-owned enterprises (BUMN); b. regional government-owned enterprises (BUMD); c. private entities; or d. cooperatives.

(2) The special telecommunications operations as referred to in Article (7) paragraph (1) letter c may be conducted by: a. individuals; b. government institutions; or c. juristic persons other than operators of telecommunications network operators and/or telecommunications service operators.

(3) Provisions on the telecommunications operations as referred to in paragraph (1) and paragraph (2) shall be stipulated in a Government Regulation.

Article (9)

(1) The telecommunications network operators as referred to in Article (8) paragraph (1) may provide telecommunications services.

(2) In providing telecommunications services, the telecommunications service operators as referred to in Article (8) paragraph (1) shall use and/or lease telecommunications networks owned by telecommunications network operators.

(3) The special telecommunications operators as referred to in Article (8) paragraph (2) may operate telecommunications for: a. private purposes; b. state defense and security purposes; c. broadcasting

purposes.

(4) The special telecommunications operations as referred to in paragraph (3) letter (a), shall comprise telecommunications operation for the following purposes: a. individuals; b. government institutions; c. special agencies; d. juristic persons.

(5) Provisions on the requirements for the telecommunications operations as referred to in paragraph (1), paragraph (2), paragraph (3), and paragraph (4) shall be stipulated in a Government Regulation.

Licensing Fees

- 1.5% of the total operator revenue that is based on rights of the business operator (biaya hak penyelenggara, BHP) by the telecommunications service provider business entity;
- 0.5% of total operator revenue for Universal Service Obligation (USO) costs;

Notes: Licencing fee also regulated based on zoning in which is classified into zone 1-6, from the centre to periphery.

Access to Spectrum

1. Referring to the International Telecommunication Union (ITU) regulation, region E;
2. Regulated under the Act No. 36/1999 on Telecommunications (UU No. 36 Tahun 1999 Tentang Telekomunikasi);
3. Regulated under the Act No. 11/2008 on Information and Electronic Transactions (UU No. 11 Tahun 2008 Tentang Informasi dan Transaksi Elektronik);
4. For research and experimentation purposes, in particular, to a non-commercial, temporary and closed-circuit network is regulated under the Minister of Communication and Information Technology regulation Number 5/2016 on Experimentation in Telecommunications, Informatics and Broadcast Technology (Peraturan Menteri Komunikasi dan Informatika Nomor 5 Tahun 2016, tentang Uji Coba Teknologi Telekomunikasi, Informatika, dan Penyiaran);
5. For the amateur radio organisation is regulated under the Minister of Communication and Information Technology Regulation Number 17/2018 on Amateur Radio Activities and Radio Communication Between Civilians (Peraturan Menteri Komunikasi dan Informatika Nomor 17 Tahun 2018, tentang Kegiatan Amatir Radio dan Komunikasi Radio Antar Penduduk)

Technical and Administrative Requirements

1. Technical and administrative requirements for access to spectrum apply for the state-owned enterprises (BUMN), regional government-owned enterprises (BUMD), private sector, and cooperatives;
2. For research and experimental purposes in particular, to a non-commercial, temporary and closed-circuit network apply for amateur radio association, academic institution, including for research and development agency.

Licensed

Access Networks

Operator	800MHz	900MHz	1800MHz	2100MHz	2600MHz	3500MHz
XYZcom	None	2×10	2×15	2×10	None	None

PtP Networks

- BWA_LORAWAN_868_MHz_200khz (200.0KHz);
- BWA_3.3GHz_FDD (2000.0KHz);
- BWA_3300-3400MHz_BW3.5MHz (2000.000 KHz);
- FS_4400-5000.ML.440.040 (40000.0 KHz);
- FS_6400-7100_BW40MHz.ML.006.040 (40000.0 KHz);
- FS_7125-7425_BW7MHz.ML.071.007 (7000.0 KHz);
- FS_7125-7425_BW28MHz_Revised.ML.028.280 (28000.0 KHz);
- FS_7125-7425_BW14MHz_Revised.ML.007.140 (14000.0 KHz);
- FS_7425-7725_BE14MHz_Revised.ML.074.140 (14000.0 KHz);
- FS_7425-7725_BE28MHz_Revised.ML.074.280 (28000.0 KHz);
- FS_7425-7725_BW7MHz.ML.074.007 (7000.0 KHz);
- FS_7725-8275.ML.077.029 (29650.0 KHz);
- FS_8275-8500GHz_BW28MHz.ML.085.028 (28000.0 KHz);
- BWA_10GHz_7MHz (7000.0 KHz);
- BWA_10.5_G_a (7000.0 KHz);
- BWA_10GHz_14MHz (14000.0KHz);
- BWA_10.5_G_b (14000.0 KHz);
- FS_10.7-11.7_BW40MHz.ML.107.040 (40000.0 KHz);
- FS_12750-13250GHz_BW14MHz_Revised.ML.130.014 (14000.0 KHz);
- FS_12750-13250_BW7MHz.ML.127.007 (7000.0 KHz);
- FS_12750-13250_BW28MHz.ML.127.028 (28000.0 KHz);
- FS_14400-15350_BW14MHz.ML.144.014 (14000.0 KHz);
- FS_14400-15350_BW28MHz.ML.144.028 (28000.0 KHz);
- FS_14400-15350_BW7MHz.ML.144.007 (7000.0 KHz);
- FS_17700-19700.ML.177.007 (7000.0 KHz);
- FS_23000_BW28MHz.ML.230.028 (28000.0 KHz);
- FS_23000_BW14MHz.ML.230.014 (14000.0 KHz);
- FS_23000_BW112MHz.ML.230.112 (112000.0 KHz);
- FS_23000_BW7MHz.ML.230.007 (7000.0 KHz);
- FS_27500_29500_BW14MHz (14000.0 KHz);
- FS_27500_29500_BW112MHz (112000.0 KHz);
- FS_27500_29500_BW28MHz (28000.0 KHz);
- FS_27500_29500_BW56MHz (56000.0 KHz);
- FS_31800_33400_BW112MHz (112000 KHz);
- FS_31800_33400_BW56MHz (56000 KHz);
- FS_31800_33400_BW28MHz (28000 KHz);
- FS_31800_33400_BW14MHz (14000.0 KHz);
- FS_37000_39500_BW112MHz (112000.0 KHz);
- FS_37000_39500_BW28MHz (28000.0 KHz);
- FS_37000_39500_BW14MHz (14000.0 KHz);
- FS_37000_39500_BW56MHz (56000.0 KHz);
- FS_71000_86000_BW1GHz (1000000.0 KHz);
- FS_71000_86000_BW500GHz (500000.0 KHz);
- FS_71000_86000_BW250MHz (250000.0 KHz);

- FS_71000_86000_BW125MHz (125000.0 KHz)

License-Exempt

License-exempt is applied under the following policy and regulations:

1. Director General of Post and Telecommunications No. 241/DIRJEN/2000, on Sharing of Frequency Bands 2400 - 2483.5 Mhz Between Wireless Lan-Internet Access for Outdoor Use and Microwave Link (Keputusan Direktur Jenderal Pos Dan Telekomunikasi Nomor 241/DIRJEN/2000, tentang Penggunaan Bersama (Sharing) Pita Frekuensi 2400 - 2483.5 Mhz Antara Wireless Lan-Akses Internet Bagi Penggunaan Diluar Gedung (Outdoor) Dan Microwave Link);
2. The Minister of Transportation Decree Number: KM. 2 of 2005, on the Use of 2400-2483.5 MHz Frequency Bands (Keputusan Menteri Perhubungan Nomor: KM. 2 Tahun 2005, tentang Penggunaan Pita Frekuensi 2400-2483.5 MHz);
3. For research and experimentation purposes, in particular, to a non-commercial, temporary and closed-circuit network is regulated under the Minister of Communication and Information Technology regulation Number 5/2016 on Experimentation in Telecommunications, Informatics and Broadcast Technology (Peraturan Menteri Komunikasi dan Informatika Nomor 5 Tahun 2016, tentang Uji Coba Teknologi Telekomunikasi, Informatika, dan Penyiaran);
4. For the amateur radio organisation is regulated under the Minister of Communication and Information Technology Regulation Number 17/2018 on Amateur Radio Activities and Radio Communication Between Civilians (Peraturan Menteri Komunikasi dan Informatika Nomor 17 Tahun 2018, tentang Kegiatan Amatir Radio dan Komunikasi Radio Antar Penduduk)

Access Networks

Frequency	Power Limit	Transmit Power
2.4GHz		
2400 - 2483.5 MHz	2.4EIRP	
5GHz		
5150-5250 MHz	5.1EIRP	
5250-5350 MHz	5.2EIRP	
5470-5725 MHz	5.4EIRP	
5725-5800 MHz	5.8EIRP	

PtP Networks

Frequency	Power Limit	Transmit Power
2.4GHz		
2400 - 2483.5 MHz	2.4EIRP	
5GHz		
5150-5250 MHz	5.1EIRP	
5250-5350 MHz	5.2EIRP	
5470-5725 MHz	5.4EIRP	
5725-5800 MHz	5.8EIRP	

Secondary Use

Access Networks

PtP Networks

Spectrum Fees / Costs

Application

Annual

Auction

Backhaul

Backhaul and telecommunication tower is regulated under the Regulation of the Minister of Communication and Information Number 02/PER/M.KOMINFO/3/2008 on Guidelines for the Development and Use of Shared Telecommunications Towers (Peraturan Menteri Komunikasi dan Informasi Nomor: 02/PER/M.KOMINFO/3/2008, tentang Pedoman Pembangunan Dan Penggunaan Menara Bersama Telekomunikasi).

Gender

Universal Service

Universal Service Obligation (USO) is regulated under Regulation of Minister of Communications and Informatics of the Republic of Indonesia Number 10/2018 on Implementation of Telecommunications and Informatics Universal Service Obligation (Peraturan Menteri Komunikasi dan Informatika Republik Indonesia Nomor 10/2018, tentang Pelaksanaan Kewajiban Pelayanan Universal Telekomunikasi dan Informatika).

Cooperatives

Resources / References

Coding examples

This could be used to frame specific questions that should be asked

<callout type="tip" icon="true">This could be for hints / tips / tricks on finding information, what to look for etc.</callout> <callout type="question" icon="true">A question</callout> <callout type="success" icon="true">A good practice example might look like this</callout> <callout type="danger" icon="true">A bad practice to be aware of might look like this</callout>

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