

REGULATION OF THE GOVERNMENT OF
THE REPUBLIC OF INDONESIA
NUMBER 52 OF 2000
ON
TELECOMMUNICATIONS OPERATIONS

BY THE GRACE OF THE ONE AND ALMIGHTY GOD

PRESIDENT OF THE REPUBLIC OF INDONESIA,

Considering : that in implementing the provisions on telecommunications operations as governed by Law Number 36 of 1999 on Telecommunications, it is deemed necessary to establish a Government Regulation on Telecommunications Operations;

Noting : 1. Article 5 paragraph (2) of the 1945 Constitution of the Republic of Indonesia;
2. Law Number 36 of 1999 on Telecommunications (State Gazette of the Republic of Indonesia Number 154 of 1999, Supplement to State Gazette of the Republic of Indonesia Number 3881);

HAS DECIDED:

To establish : GOVERNMENT REGULATION ON TELECOMMUNICATIONS OPERATIONS.

CHAPTER I
GENERAL PROVISIONS

Article 1

In this Government Regulation, the following terms have the following meanings:

1. Telecommunications means any emission, transmission, and/or reception of information in the forms of signs, signals, writing, images, voice, and sound through wire, optic, radio, or other electromagnetic systems;
2. Telecommunications device means any instrument used in telecommunications;
3. Telecommunications equipment means a set of telecommunications devices that enable telecommunications;

4. Radio transmitter means a telecommunications device that uses and emits radio waves;
5. Telecommunications networks mean a set of telecommunications equipment and its paraphernalia used in telecommunications;
6. Telecommunications services mean services aimed at meeting the needs for telecommunications by using telecommunications networks;
7. Telecommunications operators mean corporates, cooperatives, regional government-owned enterprises (BUMD), state-owned enterprises (BUMN), private enterprises, government institutions, and state security and defense institutions;
8. Telecommunications operations mean provision and service of telecommunications that enable telecommunications;
9. Telecommunications network operations mean provision and/or facilitation of telecommunications networks that enable telecommunications operations;
10. Telecommunications services operations mean provision and/or facilitation of telecommunications services that enable telecommunications;
11. Special telecommunications operations mean telecommunications operations that have special characteristics, objectives, and operations;
12. Interconnection means a connection between telecommunications networks from different telecommunications network operators;
13. Universal Service Obligation means an obligation imposed on telecommunications network operators and/or telecommunications service operators to provide accessibility for regions or parts of communities that are not yet reachable by telecommunications network and/or telecommunications services operators;
14. Minister means the minister whose scope of duties and responsibilities is in telecommunications field.

CHAPTER II
TELECOMMUNICATIONS NETWORK AND SERVICE OPERATIONS

Part One
Telecommunications Operations

Article 2

Telecommunications operations shall be conducted by telecommunications operators.

Article 3

The telecommunications operations as referred to in Article 2 shall include the followings:

1. telecommunications network operations;
2. telecommunications service operations; and
3. special telecommunications operations.

Article 4

The telecommunications network operations and/or the telecommunications service operations as referred to in Article 3 letter a and letter b may be conducted by a juristic person established for the said purpose based on the provisions of the prevailing laws and regulations, namely:

- a. state-owned enterprises (BUMN);
- b. regional government-owned enterprises (BUMD);
- c. private enterprises; or
- d. cooperatives.

Article 5

The special telecommunications operations as referred to in Article 3 letter c may be conducted by:

- a. individuals;
- b. government institutions; or
- c. juristic persons other than telecommunications network and/or telecommunications service operators.

Part Two

Telecommunications Network Operations

Article 6

- (1) In the telecommunications network operations as referred to in Article 3 letter a, telecommunications network operators shall build and/or provide telecommunications networks.
- (2) In building telecommunications networks, telecommunications network operators shall comply with provisions in the prevailing laws and regulations.
- (3) In building and/or providing telecommunications networks as referred to in paragraph (1), telecommunications network operators shall follow technical provisions in the Fundamental Technical Plan.

- (4) Provisions on the Fundamental Technical Plan as referred to in paragraph (3) shall be stipulated in a Ministerial Regulation.

Article 7

Telecommunications network operators shall guarantee telecommunications operations through telecommunications that they operate.

Article 8

- (1) Telecommunications network operators may operate telecommunications services through telecommunications networks they own and provide.
- (2) The telecommunications service operations as referred to in paragraph (1) shall be a separate business activity from the existing telecommunications operations.
- (3) To operate the telecommunications services as referred to in paragraph (2), telecommunications network operators shall receive a telecommunications service operations license from the Minister.

Article 9

- (1) Telecommunications networks operations shall comprise:
 - a. fixed network operations;
 - b. mobile network operations.
- (2) Fixed network operations shall be divided into:
 - a. local fixed network operations;
 - b. long distance direct dialing fixed network operations;
 - c. international direct dialing fixed network operations.
- (3) Mobile network operations shall be divided into:
 - a. terrestrial mobile network operations;
 - b. cellular mobile network operations;
 - c. satellite mobile network operations.
- (4) Provisions on procedures to operate the telecommunications networks as referred to in paragraph (1) shall be stipulated in a Ministerial Regulation.

Article 10

- (1) Local fixed network operations or cellular mobile network operations or satellite mobile network operations shall provide basic telephony services.

- (2) In operating telephone services, local fixed network operators shall operate public telephony services.
- (3) In operating public telephone services, local fixed network operators may cooperate with the third parties.

Article 11

- (1) In providing telecommunications networks, telecommunications network operators may cooperate with foreign telecommunications network operators in accordance with the operation license.
- (2) The cooperation as referred to in paragraph (1) shall be made in a written agreement.

Article 12

Telecommunications network operators shall fulfill any request from prospective telecommunications network subscribers who meet the criteria of subscription for telecommunications networks insofar as telecommunications networks are available.

Part Three
Telecommunications Service Operators

Article 13

In operating the telecommunications services as referred to in Article 3 letter b, the telecommunications service operators shall use telecommunications networks owned by telecommunications network operators.

Article 14

- (1) Telecommunications service operations shall comprise:
 - a. basic telephony service operations;
 - b. telephony value added service operations;
 - c. multimedia service operations.
- (2) Provisions on procedures to operate the telecommunications services as referred to in paragraph (1) shall be stipulated in a Ministerial Decree.

Article 15

- (1) Telecommunications service operators shall provide telecommunications facilities to guarantee good quality telecommunications services;

- (2) Telecommunications service operators shall provide equal services to telecommunications service consumers;
- (3) In providing the telecommunications services as referred to in paragraph (1), the telecommunications service operators shall comply with technical provisions in the Fundamental Technical Plan.
- (4) Provisions on the Fundamental Technical Plan as referred to in paragraph (2) shall be stipulated in a Ministerial Decree.

Article 16

- (1) Telecommunications service operators shall log/record in details the use of telecommunications services used by telecommunications consumers.
- (2) Upon request, telecommunications operators shall provide the logs/recordings of the use of telecommunications services as referred to in paragraph (1) to the consumers.

Article 17

- (1) The logs/recordings as referred to in Article 16 shall be stored for at least 3 (three) months.
- (2) Telecommunications service operators shall have the rights to impose a charge for a request of logs/recordings of telecommunications services.

Article 18

- (1) Telecommunications service subscribers may provide their own access and terminal equipment.
- (2) Home and/or building access equipment installation may be conducted by authorized personnel who meet the requirements.

Article 19

Telecommunications service operators shall grant any request from prospective telecommunications subscribers who meet the requirements of telecommunications service subscription insofar as telecommunications service access is available.

Part Four
Telecommunications Network Operations Interconnection

Article 20

- (1) Any telecommunications network operators shall guarantee the interconnection availability.
- (2) Interconnection between telecommunications networks shall be conducted at points of interconnection.
- (3) Interconnection operated by telecommunications network operators shall be provided at the request of other telecommunications network operators.

Article 21

- (1) Telecommunications network operators shall not be discriminatory in providing interconnection.
- (2) In providing interconnection, telecommunications network operators shall provide mutual services in accordance with the service level agreement.

Article 22

- (1) The agreement on interconnection between telecommunications service operators shall not cause damage to each other and shall be stated in a written agreement.
- (2) In the event that an agreement is not reached or disputes between telecommunications network operators in operating interconnection arise, the parties may request for dispute settlement from the Minister.
- (3) The dispute settlement from the Minister as referred to in paragraph (2) shall be without prejudice to the rights of the parties to take legal actions in accordance with the prevailing laws and regulations.

Article 23

- (1) Telecommunications service operations through 2 (two) or more telecommunications networks shall be subject to interconnection fees.

- (2) The interconnection fees as referred to in paragraph (1) shall be determined based on calculation that is transparent, mutually agreed on, and fair.
- (3) Interconnection fees shall be imposed on telecommunications network operators.
- (4) In the event of discrepancy in calculating the interconnection fees as referred to in paragraph (3), telecommunications network operators may seek either court settlement or alternative dispute resolutions.

Article 24

Connection of equipment owned by telecommunications service operators with telecommunications networks shall be conducted in transparent and non-discriminatory manners.

Article 25

- (1) In the event that telecommunications network operators do not have a direct connection to telecommunications networks in destination areas at home and/or abroad, telecommunications network operators shall distribute the traffic through other telecommunications network operators.
- (2) The telecommunications network operators whose networks are used to distribute the traffic shall have the rights to receive part of interconnection fees, the amount of which is mutually agreed on.
- (3) The obligation as referred to in paragraph (1) shall also apply in the event that direct channel capacity owned by telecommunications networks is insufficient.
- (4) Telecommunications network operators shall distribute excess traffic from one operator to other network operators.

Article 26

- (1) Telecommunications network operators and telecommunications service operators are subject to the Universal Service Obligation contributions.
- (2) The Universal Service Obligation contributions as referred to in paragraph (1) shall be in the forms of:
 - a. provision of telecommunications networks and/or services;
 - b. interconnection fee components; or

- c. other contributions.

Article 27

In the implementation of the Universal Service Obligation, the Minister shall determine:

- a. certain areas as universal service areas;
- b. the total network capacities in every universal service area;
- c. types of telecommunications services that shall be provided by telecommunications service operators in every universal service area;
- d. telecommunications network operators designated to provide telecommunications networks in universal service areas.

Article 28

- (1) The obligation to build and operate networks in universal service areas shall be imposed on local fixed network operators.
- (2) Universal Service Obligation contributions shall be imposed on other network operators that distribute traffic to local fixed network operators.
- (3) The Universal Service Obligation contributions as referred to in paragraph (2) shall be made in the form of payment of interconnection fees component received by local fixed network operators.
- (4) Other Universal Service Obligation contributions shall be imposed on network operators other than those as referred to in paragraph (1) and paragraph (2) and to other service operators.

Article 29

- (1) Any telecommunication network and/or service operators shall record revenues from the Universal Service Obligation contributions from interconnection revenues.
- (2) The records as referred to in paragraph (1) shall be reported periodically to the Minister.

Article 30

Provisions on the amount of Universal Service Obligation contributions and procedures of Universal Service Obligation contributions shall be stipulated in a Ministerial Regulation.

Article 31

The Minister shall supervise and control the implementation of the Universal Service Obligation.

Part Six
Telecommunications Operations Rights Fee

Article 32

- (1) Any telecommunications network operators and/or telecommunications service operators shall pay Telecommunications Operation Rights Fee.
- (2) The tariff of the Telecommunications Operation Rights Fee as referred to in paragraph (1) shall be stipulated in a separate Government Regulation.

Article 33

Any telecommunications network or service operators that fail to make payment or make a late payment for the Telecommunications Operation Rights Fee shall be subject to sanctions in accordance with the prevailing laws and regulations.

Part Seven
Tariffs of Telecommunications Operations

Article 34

- (1) Tariffs of telecommunications operations shall comprise telecommunications network operations tariff and telecommunications service operations tariff.
- (2) The tariffs of telecommunications operations shall comprise types and structures of tariffs.

Article 35

- (1) The types of tariffs for telecommunications network operations shall comprise:
 - a. network lease tariff; and
 - b. interconnection fees.
- (2) The types of tariffs for telecommunications service operations channeled through fixed networks shall comprise:
 - a. tariffs for local line basic telephony service, long distance direct dialing service (SLJJ), international direct dialing (SLI);

- b. tariff for telephony value added services; and
 - c. tariff for multimedia services.
- (3) The types of tariffs for telecommunications service operations channeled through mobile networks shall comprise:
- a. air-time tariff;
 - b. roaming tariff; and
 - c. multimedia service tariff.

Article 36

- (1) The structure of tariffs for telecommunications network operations shall comprise:
- a. access fee;
 - b. usage fee; and
 - c. Universal Service Obligation contribution
- (2) The structure of tariffs for telecommunication service operations shall comprise:
- a. activation fee;
 - b. monthly subscription fee;
 - c. usage fee; and
 - d. additional facilities fee.

Article 37

- (1) The amounts of tariffs shall be determined based on formulas.
- (2) Determination of the formulas on tariff calculation as referred to in paragraph (1) shall be cost-based.
- (3) Provisions on the tariff formulas as referred to in paragraph (1) shall be stipulated in a Ministerial Decision.

CHAPTER III SPECIAL TELECOMMUNICATIONS OPERATIONS

Part One General Provisions

Article 38

Special telecommunications operations shall be conducted for the following purposes:

- a. private use;
- b. state defense and security; and
- c. broadcasting.

Part Two
Special Telecommunications Operations for Private Purposes

Article 39

Special telecommunications operations for the private purposes as referred to in Article 38 letter a, shall be conducted for the following purposes:

- a. individuals;
- b. government institutions;
- c. special services; and
- d. juristic persons.

Article 40

Special telecommunications operations for the individual purposes as referred to in Article 39 letter a shall include:

- a. amateur radios; and
- b. citizen band radio (KRAP).

Article 41

- (1) The amateur radio activities as referred to in Article 40 letter a shall be conducted for communicating knowledge, technical, and information examination relating to technical aspects of radio and electronics.
- (2) Amateur radio activities may be used to convey news on distress, natural disasters, and search and rescue (SAR).

Article 42

- (1) The citizen band radio activities as referred to in Article 40 letter b shall be conducted for communicating community activities.
- (2) The citizen band radio activities may be used to disseminate news on distress, natural disasters, and search and rescue (SAR).

Article 43

- (1) The special telecommunications operations for the purpose of government institutions as referred to in Article 39 letter b shall be conducted by government institutions to support their government activities.

- (2) The special telecommunications operations for the purpose of government institutions may be conducted, if:
 - a. telecommunications network and/or service operators fail to fulfill the purposes;
 - b. telecommunications network and/or service operators fail to cover the locations of activities; and/or
 - c. the activities require separate and isolated telecommunications networks.

Article 44

The special telecommunications operations for the special service activities as referred to in Article 39 letter c shall be carried out by government institutions to support the activities of relevant special services.

Article 45

- (1) The special telecommunications operations for the purpose of juristic persons as referred to in Article 39 letter d shall be conducted by juristic persons to support their activities and/or businesses.
- (2) The special telecommunications operations for juristic persons may be conducted, if:
 - a. telecommunications network and/or service operators fail to fulfill the purposes;
 - b. telecommunications network and/or service operators fail to cover the locations of activities; and/or
 - c. the activities require separate and isolated telecommunications networks.

Article 46

- (1) In the event that telecommunications network and/or telecommunications service operators have not been able to provide access in certain areas, the special telecommunications operators as referred to in Article 39 letter a may operate telecommunications networks and/or telecommunications services with license from the Minister.
- (2) The special telecommunications operators operating the telecommunications networks and/or telecommunications services as referred to in paragraph (1) shall comply with provisions on telecommunications network and/or telecommunications service operations.

- (3) In the event that telecommunications network and/or telecommunications service operators have been able to provide the access in the areas as referred to in paragraph (1), such special telecommunications operators may continue their telecommunications services and telecommunications networks operations.

Part Three
Special Telecommunications Operation for
State Defense and Security Purposes

Article 47

- (1) The special telecommunications operations for the purposes of state defense and security as referred to in Article 38 letter b shall be the telecommunications operations whose nature, form, and use are specially designated for the purposes of state defense and security conducted by the Department of Defense, the Indonesian National Defense Forces (TNI) and the Indonesian National Police.
- (2) Provisions on the procedure for special telecommunications operations for the purpose of state defense shall be stipulated in a Decision of the Minister responsible in defense field.
- (3) Provisions on the procedures for the special telecommunications operations for the purpose of state security shall be stipulated in a Decision of the Chief of the Indonesian National Police.

Article 48

- (1) Fostering of special telecommunications operations for the purpose of state defense shall be conducted by the Minister responsible in defense field.
- (2) Fostering of special telecommunications operations for the purpose of state security shall be conducted by the Chief of the Indonesian National Police.

Article 49

- (1) In the event that telecommunications networks operated by special telecommunications operators for the purpose of state defense have not been able or fail to support state defense activities, the special telecommunications operators for the purpose of state defense may use or utilize other special telecommunications operations.

- (2) In the event that telecommunications networks operated by special telecommunications operators for the purpose of state security have not been able or fail to support state security, the special telecommunications operators for the purpose of the state security may use or utilize other special telecommunications operations.
- (3) In the use and utilization of telecommunications networks and/or services owned by other telecommunications network and/or service operators, the special telecommunications operators for the purpose of state defense shall comply with the applicable provisions on the use of telecommunications networks and/or services.
- (4) In the use and utilization of telecommunications network and/or services owned by other telecommunications network and/or service operators, the special telecommunications operators for the purpose of state security shall comply with the applicable provisions on the use of telecommunications networks and/or services.
- (5) Further provisions on the procedures for the use and utilization as referred to in paragraph (1) shall be jointly stipulated by the Minister and the Minister responsible in defense field.
- (6) Further provisions on the procedures for the use and utilization as referred to in paragraph (2) shall be jointly stipulated by the Minister and the Chief of the Indonesian National Police.

Article 50

The special telecommunications operators as referred to in Article 38, Article 39, Article 40, Article 41, Article 43, Article 44, and Article 45 shall not:

- a. operate telecommunications beyond their objectives;
- b. connect or interconnect with other telecommunications networks; and
- c. collect fees in any form for their use and/or operation, except for special telecommunications relating to ratified international provisions.

Part Four

Special Telecommunications Operations for Broadcasting Purposes

Article 51

Special telecommunications operations for the broadcasting purposes as referred to in Article 38 letter c shall be the telecommunications operations whose nature, form, and use are specially designated for broadcasting purposes.

Article 52

Special telecommunications operations for broadcasting purposes shall be conducted by broadcasting operators to perform broadcasting activities.

Article 53

- (1) Special telecommunications operators for broadcasting purposes shall build their own emission and transmission facilities networks for broadcasting purposes.
- (2) Special telecommunications operators for the broadcasting purposes as referred to in paragraph (1) shall not lease their networks to other telecommunications operators.

Article 54

- (1) Special telecommunications networks for broadcasting purposes may be connected to other telecommunications networks insofar as they are specially used for the broadcasting purposes.
- (2) In the event that the special telecommunications networks for broadcasting purposes are connected to the other telecommunications networks as referred to in paragraph (1), the special telecommunications operators for broadcasting purposes shall comply with provisions on the use of telecommunications networks and/or telecommunications services.

CHAPTER IV
LICENSING

Article 55

- (1) Telecommunications operations shall be granted licenses in stages of principle license and operation license.
- (2) Special telecommunications operations for individuals and special services purposes shall not require principle license.
- (3) Special telecommunications operations for state defense and security purposes shall not require principle license and operation license.

Article 56

- (1) The principle license as referred to in Article 55 paragraph (1) shall be granted for a maximum period of 3 (three) years and may be renewed.
- (2) The renewal of principle license as referred to in paragraph (1) shall be granted once in 1 (one) year.
- (3) Principle license shall not be transferable.

Article 57

- (1) For telecommunications network and/or service operations, applicants shall submit a written license application to the Minister.
- (2) In submitting the license application as referred to in paragraph (1), the applicants shall meet the following requirements:
 - a. being in the form of Indonesian juristic person in telecommunications field;
 - b. having funding resources and human resources in telecommunications field.
- (3) Procedures for submission of the license application as referred to in paragraph (1) shall be stipulated in a Ministerial Decision.

Article 58

- (1) The Minister shall publicly announce business opportunities to operate telecommunications networks and/or services.
- (2) The announcement as referred to in paragraph (1) shall comprise at least the followings:
 - a. types of operations;
 - b. number of operations;
 - c. locations and coverage of operations;
 - d. requirements and procedures for license application;
 - e. place and time for submitting the license application;
 - f. payable fees;
 - g. criteria for selection and evaluation to determine telecommunications operator candidates.
- (3) Licenses for telecommunications network and/or service operations shall be granted through evaluation or selection.

- (4) Requirements for the application as referred to in paragraph (2) letter d shall comprise at least the followings:
 - a. company profile;
 - b. network or service deployment plan;
 - c. business plan.
- (5) Provisions on the procedures for the evaluation or selection as referred to in paragraph (3) shall be stipulated in a Ministerial Decision.

Article 59

For special telecommunications operations, applicants shall submit a written license application to the Minister.

Article 60

- (1) In submitting license application for special telecommunications for the purpose of broadcasting, applicants shall meet the following requirements:
 - a. being in the form of Indonesian juristic person in broadcasting field;
 - b. having funding resources and human resources in broadcasting field.
- (2) Provisions on the procedures for submitting the license application as referred to in paragraph (1) shall be stipulated in a Ministerial Decision.

Article 61

- (1) In fulfilling the need for special telecommunications operations for broadcasting purposes, the Minister shall publicly announce business opportunities in operating special telecommunications for broadcasting purposes.
- (2) The announcement as referred to in paragraph (1) shall comprise at least the followings:
 - a. number of operations;
 - b. locations and coverage of operations;
 - c. requirements and procedures for application;
 - d. place and time for application submission;
 - e. payable fees;
 - f. criteria for selection to determine the telecommunications operator candidates.
- (3) Licenses for special telecommunications operations for broadcasting purposes shall be granted through selection.

- (4) Provisions on the procedures for the selection as referred to in paragraph (3) shall be stipulated in a Ministerial Decision.

Article 62

- (1) Licenses for special telecommunications operations for individual purposes shall be named amateur radio license and citizen band radio license.
- (2) License for special telecommunications operations for special services shall be named radio station license.

Article 63

License for special telecommunications operation for private purposes by juristic person using limited band radio communications system and point-to-point radio communications system shall be named radio station license.

Article 64

- (1) Within a maximum period of 60 (sixty) working days from the date a complete license application is received, the Minister shall make a decision on granting or denial of the license.
- (2) If within the period of 60 (sixty) working days the Minister does not make the decision on denial or granting of the license, the application for the principle license shall be considered granted.

Article 65

- (1) Holders of principle license shall submit an application for operation worthiness test to the authorized institution to conduct such test for facilities and infrastructure, the construction of which has been completed.
- (2) Provisions on the procedures for the operation worthiness test as referred to in paragraph (1) shall be stipulated in a Ministerial Decision.

Article 66

The Minister shall grant telecommunications operation license after the constructed facilities and infrastructure are declared operation worthy.

Article 67

- (1) License for telecommunications operation shall be granted without time limit and evaluated every 5 (five) years.
- (2) The Minister shall impose an administrative sanction when evaluation result indicates failure in fulfillment of requirements for granted license.
- (3) Provisions on the procedures for the evaluation as referred to in paragraph (1) shall be stipulated in a Ministerial Decision.

CHAPTER V
COMPENSATION

Article 68

- (1) For error and/or negligence of telecommunications operators that incur damage, the injured parties shall be entitled to file a claim for damages against the telecommunications operators.
- (2) Telecommunications operators shall provide damages as referred to in paragraph (1), unless such telecommunications operators are able to provide evidence that the damage is not caused by their error and/or negligence.
- (3) The damages as referred to in paragraph (1) shall be limited to direct damage incurring from telecommunications operators' error and/or negligence.

Article 69

- (1) The settlement of damages as referred to in Article 68 may be reached through court settlement or alternative dispute resolution.
- (2) The procedures for filing and settlement of damages as referred to in paragraph (1) shall be adopted in accordance with the prevailing laws and regulations.

Article 70

- (1) Telecommunications network operators shall be entitled for damages resulted from the transfer or modification of telecommunications networks due to activities of or at the request of the relevant institutions/departments/agencies or other parties.

- (2) The amount of the damages as referred to in paragraph (1) shall be determined by taking into account the damage caused by suspension of the telecommunications service operators activity on telecommunications networks and shall be settled based on the agreement between the related parties.
- (3) The damages as referred to in paragraph (1) shall be borne by relevant institutions/departments/agencies or other parties carrying out activities or requesting the transfer or the modification in telecommunications networks.

CHAPTER VI
TECHNICAL REQUIREMENTS OF TELECOMMUNICATIONS
DEVICES AND EQUIPMENT

Article 71

- (1) Any telecommunications device and equipment manufactured, assembled, imported to, traded, and/or used within the territory of the Republic of Indonesia shall comply with technical requirements.
- (2) The technical requirements of telecommunications devices and equipment as referred to in paragraph (1) shall cover the technical requirements of telecommunications devices and equipment for the purposes of telecommunications network operations, telecommunications service operations and special telecommunications operations.

Article 72

The technical requirements as referred to in Article 71 shall be intended to:

- a. guarantee the connectivity in telecommunications network;
- b. prevent any interference between telecommunications devices and equipment;
- c. protect the public from possible damage caused by the use of telecommunications devices and equipment;
- d. encourage the development of industry, innovation, and technological engineering of national telecommunications.

Article 73

- (1) The Minister shall stipulate technical requirements for telecommunications devices and equipment which have not complied

with the Indonesian National Standard after taking into account the considerations of the related parties and institutions.

- (2) The technical requirements for the telecommunications devices and equipment as referred to in paragraph (1) shall be formulated based on:
 - a. adoption of international standard or regional standard;
 - b. adaptation to international standard or regional standard; or
 - c. result of industry development, innovation, and technological engineering of national telecommunications.
- (3) The technical requirements which have been determined as referred to in paragraph (1) may be proposed to become the Indonesian National Standard.

Article 74

- (1) The Minister shall grant certificates for the types of telecommunications devices and equipment that meet technical requirements and are based on test results.
- (2) The telecommunications devices and equipment test as referred to in paragraph (1) shall be conducted by testing centers with accreditation from authorized institution and established by the Minister.
- (3) The Minister may designate accredited testing centers to grant the certificates.
- (4) The technical requirements for the telecommunications devices and equipment as referred to in Article 73 paragraph (1) shall not apply to telecommunications devices and equipment that comply with the international standard.
- (5) The provisions on the procedures for the granting of certificates and the test as referred to in paragraphs (1) and (2) as well as validity period of the certificates shall be stipulated in a Ministerial Decision.

Article 75

- (1) The Minister may arrange mutual recognition agreement on technical requirements implementation of telecommunications devices and equipment with other countries.
- (2) The mutual recognition agreement as referred to in paragraph (1) shall comply with the prevailing provisions.

Article 76

- (1) The application of the technical requirements for telecommunications devices and equipment shall be subject to certificate fee.
- (2) The certificate fee for the telecommunications devices and equipment as referred to in paragraph (1) shall be stipulated in a Government Regulation.

Article 77

- (1) The telecommunications devices and equipment that have obtained the certificate shall be given labels.
- (2) The provisions on the labels of telecommunications devices and equipment as referred to in paragraph (1) shall be stipulated in a Ministerial Decision.

CHAPTER VII
SAFEGUARD AND PROTECTION OF
TELECOMMUNICATIONS OPERATIONS

Article 78

Types of telecommunications interferences shall comprise:

- a. physical interference namely physical disturbance on telecommunications networks, facilities, and infrastructure causing disruption to telecommunications operations;
- b. electromagnetic interference namely electromagnetic disturbance on telecommunications networks, and/or facilities and infrastructure causing disruption to telecommunications operations.

Article 79

The safeguards and the protection of telecommunications operations shall be conducted to telecommunications facilities and infrastructure, telecommunications networks, human resources, and information.

Article 80

- (1) Telecommunications network operators and special telecommunications operators shall provide a map and/or an image of telecommunications networks they use.

- (2) The telecommunications network map and/or image as referred to in paragraph (1) shall be distributed to the relevant institutions.

Article 81

- (1) Telecommunications network operators and special telecommunications operators shall install signs indicating the presence of telecommunications networks.
- (2) The provisions on the signs as referred to in paragraph (1) shall be stipulated in a Ministerial Decision.

Article 82

Any telecommunications networks, facilities, and infrastructure shall be equipped with safeguarding and protection facilities to avoid interferences to telecommunications.

Article 83

Telecommunications operators shall install early warning detection equipment, monitoring equipment, and equipment that prevent telecommunications operations from interference.

Article 84

- (1) Government institutions authorized to grant permit to construct buildings, installations, and/or other infrastructure shall take into account the maps and/or images of telecommunications networks.
- (2) Parties undertaking construction based on the permit as referred to in paragraph (1) shall avoid any interference to telecommunications operations.

Article 85

Any individual who works within telecommunications operations premises shall safeguard and protect telecommunications facilities and infrastructure as well as information transmitted through telecommunications networks.

Article 86

Telecommunications operators shall prepare, educate, and train the personnel in charge of and responsible for safeguarding and protecting telecommunications facilities and infrastructure.

Article 87

For the purpose of criminal justice process, telecommunications network operators may record information transmitted and/or received by telecommunications service operators and may provide information required on the basis of:

- a. written request from the Attorney General and/or Chief of the Indonesian National Police for certain criminal offenses;
- b. request from investigators for certain criminal offenses in accordance with the prevailing laws and regulations.

Article 88

The request for information recording as referred to in Article 87 shall be submitted in writing and through legal means to telecommunications service operators with the copy sent to the Minister.

Article 89

- (1) The written request for the information recording as referred to in Article 88 shall at least contain:
 - a. the recorded object;
 - b. the period of recording; and
 - c. the reporting period on recording result.
- (2) Telecommunications service operators shall fulfill the request for the information recording as referred to in paragraph (1) within 24 hours after the receipt of the request.
- (3) In the event that the request for recording is not technically possible to fulfill, the telecommunications service operators as referred to in paragraph (2) shall notify the Attorney General, Chief of the Indonesian National Police and/or the Investigator.
- (4) The notification as referred to in paragraph (3) shall be submitted within 6 (six) hours after the receipt of the request as referred to in paragraph (1).
- (5) The result of information recording as referred to in paragraph (2) shall be confidentially delivered to the Attorney General and/or Chief of the Indonesian National Police and/or the Investigator.

CHAPTER VIII
PUBLIC PARTICIPATION IN TELECOMMUNICATIONS FIELD

Article 90

- (1) To promote public participations, a public participation institution in telecommunications field shall be established.
- (2) The institution as referred to in paragraph (1) shall be established based on the consensus among telecommunications industry players.
- (3) The establishment of the institution as referred to in paragraph (2) shall be reported to the Minister.

Article 91

- (1) Membership of public participation institution shall constitute telecommunications industry players which comprise:
 - a. associations in telecommunications business field;
 - b. association of telecommunications professionals;
 - c. association of telecommunications device manufacturers;
 - d. association of telecommunications network and service users; and
 - e. intellectuals in telecommunications field.
- (2) The board of public participation institution shall be elected and appointed from the members as referred to in paragraph (1).
- (3) The board of the public participation institution as referred to in paragraph (2) shall be inaugurated by the Minister.
- (4) The inauguration as referred to in paragraph (3) shall be carried out after considering the Articles of Association of the public participation institution.

Article 92

- (1) The public participation institution in telecommunications field shall be tasked to convey the thoughts and views developing in the society on the direction of telecommunications development for policy making, management, control, and supervision in telecommunications field.
- (2) The thoughts and views as referred to in paragraph (1) shall be submitted in writing to the Government with or without request.

- (3) The Government shall carefully consider the thoughts and views as referred to in paragraph (2).

Article 93

The public participation institution in telecommunications field has the following functions:

- a. collecting public opinions, thoughts, and views concerning telecommunications development;
- b. reviewing and formulating public opinions as materials for policy and/or regulation proposals relating to the development, regulation, and operations of telecommunications.

Article 94

- (1) In carrying out its activities, the public participation institution in telecommunications field shall be self-funded.
- (2) The public participation institution in telecommunications field shall be funded from legitimate sources.

CHAPTER IX SANCTIONS

Article 95

- (1) Any violation of Article 6, Article 7, Article 8 paragraph (3), Article 10 paragraph (2), Article 12, Article 15, Article 16, Article 19, Article 20 paragraph (1), Article 21, Article 25 paragraph (1), paragraph (3), paragraph (4), Article 26 paragraph (1), Article 28, Article 29, Article 32 paragraph (1), Article 46 paragraph (2), Article 49 paragraph (3), paragraph (4), Article 50, Article 53, Article 54, Article 57, Article 60, Article 65 paragraph (1) shall be subject to administrative sanction in the form of license revocation.
- (2) The license revocation as referred to in paragraph (1) shall be conducted after three consecutive written warnings, each of which lasts for 7 (seven) working days.

CHAPTER X
TRANSITIONAL PROVISIONS

Article 96

As from the time this Government Regulation comes into force, all implementing regulations of Government Regulation Number 37 of 1991 on Protection and Safeguard of Telecommunications Operations, and Government Regulation Number 8 of 1993 on Telecommunications Operations shall remain effective insofar as not contradictory and/or not superseded by new ones by virtue of this Government Regulation.

CHAPTER XI
CLOSING PROVISIONS

Article 97

With this Government Regulation coming into force:

- a. Government Regulation Number 21 of 1967 on Amateur Radio in Indonesia (State Gazette of the Republic of Indonesia Year 1967 Number 35, Supplement to State Gazette Number 2843) in conjunction with Government Regulation Number 20 of 1980 on Amendment and Supplement to Government Regulation Number 21 of 1967 on Amateur Radio in Indonesia (State Gazette of the Republic of Indonesia Year 1980 Number 30);
- b. Government Regulation Number 55 of 1970 on Non-Governmental Broadcasting Radio (State Gazette of the Republic of Indonesia Year 1970 Number 75, Supplement to State Gazette Number 2952);
- c. Government Regulation Number 37 of 1991 on Protections and Safeguards of Telecommunications Operations (State Gazette of the Republic of Indonesia Year 1991 Number 46, Supplement to State Gazette Number 3446);
- d. Government Regulation Number 4 of 1992 on Telecommunications Operations for State Defense and Security Purposes (State Gazette of the Republic of Indonesia Year 1992 Number 10, Supplement to State Gazette Number 3446);
- e. Government Regulation Number 8 of 1993 on Telecommunications Operations (State Gazette of the Republic of Indonesia Year 1993 Number 12, Supplement to State Gazette Number 3514),

shall be declared ineffective.

Article 98

This Government Regulation shall come into force from 8 September 2000.

For public cognizance, it is hereby ordered that this Government Regulation be promulgated in the State Gazette of the Republic of Indonesia.

Established in Jakarta
on 11 July 2000

PRESIDENT OF
THE REPUBLIC OF INDONESIA,
signed
ABDURRAHMAN WAHID

Promulgated in Jakarta
on 11 July 2000

STATE SECRETARY
OF THE REPUBLIC OF INDONESIA
signed
DJOHAN EFFENDI

STATE GAZETTE OF THE REPUBLIC OF INDONESIA YEAR 2000 NUMBER
107

ELUCIDATION
OF
REGULATION OF THE GOVERNMENT
OF THE REPUBLIC OF INDONESIA
NUMBER 52 OF 2000
ON
TELECOMMUNICATIONS OPERATIONS

GENERAL PROVISIONS

Service quality of telecommunications operations, which plays an important and strategic role in the life of the nation and in facilitating and improving interstate relations, has to be constantly improved. One of the ways to improve service quality in telecommunications field is by formulating regulations that can give clarity and assertion in telecommunications operation.

In Law Number 36 of 1999 on Telecommunications, it is stated that telecommunications operations include telecommunications network operations, telecommunications service operations, and special telecommunications operations. Telecommunications service and/or network operations may be conducted by state-owned enterprises (BUMN), regional government-owned enterprises (BUMD), private enterprises, and cooperatives whose business models are in accordance with the prevailing laws and regulations, operating telecommunications services and/or networks. In the meantime, special telecommunication operations may be conducted by individuals, government institutions, and juristic persons other than telecommunications network operators and/or telecommunications service operators.

Further elaborations from the regulations on telecommunications operations are deemed necessary to formulate a regulation on the implementation of telecommunications operations.

Under this Government Regulation, it is stated that in carrying out their business, telecommunications network operators are required to roll-out and/or provide telecommunications networks in accordance with the Fundamental Technical Plan, which is further stipulated by the Minister.

Telecommunications network operators may also operate telecommunications services by obtaining for a license from the Minister in advance. Afterwards, telecommunications network operators are obliged to provide interconnection of telecommunications networks. Interconnection is provided at the requests of other telecommunications network operators. Interconnection operations shall be subject to interconnection fee imposed on telecommunications network operations of origin and the amount of

interconnection fee shall be determined based on a calculation that is transparent, mutually agreed on, and fair.

Telecommunications service operators are also obliged to, first, provide telecommunications facilities that guarantee telecommunications service provision with good quality; second, telecommunications service operators must not be discriminatory in providing services to telecommunications service consumers; third, telecommunications service operators are obliged to store the recordings/logs for at least 3 (three) months. Telecommunications service consumers who need recordings/logs of telecommunications service use may request for the said logs/ recordings by paying printing fee of those logs/recordings.

The Minister shall stipulate the implementation of the Universal Service Obligation contribution to telecommunications network operators and telecommunication service operators in the form of provision of networks and/or telecommunications services, contribution in the form of interconnection fee components, or other contributions.

This Universal Service Obligation is meant as an obligation to provide telecommunications networks and telecommunications services in isolated areas and/or underdeveloped areas especially those with great potentials to contribute to the economy and accelerate exchanges of information greatly needed to facilitate development and governance.

Special telecommunications operations are conducted for personal purposes, state defense and security, and broadcasting. Special telecommunications operations are conducted if the purpose is not fulfilled by telecommunications network or service operators; the location of the activity is not yet reachable by network operators and/or telecommunications service operators, and if the activity requires separate and single telecommunications networks. Afterwards, special telecommunications operators are limited to conduct telecommunications operations outside their objectives, connected to other telecommunications networks, and ask for fees in any forms for the operation.

Telecommunications network and service operations are subject to telecommunications operations fee, the amount of which is further stipulated in a separate Government Regulation.

License for telecommunications operations is granted in 2 (two) stages, namely principle license and telecommunications operation license. These licenses are meant as the Government's effort to boost the growth of telecommunications operations. The Government is obliged to periodically announce territories open for telecommunications operations. Telecommunications operators shall meet the requirements stipulated in the license.

Telecommunications operators are obliged to pay damages for the error/negligence they commit that cause direct damage to telecommunications network and telecommunications service consumers.

On the contrary, telecommunications network operators may also ask for damages due to the relocation of their telecommunications networks as a result of activities or requests from institutions/departments/agencies and other parties.

Furthermore, public participation in the telecommunications sector shall also be regulated. In an effort to promote active public participation, a special institution regulating the public participation in telecommunications sector has been established. The public may establish some of those institutions in accordance with their needs. The said institution is the Government's partner tasked to communicate ideas and views that are developing in the society about the development of telecommunications in the framework of establishing policies, regulations, controls, and supervisions in the telecommunications sector. However, it is important to emphasize that ideas and views from the institutions are not binding to the Government.

Finally, violations of provisions that have been stipulated in this Government Regulation are subject to administrative sanctions.

ARTICLE BY ARTICLE

Article 1 to Article 5

Self-explanatory.

Article 6

Paragraph (1)

In an effort to build and/or provide telecommunications networks, telecommunications operators may build the entire network, part of network, and/or provide part of the network for telecommunications operations. For example, in the event that the use of satellite transponder is needed, network operators do not have to own their own satellite.

Paragraph (2)

Prevailing provisions of the laws and regulations include provisions of the laws and regulations on license for excavation, constructing building, agrarian affairs, or the environment.

Paragraph (3)

Fundamental Technical Plan is a set of technical provisions that must be complied with in the construction and/or provision of telecommunications networks to ensure the sustainability of interconnection between one network to another. The Fundamental Technical Plan covers among others

interconnection principles, loading, numbering, and regulation on information flow (routing).

Paragraph (4)

Self-explanatory.

Article 7

Self-explanatory.

Article 8

Paragraph (1)

Self-explanatory.

Paragraph (2)

Separate business activities mean clear separation of the accounting system in any telecommunications operation business. It is intended to guarantee fair business competition and accounting audits.

Paragraph (3)

Self-explanatory.

Article 9

Paragraph (1)

Letter a

Fixed network operation means networks operation activities for fixed telecommunications provision which is intended for the operation of public telecommunications on leased circuits.

Letter b

Mobile network operation means network operation activities for mobile telecommunications provisions.

Paragraph (2)

Letter a

Local fixed network operations mean network operation activities in specified areas, using cable networks and/or local wireless networks.

Local fixed networks operation may undertake leased circuits.

Letter b

Long distance direct dialing fixed network operations mean network operation activities to link networks, especially local fixed networks including leased circuits for closed networks. Long distance direct dialing fixed network constitutes backbone networks for long distance direct dialing.

Letter c

International direct dialing fixed network operations means network operation which links domestic networks to international networks.

Letter d

Closed fixed network operations mean network operation to provide networks for lease.

Paragraph (3)

Letter a

Terrestrial mobile network operations mean network operation which provides certain mobile subscribers, among others public radio trunking and public radio paging services.

Letter b

Cellular mobile network operations mean network operation which provides mobile telecommunications through cellular technology on the surface of the earth.

Letter c

Satellite mobile network operations mean network operation which provides mobile telecommunications through satellite.

Paragraph (4)

Self-explanatory.

Article 10

Paragraph (1)

Basic telephony service means telephone service which uses switch circuit technology, namely telephone and facsimile.

Paragraph (2)

Public telephone means coin-operated public telephone and card-operated public telephone.

Paragraph (3)

Third party means Indonesian juristic person which cooperates with local fixed network operators based on a cooperation agreement.

Article 11

Paragraph (1)

Self-explanatory.

Paragraph (2)

An agreement must be prepared in writing to specify scope of the agreement and to facilitate disputes settlement or differences which might occur in telecommunications network operations.

Article 12

Obligation to meet any application from any telecommunications networks subscription applicant as long as telecommunications networks are available is intended to ensure that the telecommunications network operators are transparent and do not discriminate their subscription applicant.

Requirements for subscription are requirements that must be met by telecommunications network subscription applicant, such as license of telecommunications services operation, certification of used equipment, coverage of provision, and types of services to be operated.

Article 13

Self-explanatory.

Article 14

Paragraph (1)

Letter a

Basic telephony service operations mean telephone operation, telegraph, telex, and facsimile. Basic telephony service operations mean service operation, based on business agreement, resale of the basic telephone services. For instance, among others, the telecommunications operations kiosks.

Letter b

Telephony value-added services operations mean service operation which offers value-added services for basic telephony, such as the intelligent network service (IN), calling cards, services with interactive technology (voice response) and public radio pager.

Letter c

Multimedia services mean telecommunications service operations which offer information technology-based services including the operations of voice over internet protocol (VoIP), internet and intranet, data communications, video conference, and entertainment video services. The operation of multimedia services may be conducted on a resale basis.

Resale operation of multimedia services mean telecommunications service operations, based on business

agreement, resale of the multimedia services. For instance,
the internet kiosks operations.

Paragraph (2)

Self-explanatory.

Article 15

Paragraph (1)

Good service quality includes fulfillment of the service standards.

Paragraphs (2) to (4)

Self-explanatory.

Article 16

Self-explanatory.

Article 17

Paragraph (1)

Self-explanatory.

Paragraph (2)

The said fees are the printing costs of the logs/records of the use
of telecommunications services.

Article 18

Paragraph (1)

Access equipment means the equipment which is part of and
provided by telecommunications service operators for the purpose
of connections of telecommunications services to be used by
subscribers.

Subscribers' terminal equipment means the equipment/terminal
at the subscribers' location and are provided by
telecommunications service subscribers for the purpose of
telecommunications activities.

Paragraph (2)

Self-explanatory.

Article 19

Obligation to fulfill any application from any prospective subscribers of
telecommunications services where telecommunications services
access is available is intended to ensure that telecommunications
service operators are transparent and are not discriminative against
prospective subscribers.

Subscription requirements mean requirements that must be met by telecommunications service prospective subscribers, such as the identity card, permanent address, and location site plan.

Article 20

Paragraph (1)

Self-explanatory.

Paragraph (2)

Interconnection means the point where interconnection takes place. It is the limit point of responsibilities of different telecommunications network operators

Paragraph (3)

Self-explanatory.

Article 21

Paragraph (1)

The prohibition from discrimination is intended to ensure that networks operators provide interconnection points at requested points, as long as they are technically feasible.

Paragraph (2)

The said level of service includes quality and capacity.

Article 22

Self-explanatory.

Article 23

Paragraph (1)

Interconnection fees mean the cost charged as the result of interconnection of networks between two network operators or more.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Telecommunications network of origin means the telecommunications networks from which the traffic originates.

Paragraph (4)

Self-explanatory.

Article 24

Connection means the connected state of telecommunications service equipment with telecommunications networks, such as servers, nodes, and routers.

Article 25

Paragraphs (1) to (3)

Self-explanatory.

Paragraph 4

This provision is intended to ensure that telecommunications network operators channel excess traffic of telecommunications network operators in order to guarantee the connection of consumers' telecommunications with the destination addresses.

Telecommunications service users are not to bear additional charge resulting from the traffic channeling to other networks.

Article 26

Paragraph (1)

Self-explanatory.

Paragraph (2)

Letter a

Self-explanatory.

Letter b

Self-explanatory.

Letter c

Other contributions may be in the form of, among others, access fees, and tariff subsidy waive.

Article 27

Letter a

Self-explanatory.

Letter b

Self-explanatory.

Letter c

The said type of telecommunications services is the type of telecommunications services in the form of telephone and public telephone lines.

Letter d

Self-explanatory.

Article 28

Paragraph (1)

Self-explanatory.

Paragraph (2)

Other network operators mean long distance direct dialing fixed network operations, international direct dialing fixed network

operators, cellular mobile networks operators, and satellite mobile networks operators.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Self-explanatory.

Article 29

Paragraph (1)

Self-explanatory.

Paragraph (2)

Recording reports is intended to determine the total capacity, and universal service areas.

Articles 30 to 32

Self-explanatory.

Article 33

The said sanctions are the sanctions stipulated in the regulations in the field of Non-Tax State Revenue and Telecommunications.

Article 34

Self-explanatory.

Article 35

Paragraph 1

Letter a

Leased network tariff means the tariff of network use by lessees or users of telecommunications networks.

Letter b

Interconnection fees mean the tariff paid by 1 (one) telecommunications network operator to another telecommunications network operators for their service in providing access and channeling telecommunications traffic.

Paragraph 2

Letter a

Self-explanatory.

Letter b

The said tariff for telephony value-added services means the tariff which shall be paid by telecommunications services business for the use of telephony value-added services such as the calling cards, premium calls.

Letter c
Self-explanatory.

Paragraph (3)

Letter a
Air time tariff means the tariff for the use of telecommunication service through mobile networks per unit of time.

Letter b
Roaming tariff means the tariff charged to subscribers using mobile telecommunications networks outside the subscribers' recorded place of origin.

Letter c
Self-explanatory.

Article 36

Paragraph (1)
Self-explanatory.

Paragraph (2)

Letter a
Activation fees mean the fee to activate access which shall be paid by telecommunications service subscribers to telecommunications service operators.

Letters b to d
Self-explanatory.

Article 37

Paragraph (1)
The amount of formula-based tariff is determined in accordance with market mechanism.

Paragraph (2)

The said fees are investment, operations and networks maintenance, and development components fees; factors of inflation, public purchasing power, and company efficiency.

Paragraph (3)
Self-explanatory.

Article 38

Self-explanatory.

Article 39

Self-explanatory.

Article 40

Special telecommunications operations for individual purposes are intended to carry out their interest and training in the field of telecommunications.

Article 41

Self-explanatory.

Article 42

Paragraph (1)

Community activities include activities of scouting, sports, arts, social affairs, as well as activities for order keeping and state security disturbance handling.

Paragraph (2)

Self-explanatory.

Article 43

Paragraph (1)

Self-explanatory.

Paragraph (2)

Letter a

The purposes that cannot be met may include those in the field of technology or required type of telecommunications services.

Letter b

Self-explanatory.

Letter c

Self-explanatory.

Article 44

Special telecommunications operations for special service purposes include the following communications system for:

- a. search and rescue (SAR);
- b. navigation;
- c. meteorology and geophysics;
- d. astronomy;
- e. remote sensing and control;
- f. aviation safety;
- g. shipping safety.

Article 45

Paragraph (1)

Self-explanatory.

Paragraph (2)

Special telecommunications operations for juristic persons include communications systems for the following business:

- a. banking;
- b. mining and energy;
- c. forestry;
- d. transportation;
- e. health;
- f. industry and trade;
- g. agriculture and plantations.

Article 46

Self-explanatory.

Article 47

Paragraph (1)

State defense and security functions encompass efforts in the field of state defense against all foreign threats, and efforts in the field of state security against domestic threats.

Special telecommunications operations for the purposes of state defense and security are:

- a. limited, confidential, and/or highly confidential;
- b. used for communications and non-communications;
- c. transmitted in one direction and all directions; and
- d. fixed and mobile.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Article 48 to 50

Self-explanatory.

Article 51

Special telecommunications operations for the purposes of broadcasting have the following conditions:

- a. they are transmitted continuously in one direction;
- b. they are directly received by the receiver;
- c. they are fixed and mobile;

- d. they display images and/or sounds; and
- e. their broadcasting allocation is for the general public.

Article 52

Self-explanatory.

Article 53

Paragraph (1)

Special telecommunications operators for broadcasting purposes which lease networks as a transmission facility for broadcasting purposes from another telecommunications networks operator is not included in the category of special telecommunication operators for broadcasting purposes.

Paragraph (2)

Self-explanatory.

Article 54

Self-explanatory.

Article 55

Paragraph (1)

Fundamentally, the principle license and the telecommunication operating license constitute a single set of licenses. The principle license is intended to provide opportunities to prospective telecommunications operators to prepare facilities and infrastructures that enable and support telecommunications operations;

The telecommunications operating license is the authority given for telecommunications operations purposes.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Article 56

Paragraph (1)

The maximum period of the principle license is 3 (three) years.

Paragraph (2)

The principle license may only be renewed once for a period of 1 (one) year.

Paragraph (3)

Self-explanatory.

Article 57

Self-explanatory.

Article 58

Paragraph (1)

Self-explanatory.

Paragraph (2)

Letter a to e

Self-explanatory.

Letter f

Fees mean the fees which shall be paid by prospective telecommunications network and/ or service operators, such as the purchase fees of auction document.

Letter g

Self-explanatory.

Paragraph (3)

The granting of licenses through selection is carried out to the type of telecommunications operation whose numbers are limited. The granting of licenses through evaluation is made to the type of telecommunications operation whose numbers are not limited.

Paragraph (4)

Self-explanatory.

Paragraph (5)

Self-explanatory.

Articles 59 and 60

Self-explanatory.

Article 61

Paragraph (1)

Self-explanatory.

Paragraph (2)

Letter a

Self-explanatory.

Letter b

The location means the place where the special telecommunications operators' station is set up for broadcasting purposes.

Operators coverage means coverage and service areas.

Letter c

Self-explanatory.

Letter d
Self-explanatory.

Letter e
The fees mean the fees to be paid by prospective special telecommunications operators for broadcasting purposes, such as the purchase fees of auction document.

Letter f
Self-explanatory.

Paragraph (3)
Self-explanatory.

Paragraph (4)
Self-explanatory.

Article 62
Self-explanatory.

Article 63
Self-explanatory.

Article 64
Paragraph (1)
The said deadline is set from the deadline of application submission.
Paragraph (2)
Self-explanatory.

Article 65
Paragraph (1)
The operation worthiness test is intended to test and certify that all completed facilities and infrastructure are technically ready to operate.

The agency appointed to administer the operation worthiness test shall have accreditation from the authorized institution.

Paragraph (2)
Self-explanatory.

Articles 66 and 67
Self-explanatory.

Article 68

Paragraph (1)
Self-explanatory.

Paragraph (2)
Self-explanatory.

Paragraph (3)
The direct damage means damage incurred directly due to the use of telecommunications networks or services (limited damage).

The indirect damage arising from the use of telecommunications networks or services (consequential damage) shall not be borne by the telecommunications operators.

Article 69

Paragraph (1)
Alternative dispute resolution settlement is the settlement through conciliation, mediation, or arbitration.

Paragraph (2)
Self-explanatory.

Article 70

Paragraph (1)
This provision is intended to provide protection and legal certainty to the telecommunications network operators as well as to provide information to the relevant agencies/departments/institutions or other parties that the telecommunications network operators are entitled to obtain compensation resulting from the transfer or modification of their telecommunications networks.

Paragraph (2)
Self-explanatory.

Paragraph (3)
Self-explanatory.

Article 71

Paragraph (1)

The technical requirements are the requirements in accordance with the Indonesian National Standard (SNI) or the technical requirements made by the relevant technical agencies.

Paragraph (2)

Self-explanatory.

Article 72

Letter a

Connection means a connection between telecommunications networks.

Letter b to d

Self-explanatory.

Article 73

Paragraph (1)

Related parties include industry groups, telecommunications operators, communities, research institutions, consumer organizations, and universities. Participation of the related party is manifested in the form of study groups or technical groups.

Paragraph (2)

Letter a

The adoption of international or regional standard is a ratification or recognition of the standard recommended by international and regional organizations in telecommunications field, such as the International Telecommunication Union (ITU) and the European Telecommunications Standard Institute (ETSI).

Letter b

Self-explanatory.

Letter c

Self-explanatory.

Paragraph (3)

The Indonesian National Standard (SNI) is the standard stipulated by the National Standardization Agency that applies nationwide.

Article 74

Paragraph (1)

Self-explanatory.

Paragraph (2)

Authorized institution is the institution established by the Government whose authority is to issue accreditation of testing centers.

The test is conducted on the sample of telecommunications device and equipment based on technical requirements.

Paragraph (3)

The testing centers as referred to in this provision cover the test institutes and test laboratories.

Paragraph (4)

Self-explanatory.

Paragraph (5)

Self-explanatory.

Article 75

Paragraph (1)

The implementation of technical requirements covers the test results and certificates, among others.

Paragraph (2)

Self-explanatory.

Article 76

Paragraph (1)

The certificate fee means certification fee including the cost for telecommunications device and equipment tests, among others.

Paragraph (2)

Self-explanatory.

Article 77

Paragraph (1)

The said label means certificate marking.

Telecommunications device and equipment labelling means the responsibility of the party that manufactures and/or trades telecommunications device and equipment which have complied with the established technical requirements.

Paragraph (2)

Self-explanatory.

Article 78

Letter a

The telecommunications facilities and infrastructures consist of software and hardware.

Letter b

Self-explanatory.

Article 79

Self-explanatory.

Article 80

Paragraph (1)

Self-explanatory.

Paragraph (2)

The relevant institutions mean the departments, regional Government and other parties which build and provide public facilities and infrastructures, which conduct mining activities and issue building permits.

Article 81 to 87

Self-explanatory.

Article 88

Written submission and legally means that any request for information recording must be made and submitted in writing by the authorized institution and stamped by the applicant's agency and bear the signature of the official submitting the request.

Article 89

Paragraph (1)

This provision is intended to clarify the object period and reports time period on recording result to be used as a guideline in the information recording.

Paragraph (2) to (5)

Self-explanatory.

Article 90

Paragraph (1)

Public participation institution means a Government partner.

The public may establish several public participation institutions in telecommunications field as needed.

Paragraph (2)

Telecommunications industry players include telecommunications operators, telecommunications equipment businessmen and intellectual society in telecommunications field.

Paragraph (3)

Self-explanatory.

Article 91

Self-explanatory.

Article 92

Paragraph (1)

Self-explanatory.

Paragraph (2)

This provision is intended to affirm that the thoughts and views from the public participation institution in telecommunications field are not binding to the Government.

Paragraph (3)

Self-explanatory.

Article 93 to 98

Self-explanatory.

SUPPLEMENT TO STATE GAZETTE OF THE REPUBLIC OF INDONESIA
NUMBER 3980

This unofficial English translation is brought by the collaboration between Government translators from Ministry of Communication and Informatics and Cabinet Secretariat: Andhika Widyarani, Aulia Astagina Ramadhani, Chrisna Harimurti, Cintami Agnes Selviani, Ivan Atmanagara, Muhammad Ersan Pamungkas, Muhardi, Penni Patmawati Rusman, Rina Alexandra, and Siti Chodijah.