

REGULATION OF GOVERNMENT OF THE REPUBLIC OF INDONESIA
NUMBER 52 OF 2005
ON
BROADCASTING OPERATIONS BY
SUBSCRIPTION-BASED BROADCASTING INSTITUTIONS

BY THE GRACE OF THE ONE AND ALMIGHTY GOD

PRESIDENT OF THE REPUBLIC OF INDONESIA,

Considering : that to implement provisions of Article 17, Article 18, Article 29 paragraph (2), Article 32 paragraph (2), Article 33 paragraph (8) and Article 55 paragraph (3) of Law Number 32 of 2002 on Broadcasting, it is necessary to establish a Government Regulation on Broadcasting Operations by Subscription-based Broadcasting Institutions;

Noting : 1. Article 5 paragraph (2) of the 1945 Constitution of the Republic of Indonesia;
2. Law Number 32 of 2002 on Broadcasting (State Gazette of the Republic of Indonesia Year 2002 Number 139, Supplement to State Gazette of the Republic of Indonesia Number 4252).

HAS DECIDED:

To establish : GOVERNMENT REGULATION ON BROADCASTING OPERATIONS BY SUBSCRIPTION-BASED BROADCASTING INSTITUTIONS.

CHAPTER I
GENERAL PROVISIONS

Article 1

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

1. Broadcast, Broadcasting, Radio Broadcasting, Television Broadcasting, Advertising Broadcast, Commercial Advertising Broadcast, Public Service Announcement, Radio Frequency Spectrum, Broadcasting Institutions, the

Government, and Broadcasting Operations License mean those as referred to in Law Number 32 of 2002 on Broadcasting.

2. Subscription-based Broadcasting Institution means a commercial broadcasting institution incorporated under Indonesian laws whose field of business only operates Subscription-based Broadcasting Services.
3. Subscription-based Broadcasting Service means service of transmitting or broadcasting materials exclusively for its subscribers through radio, television, multimedia, or other means of information.
4. Subscription-based Channel means an electromagnetic frequency spectrum that is transmitted through cable and/or frequency spectrum used in a subscription-based broadcasting system to provide a subscription-based broadcasting program.
5. Broadcast Program Classification means broadcast program grouping based on broadcast content in regards to viewers' age and target audience.
6. Joint Meeting Forum means a coordinating forum through which the Indonesian Broadcasting Commission and the Central Government with the authority to make decisions to whether to approve or deny broadcasting operations license application and broadcasting operations license renewal.
7. Applicant means an individual with Indonesian citizenship who acts for and on behalf of an Indonesian juristic person.
8. Subscriber means an individual or a juristic person using services provided by Subscription-based Broadcasting Institutions by paying subscription fees.
9. Minister means the minister whose scope of duties and responsibilities is in the field of communications and informatics.
10. The Indonesian Broadcasting Commission, hereinafter referred to as the KPI, means an independent state institution operating both at central and regional levels that embodies public participation in broadcasting affairs and whose duties and authorities are stipulated in Law Number 32 of 2002 on Broadcasting.

CHAPTER II ESTABLISHMENT AND LICENSING

Part One General Provisions

Article 2

- (1) Subscription-based Broadcasting Institutions shall operate based on the following classifications:
 - a. subscription-based broadcasting through satellites;

- b. subscription-based broadcasting through cables; and
 - c. subscription-based broadcasting through terrestrial systems.
- (2) Subscription-based broadcasting operations shall be intended for direct reception by receiver systems of subscription-based broadcasting operators and exclusively transmitted to their subscribers.
- (3) Further provisions on subscription-based broadcasting operations as referred to in paragraph (1) shall be stipulated in a Ministerial Regulation.

Part Two
Requirements for Establishment

Article 3

- (1) Subscription-based Broadcasting Institutions shall fulfill the following requirements:
- a. being established by Indonesian citizens;
 - b. being established as Indonesian juristic persons in the form of a limited liability company;
 - c. providing Subscription-based Broadcasting Services only; and
 - d. having their initial capital wholly owned by Indonesian citizens and/or Indonesian juristic persons whose shares are wholly owned by Indonesian citizens.
- (2) Further provisions on the requirements for establishing Subscription-based Broadcasting Institutions shall be stipulated in a Ministerial Regulation.

Part Three
Licensing Procedures and Requirements

Article 4

- (1) Prior to its operations, Subscription-based Broadcasting Institutions shall obtain a broadcasting operations license.
- (2) To obtain a broadcasting operations license, Subscription-based Broadcasting Institutions shall submit a written application to the Minister through the KPI by completing the form provided and fulfilling requirements as referred to in this Government Regulation.
- (3) The application as referred to in paragraph (2) shall be made in 2 (two) copies, including 1 (one) copy for the Minister and the other one for the KPI by

attaching administrative, broadcast programs, and broadcasting technical data requirements as follows:

- a. Administrative requirements:
 1. backgrounds, goals, and objectives of the establishment, with the name, vision, and missions of Subscription-based Broadcasting Institutions;
 2. the deed of establishment of the institution and its modifications, as well as verification as a juristic person or it has been registered to the authorized institution;
 3. an organizational structure and names of the authorized personnels of the broadcasting institution;
 4. a feasibility study and a working plan;
 5. details on capital aspects;
 6. details on revenue projection from subscription fees and other legal businesses relating to broadcasting operations;
 7. list of print media, Private Broadcasting Institutions for radio broadcasting services, and/or Private Broadcasting Institutions for television broadcasting services already owned by the Applicant;
 8. details on organizational structure from the highest to the lowest levels of their working unit, including descriptions on working procedure at every working unit.

- b. Broadcast program:
 1. details on channel format, sources of program materials, target audience, and competitiveness;
 2. the number of channels/programs, names of programs, and contents of the programs to be broadcast;
 3. pattern of daily and weekly broadcast programs.

- c. Broadcasting Technical Data:
 1. an inventory list of facilities and infrastructure to be used as well as calculation of investment costs;
 2. maps of transmitter location and maps of broadcasting service coverage as well as operational spatial planning, control rooms, and transmitter rooms;
 3. Technical specifications and device systems to be adopted as well as its block diagram of configuration system;
 4. proposed frequency channels and desired contours of transmitting diagram especially for Subscription-based Broadcasting Institutions through terrestrial systems.

Article 5

- (1) Upon receiving the application as referred to in Article 4 paragraph (3), the KPI shall verify the fulfillment of requirements for broadcast programs as referred to in Article 4 paragraph (3) letter b.
- (2) Upon receiving the application as referred to in Article 4 paragraph (3), the Minister shall verify the fulfillment of the administrative requirements and broadcasting technical data as referred to in Article 4 paragraph (3) letter a and letter c.
- (3) In the event of the failure to fulfill the requirements as referred to in Article 4 paragraph (3), the KPI and/or the Minister shall notify the Applicant or its attorney in a written form to fulfill the requirements and submit the required documents no later than 15 (fifteen) working days from the receipt of the notification letter.
- (4) In the event of the failure to fulfill the requirements within the time period as referred to in paragraph (3), the Applicant shall be deemed to have cancelled its Application or withdrawn from the application process.
- (5) In no later than 30 (thirty) working days from the fulfillment of the requirements as referred to in Article 4 paragraph (3), the KPI shall carry out a hearings evaluation with the Applicant.
- (6) In no later than 15 (fifteen) working days from the hearings evaluation, the KPI shall issue a feasibility recommendation on the broadcasting operations and propose radio frequency spectrum allocation and use to the Minister.
- (7) In no later than 15 (fifteen) working days from the receipt of feasibility recommendation on broadcasting operations and proposed radio frequency spectrum allocation and use from the KPI as referred to in paragraph (6), the Minister shall invite the KPI and related institutions to convene a Joint Meeting Forum.
- (8) The Minister may request for explanation from the KPI regarding applications that have not received the feasibility recommendation after 60 (sixty) working days from the receipt of applications by the Minister.
- (9) The Joint Meeting Forum as referred to in paragraph (7) shall be convened to approve or deny broadcasting operations license through joint assessment on feasibility recommendation on broadcasting operations and proposed

radio frequency spectrum allocation and use from the KPI as well as the fulfillment of requirements as referred to in Article 4 paragraph (3).

- (10) The Minister shall issue a decision regarding approval or denial of broadcasting operations license based on the result of an agreement reached in the Joint Meeting Forum.
- (11) The decision to approve or deny the broadcasting operation license as referred to in paragraph (10) shall be issued by the Minister in no later than 30 (thirty) working days from the agreement of Joint Meeting Forum.
- (12) The decision to approve or deny broadcasting operations license as referred to in paragraph (11) shall be delivered to the Applicant through the KPI.

Article 6

In the event that the number of Applicants of Subscription-based Broadcasting Institutions in a broadcasting service area exceeds the number of channels available in the radio frequency master plan, a selection process shall be conducted by the Minister and the KPI in a Joint Meeting Forum.

Article 7

- (1) Upon obtaining a broadcasting operations license as referred to in Article 5 paragraph (10), Subscription-based Broadcasting Institutions shall undergo a broadcast trial period for a maximum of 6 (six) months for radio subscription-based broadcasting service and a maximum of 1 (one) year for television subscription-based broadcasting service prior to obtaining a permanent broadcasting operations license from the Minister.
- (2) The trial period as referred to in paragraph (1) shall be used to build infrastructure, to process frequency assignment, and to carry out and evaluate broadcast operations trial.
- (3) After undergoing the broadcast trial period and declaring readiness for evaluation, the Applicant shall propose for evaluation of broadcasting operations trial to the Minister.
- (4) To evaluate broadcast operations trial, a broadcast trial team shall be established comprising elements of the Government and the KPI, and determined by the Minister.
- (5) During the broadcast trial period, Subscription-based Broadcasting Institutions shall not:

- a. air advertising broadcasts, except public service announcement broadcasts;
 - b. charge fees for broadcasting operations.
- (6) To pass the broadcast trial period, the following criteria shall be met:
- a. administrative requirements;
 - b. broadcast programs; and
 - c. broadcasting technical data.
- as referred to in Article 4 paragraph (3).
- (7) The broadcast trial period shall conclude after Subscription-based Broadcasting Institutions are declared:
- a. to have passed the broadcast trial period by the broadcast trial team after fulfilling the criteria as referred to in paragraph (5) and paragraph (6);
 - b. to have failed the broadcast trial period by the broadcast trial team for failing to fulfill the criteria as referred to in paragraph (6) within 6 (six) months of broadcast trial period for Subscription-based Broadcasting Service for radio broadcasting services and 1 (one) year for Subscription-based Broadcasting Service for television broadcasting services;
 - c. to have failed the broadcast trial period by the broadcast trial team for violating provisions in paragraph (5) and has been issued with a written reprimand twice in 6 (six) months of broadcast trial period for Subscription-based Broadcasting Service for radio broadcasting services and 1 (one) year for Subscription-based Broadcasting Service for television broadcasting services.
- (8) The Minister shall issue a decision on permanent broadcasting operations license in no later than 14 (fourteen) working days after Subscription-based Broadcasting Institutions have been declared to have passed the broadcast trial period as referred to in paragraph (7) letter a.
- (9) The Minister shall revoke the decision on broadcasting operations license in no later than 14 (fourteen) working days after Subscription-based Broadcasting Institutions has been declared to have failed the broadcast trial period as referred to in paragraph (7) letter b and letter c.
- (10) The decision on permanent broadcasting operations license as referred to in paragraph (8) or the decision on broadcasting operations license revocation as referred to in paragraph (9) shall be delivered to the Applicant through the KPI.
- (11) Further provisions on the criteria for passing the broadcast trial period as referred to in paragraph (6) shall be stipulated in a Ministerial Regulation.

Part Four
Period and Revocation of License

Article 8

- (1) The validity period of broadcasting operations license shall be:
 - a. 5 (five) years for Subscription-based Broadcasting Institutions for radio services;
 - b. 10 (ten) years for Subscription-based Broadcasting Institutions for television services.
- (2) The validity period of the license as referred to in paragraph (1) may be renewed.
- (3) Broadcasting operations license shall be revoked by the Minister in the event that Subscription-based Broadcasting Institutions:
 - a. violate provisions on the use of radio frequency spectrum and/or determined broadcasting coverage areas;
 - b. are declared by the KPI not to carry out broadcasting activities in more than 3 (three) consecutive months without notice;
 - c. transfer broadcasting operations license to other parties;
 - d. violate provisions on fundamental technical plan of broadcasting and requirements of broadcasting equipment technical requirements; or
 - e. violate provisions on broadcasting program standards established by the KPI after a court ruling with a permanent legal force is made.
- (4) Revocation of the license due to violations as referred to in paragraph (3) letter b, letter c, and letter e shall be made by the Minister based on the recommendation from the KPI.
- (5) Broadcasting operations license shall be declared to have ended due to expiration of the license and failure of the Applicant to renew it.

Part Five
License Renewal

Article 9

- (1) In a period of no later than 1 (one) year prior to the expiration of a broadcasting operations license, the Applicant shall submit a written application for license renewal to the Minister through the KPI by completing the form provided and fulfilling the requirements as referred to in this Government Regulation.

- (2) The validity period of renewed broadcasting operations license shall be:
 - a. 5 (five) years for Subscription-based Broadcasting Institutions operating radio services;
 - b. 10 (ten) years for Subscription-based Broadcasting Institutions operating television services.

- (3) The application as referred to in paragraph (1) shall be made in 2 (two) copies, 1 (one) copy for the Minister and 1 (one) copy for the KPI by attaching administrative requirements, broadcast program, and broadcasting technical data as follows:
 - a. Administrative requirements:
 1. the deed of establishment of the institution and its modification as well as verification as a juristic person;
 2. an organizational structure and names of the authorized personnels of the broadcasting institution;
 3. list of print media, Private Broadcasting Institutions for radio broadcasting services, and/or Private Broadcasting Institutions for television broadcasting services already owned;
 4. a copy of the previous broadcasting operations license;
 5. proof of the last payment of broadcasting operations license fees and frequency use rights fees;
 6. data on the number of subscribers;
 7. financial statements that have been audited by public accountants for Subscription-based Broadcasting Institutions that have listed their stocks on the stock exchange or a publicly-listed company.

 - b. Broadcast program:
 1. details on channel format, sources of program materials, and target audience;
 2. the number of channels/programs, names of programs, and contents of the program that have been broadcast;
 3. pattern of daily and weekly broadcast program.

 - c. Broadcasting Technical Data:
 1. an inventory list of facilities infrastructure to be used, including transmitter, main controller, transmission, and distribution devices;
 2. maps of operational spatial planning, control rooms, and transmitters rooms as well as maps of location and maps of broadcasting service coverage, and specifically for Subscription-based Broadcasting Institutions through terrestrial systems, approved images of diagram contours based on license obtained shall be attached.

- (4) Upon receiving the application for license renewal as referred to in paragraph (3), the KPI shall verify the requirements of broadcast program in accordance with the requirements as referred to in paragraph (3) letter b.
- (5) Upon receiving the application of license renewal as referred to in paragraph (3), the Minister shall verify the administrative requirements and broadcasting technical data as referred to in paragraph (3) letter a and letter c.
- (6) In the event that the requirements of the license renewal as referred to in paragraph (3) fail to be fulfilled, the KPI and/or the Minister shall give a written notification to the Applicant or its attorney to fulfill the requirements in no later than 15 (fifteen) working days from the receipt of notification letter.
- (7) In a maximum period of 15 (fifteen) working days from the fulfillment of the requirements as referred to in paragraph (3), the KPI shall issue a feasibility recommendation on broadcasting operations license renewal and report it to the Minister.
- (8) In a maximum period of 15 (fifteen) working days from the receipt of the feasibility recommendation on broadcasting operation license renewal from the KPI as referred to in paragraph (7), the Minister shall invite the KPI and relevant institutions to convene a Joint Meeting Forum.
- (9) The Minister may request for explanation from the KPI regarding any applications that have not been given feasibility recommendation after 30 (thirty) working days from the receipt of the application by the Minister.
- (10) The Joint Meeting Forum as referred to in paragraph (8) shall be convened to grant approval or denial for broadcasting operations license renewal through a joint assessment on feasibility recommendation on broadcasting operations license renewal from the KPI and the fulfillment of the requirements as referred to in Article 8 paragraph (3).
- (11) The Minister shall issue a decision on approval or denial of application to renew broadcasting operations license based on the result of an agreement reached in the Joint Meeting Forum.
- (12) The decision to approve or deny the application on broadcasting operations license renewal as referred to in paragraph (1) shall be issued by the Minister in no later than 30 (thirty) working days from the agreement of the Joint Meeting Forum.

- (13) The decision to approve or deny the broadcasting operations license renewal as referred to in paragraph (12) shall be delivered to the Applicant through the KPI.

Part Six
License Fee

Article 10

- (1) Subscription-based Broadcasting Institutions shall pay broadcasting operations license fees and frequency use rights and its renewal fees to state treasury.
- (2) The licensing fees as referred to in paragraph (1) shall be stipulated in accordance with the prevailing laws and regulations.

Part Seven
Changes of Name, Domicile, Administrators and Articles of Association, and
Changes of Transmitter Locations and Frequencies

Article 11

- (1) Any changes to name, domicile, organizational structure, and/or articles of association of Subscription-based Broadcasting Institutions shall be reported in advance to the Minister before it is validated by the General Meeting of Shareholders (RUPS).
- (2) Any changes as referred to in paragraph (1) shall receive approval from authorized high-ranking officials in accordance with the provisions of the prevailing laws and regulations.
- (3) Subscription-based Broadcasting Institutions may propose changes in the location of the transmitter stated in their broadcasting operations license to the Minister for approval.
- (4) Subscription-based Broadcasting Institutions may propose changes of frequency allocation and use stated in their broadcasting operations license to the Minister to obtain license.
- (5) The license as referred to in paragraph (4) shall be granted after the KPI issues a recommendation.
- (6) In order to obtain approval and the license as referred to in paragraph (3) and paragraph (4), the Applicant shall submit a written application to the

Minister by completing the form provided and fulfilling requirements as referred to in this Government Regulation.

- (7) Further provisions on the procedures of reporting, changes in the transmitter location, as well as frequency allocation and use of Subscription-based Broadcasting Institutions as referred to in paragraph (1), paragraph (3), and paragraph (4) shall be stipulated in a Ministerial Regulation.

CHAPTER III BROADCASTING OPERATIONS

Part One Obligations of Broadcasting Operators

Article 12

- In operating broadcasting, Subscription-based Broadcasting Institutions shall:
- a. obtain a license for every broadcast program in every channel;
 - b. impose internal censorship on all broadcast contents that will be broadcast and/or transmitted;
 - c. provide a minimum of 10% (ten percent) of their channel capacity to transmit programs from Public Broadcasting Institutions and Private Broadcasting Institutions; and
 - d. provide 1 (one) channel for domestic production broadcast in proportion to 10 (ten) channels for foreign production broadcasts or a minimum of 1 (one) channel for domestic production broadcast.

Article 13

- The Subscription-based Broadcasting Institutions through satellite as referred to in Article 2 paragraph (1) letter a shall fulfill the following provisions:
- a. having a broadcast coverage that reaches the territory of the Unitary State of the Republic of Indonesia;
 - b. having a broadcast control station located in Indonesia;
 - c. having a satellite-linked transmitter station located in Indonesia;
 - d. using a satellite with landing rights in Indonesia; and
 - e. ensuring that their broadcast is only received by their subscribers.

Article 14

The Subscription-based Broadcasting Institutions through cable and terrestrial systems as referred to in Article 2 paragraph (1) letter b and letter c shall fulfill the following provisions:

- a. having a broadcast coverage that reaches one service region in accordance with the license granted; and
- b. ensuring that their broadcast is only received by their subscribers.

Article 15

In providing systems and networks to operate broadcasting, Subscription-based Broadcasting Institutions may cooperate with telecommunications network operators or may operate their own network in accordance with the provisions of the prevailing laws and regulations.

Article 16

Subscription-based Broadcasting Institutions shall meet any application from prospective subscribers who meet subscription requirements insofar as the system and the networks to provide subscription-based broadcast are available.

Article 17

To provide subscription-based broadcasting, Subscription-based Broadcasting Institutions shall provide broadcast receiver and related terminal devices that are installed by installers that meet the requirements in accordance with the provisions of the prevailing laws and regulations.

Part Two

Broadcast Contents

Article 18

- (1) Broadcast contents shall contain information, education, entertainment, and benefits for the development of intellectuality, characters, morals, advancement, nation's strength; shall maintain unity and integrity; and practice religious and cultural values of Indonesia.
- (2) Broadcast contents shall protect and empower a particular audience, namely children and teenagers, by broadcasting programs at an appropriate time, and Subscription-based Broadcasting Institutions shall state and/or mention the audience classifications in accordance with broadcast contents.
- (3) Broadcast contents shall be kept neutral and shall not favor the interests of certain groups.

- (4) Broadcast contents shall not:
 - a. be slanderous, seditious, misleading and/or untruthful;
 - b. accentuate the elements of violence, obscenity, gambling, narcotics and illicit drugs abuse; or
 - c. polarize ethnicities, religions, races, and inter-group relations.
- (5) Broadcast contents shall not ridicule, demean, harass, and/or disregard religious values and dignity of Indonesian citizens, or harm international relations.
- (6) Broadcast contents shall comply with Guidelines for Broadcasting Behavior and Broadcast Program Standards established and set by the KPI specifically for Subscription-based Broadcasting Institutions.

Part Three
Broadcast Program Classification

Article 19

Subscription-based Broadcasting Institutions shall classify their broadcast programs by complying with the Guidelines for Broadcasting Behavior and Broadcast Program Standards established by the KPI specifically for Subscription-based Broadcasting Institutions.

Part Four
Broadcast Languages

Article 20

Programs in foreign languages may be broadcast in their original languages and specifically for television broadcasting service Subscription-based Broadcasting Institutions shall be given Indonesian language subtitle or selectively dubbed into Indonesian language in accordance with the requirements of certain programs.

Part Five
Broadcast Rights and Correction

Article 21

Broadcasts of television programs shall state broadcast rights.

Article 22

- (1) Subscription-based Broadcasting Institutions shall make correction should the broadcast content and/or news aired is known to contain an oversight and/or error.
- (2) The correction shall be made within less than the next 24 (twenty four) hours, and if not possible, the correction may be made at the earliest opportunity and shall be treated as a priority.
- (3) The correction as referred to in paragraph (2) shall not waive Subscription-based Broadcasting Institutions from responsibility or be freed from lawsuits filed by injured parties.

Part Six Broadcast Archives

Article 23

- (1) Subscription-based Broadcasting Institutions shall keep broadcast materials and contents for a minimum period of 1 (one) year after being broadcast.
- (2) Broadcast materials having high historical, informational, or broadcasting values shall be submitted to a designated institution to be stored and preserved in accordance with the prevailing laws and regulations.
- (3) The submitted broadcast materials as referred to in paragraph (2) may be used for broadcast purposes by broadcasting institutions owning the broadcast materials in accordance with the prevailing laws and regulations.

Part Seven Advertising Broadcast

Article 24

- (1) Advertising broadcast materials shall comply with the advertising code of ethics, the requirements set out by the KPI specifically for Subscription-based Broadcasting Institutions, and the prevailing laws and regulations.
- (2) Commercial advertising aired during children's programs shall comply with the broadcast standards for children.
- (3) Cigarette commercials on Subscription-based Broadcasting Institutions may only be broadcast from 9:30 p.m. to 5:00 a.m. local time where the broadcasting institutions are located.

- (4) Subscription-based Broadcasting Institutions shall allocate time for broadcasts of public service advertisements made from 05.00 a.m to 10.00 p.m. local time with special prices, or in a state of emergency declared by the Government if necessary.
- (5) Advertising broadcast materials shall utilize domestic resources.
- (6) Foreign advertising broadcasts aired in programs transmitted from abroad shall be replaced with domestic advertising broadcasts.

Part Eight
Broadcasting Additional Services

Article 25

- (1) Broadcasting additional services by Subscription-based Broadcasting Institutions may be provided after obtaining a license from the Minister.
- (2) Broadcasting additional service operations shall adopt the system standards and fulfill the specified technical performance.
- (3) Further provisions on licenses, system standards, and technical performance of broadcasting additional services as referred to in paragraph (1) and paragraph (2) shall be stipulated in a Ministerial Regulation.

Part Nine
Subscription Fees

Article 26

Subscription-based Broadcasting Institutions shall reserve the rights to collect subscription fees.

Part Ten
Accountability of Subscription-based Broadcasting Institutions Operations

Article 27

Heads of juristic persons of Subscription-based Broadcasting Institutions shall be held accountable for the broadcasting operations in general and shall appoint the person in charge for each program operated.

CHAPTER IV
CAPITAL

Part One
Shareholding

Article 28

- (1) Subscription-based Broadcasting Institutions shall be established with initial capital wholly owned by Indonesian citizens and/or Indonesian juristic persons whose shares are wholly owned by Indonesian citizens.
- (2) Subscription-based Broadcasting Institutions may conduct capital replenishment and increase to meet capital fulfillment emanating from foreign citizens and/or foreign juristic persons, which amounts to no more than 20% (twenty percent) of the entire capital which is fully issued and paid up and owned by a minimum of two shareholders.
- (3) The share ownership limit for foreign citizens and/or foreign juristic persons as referred to in paragraph (2) shall be imposed both directly and indirectly.
- (4) A minimum of 80% (eighty percent) of the shares of the Subscription-based Broadcasting Institutions shall remain owned by Indonesian citizens and/or Indonesian juristic persons whose shares are wholly owned by Indonesian citizens.
- (5) Any transactions of a Subscription-based Broadcasting Institution's shares leading to foreign ownership exceeding 20% (twenty percent) of the entire issued and paid up capital shall be returned to the ceiling of 20% (twenty percent) as referred to in paragraph (2).

Part Two
Replenishment and Increase of Foreign Capital
for Subscription-based Broadcasting Institutions
in the Form of Private Limited Liability Company (LLC)

Article 29

- (1) For Subscription-based Broadcasting Institutions whose juristic persons are in the form of Private LLC, 20% (twenty percent) of shares ownership by foreign citizens and/or foreign juristic persons may be obtained through direct investment.

- (2) The share ownership in Subscription-based Broadcasting Institutions through direct investment as referred to in paragraph (1) shall be reported to the Minister.

Part Three
Replenishment and Increase of Foreign Capital
for Subscription-based Broadcasting Institutions
in the Form of Public Limited Liability Company (LLC)

Article 30

- (1) For Subscription-based Broadcasting Institutions whose juristic persons are in the form of Public LLC, 20% (twenty percent) of share ownership by foreign citizens and/or foreign juristic persons may be obtained through the capital market.
- (2) The share ownership in Subscription-based Broadcasting Institutions through the capital market as referred to in paragraph (1) shall comply with the provisions of the laws and regulations on the capital market and the provisions of the prevailing laws and regulations.

Article 31

- (1) Subscription-based Broadcasting Institutions whose juristic persons are in the form of Public LLC as referred to in Article 30, may only list their shares on the stock exchange at the maximum of 20% (twenty percent) of the total issued and paid-up capital.
- (2) The listing of the shares of the Subscription-based Broadcasting Institutions on the stock exchange as referred to in paragraph (1) shall take into account shares previously owned by foreign citizens and/or foreign juristic persons.
- (3) In the event that Subscription-based Broadcasting Institutions have had 20% (twenty percent) of their share listed on the stock exchange, foreign citizens and/or foreign juristic persons may only own the share of Subscription-based Broadcasting Institutions through the purchase of shares of the Subscription-based Broadcasting Institutions listed on the stock exchange.
- (4) Purchases of shares by foreign citizens and/or foreign juristic persons through a stock exchange may reach 100% (one hundred percent) of the number of shares of the Subscription-based Broadcasting Institutions listed on the stock exchange and owned by a minimum of 2 (two) foreign shareholders and/or foreign juristic persons.

Part Four
Reporting

Article 32

- (1) Any change in the share ownership of a Subscription-based Broadcasting Institutions made through direct investment and leading to a change in majority share ownership or a minimum of 5% (five percent) of the total issued and paid-up capital shall be reported by the said Subscription-based Broadcasting Institutions to the Minister no later than 7 (seven) days from the date of the change.
- (2) In the event that foreign citizens and/or foreign juristic persons make a transaction of Subscription-based Broadcasting Institutions' shares through the stock exchange, the investors' obligation to report to the capital market authority shall be carried out in accordance with the regulations on capital market sector and the copy of the report shall be submitted to the Minister.

Article 33

- (1) Subscription-based Broadcasting Institutions that make replenishment and increase of capital through the capital market shall first provide opportunities to acquire ownership of these shares for employees.
- (2) The opportunities to acquire ownership of shares for employees as referred to in paragraph (1) shall be provided in accordance with the prevailing laws and regulations.

Article 34

Subscription-based Broadcasting Institutions shall provide a share of the company's profits to employees.

CHAPTER V
LIMITATION OF CROSS OWNERSHIP

Article 35

Cross ownership between Subscription-based Broadcasting Institutions, print media companies, and Private Broadcasting Institutions both directly and indirectly shall be limited as follows:

- a. 1 (one) Subscription-based Broadcasting Institution and 1 (one) Private Broadcasting Institution for radio broadcasting services with 1 (one) print media company in the same region; or
- b. 1 (one) Subscription-based Broadcasting Institution and 1 (one) Private Broadcasting Institution for television broadcasting services with 1 (one) print media company in the same region; or
- c. 1 (one) Subscription-based Broadcasting Institution and 1 (one) Private Broadcasting Institution for television broadcasting service with 1 (one) Private Broadcasting Institution for radio broadcasting services in the same region.

CHAPTER VI
FUNDAMENTAL TECHNICAL PLAN OF BROADCASTING AND
TECHNICAL REQUIREMENTS FOR BROADCASTING EQUIPMENT

Part One
Fundamental Technical Plan of Broadcasting and
Radio Frequency Master Plan

Article 36

- (1) Subscription-based Broadcasting Institutions shall comply with the fundamental technical plan of broadcasting.
- (2) The fundamental technical plan of broadcasting as referred to in paragraph (1) shall contain matters relating to the establishment of broadcasting stations as follows:
 - a. policy direction of broadcasting operations by considering the development of broadcasting technology, trends in market demand, economic, social, cultural, and other environmental conditions;
 - b. guidelines for maximum propagation and development of broadcasting coverage areas, use of broadcasting frequency spectrum, utilization of new technologies, and broadcasting infrastructure roll-out;
 - c. guidelines for self-assessment checklist;
 - d. equipment systems guidelines for environmental safeguarding and protection.
- (3) Further provisions on the fundamental technical plan of broadcasting as referred to in paragraph (1) and paragraph (2) shall be stipulated in a Ministerial Regulation after considering inputs from relevant institutions.

Article 37

- (1) Subscription-based Broadcasting Institutions shall comply with the technical provisions stated in the radio frequency master plan for broadcasting operations.
- (2) The radio frequency master plan as referred to in paragraph (1) shall consist of technical provisions and regulation of radio frequency channels for broadcasting.
- (3) The master plan as referred to in paragraph (2) shall be stipulated in a Ministerial Regulation.

Part Two

Technical Requirements for Broadcasting Devices and Equipment, and
Certification of Devices and Equipment

Article 38

- (1) Broadcasting transmission equipment used or operated for the purpose of broadcasting operations shall meet National Standards and technical requirements in accordance with the prevailing laws and regulations.
- (2) In the event that the Indonesian National Standard has not been established, the Minister shall establish technical requirements of transmission equipment used.
- (3) The establishment of technical requirements for transmission equipment as referred to in paragraph (1) shall consider:
 - a. results of development in industry, innovation, and technological engineering in national broadcasting and telecommunications;
 - b. adoption of international standards or regional standards; or
 - c. adaptation to international standards or regional standards.
- (4) Broadcasting devices and equipment used shall favor domestic production.

Article 39

Any transmission equipment manufactured, assembled, traded, and operated in, and imported into the territory of the Unitary State of the Republic of Indonesia for broadcasting purposes shall be certified in accordance with the prevailing laws and regulations.

Part Three
Security and Protection

Article 40

Broadcasting transmission networks and broadcasting facilities and infrastructure shall be equipped with security and protection facilities for human safety in accordance with the prevailing laws and regulations.

Part Four
Broadcast Coverage Area

Article 41

- (1) Broadcast coverage areas of Subscription-based Broadcasting Institutions through satellite, cable, and terrestrial systems are broadcast service area stated in the license granted, within which it is guaranteed that signals may be received properly and free from intervention or interference from other radio frequency signals.
- (2) Specifically, Subscription-based Broadcasting Institutions through cables intending to expand the coverage of their service areas shall report to the Minister.

CHAPTER VII
ADMINISTRATIVE SANCTIONS

Part One
Imposition of Administrative Sanctions

Article 42

- (1) Subscription-based Broadcasting Institutions operating advertising broadcasts and/or collecting fees during the broadcast trial period as referred to in Article 7 paragraph (5) letter a and letter b shall be subject to administrative sanctions in the form of written reprimands.
- (2) Subscription-based Broadcasting Institutions that have received 2 (two) written reprimands as referred to in paragraph (1) shall be subject to administrative sanctions in the form of revocation of broadcasting operations license.

Article 43

- (1) Subscription-based Broadcasting Institutions that fail to submit applications for renewal of broadcasting operations license within a period of no later than 1 (one) year prior to the expiration of the broadcasting operations license, as referred to in Article 9 paragraph (1) shall be subject to administrative sanctions in the form of written reprimands.
- (2) Subscription-based Broadcasting Institutions that have received 2 (two) written reprimands as referred to in paragraph (1) shall be subject to administrative sanctions in the form of denial of broadcasting operations license renewal.

Article 44

- (1) Subscription-based Broadcasting Institutions that violate the provisions as referred to in Article 12 letter a, letter b, letter c and/or letter d shall be subject to administrative sanctions in the form of written reprimands.
- (2) In the event that Subscription-based Broadcasting Institutions have received 2 (two) written reprimands as referred to in paragraph (1), they shall be subject to administrative sanctions in the form of freezing of broadcast activities for a maximum period of 3 (three) months until the fulfillment of the provisions as referred to in Article 12 letter a, letter b, letter c and/or letter d.

Article 45

- (1) Subscription-based Broadcasting Institutions through satellite that violate the provisions as referred to in Article 13 letter a and/or letter d shall be subject to administrative sanctions in the form of written reprimands.
- (2) Subscription-based Broadcasting Institutions that have received 2 (two) written reprimands as referred to in paragraph (1) shall be subject to administrative sanctions in the form of administrative fines at a maximum of Rp500,000,000.00 (five hundred million rupiah).

Article 46

- (1) Subscription-based Broadcasting Institutions through satellite that violate the provisions as referred to in Article 13 letter b, letter c, and/or letter e shall be subject to administrative sanctions in the form of written reprimands.

- (2) Subscription-based Broadcasting Institutions that have received 2 (two) written reprimands as referred to in paragraph (1) shall be subject to administrative sanctions in the form of freezing of broadcast activities for a maximum period of 3 (three) months until the fulfillment of the provisions as referred to in Article 13 letter b, letter c and/or letter e.

Article 47

- (1) Subscription-based Broadcasting Institutions through cable and terrestrial systems that violate the provisions as referred to in Article 14 letter a and/or letter b shall be subject to administrative sanctions in the form of written reprimands.
- (2) Subscription-based Broadcasting Institutions that have received 2 (two) written reprimands as referred to in paragraph (1) shall be subject to administrative sanctions in the form of freezing of broadcast activities for a maximum of 3 (three) months until the fulfillment of the provisions as referred to in Article 14 letter a and/or letter b.

Article 48

- (1) Subscription-based Broadcasting Institutions operating broadcasting services whose broadcast contents fail to protect and empower children and teenagers, by broadcasting programs at inappropriate time and fail to state and/or mention the classification of appropriateness in accordance with the broadcast contents as referred to in Article 18 paragraph (2) shall be subject to administrative sanctions in the form of written reprimands.
- (2) Subscription-based Broadcasting Institutions that have received 2 (two) written reprimands as referred to in paragraph (1) shall be subject to administrative sanctions in the form of temporary suspension of the problematic program until the fulfillment of the provisions as referred to in Article 18 paragraph (2).

Article 49

If Subscription-based Broadcasting Institutions fail to keep the neutrality of their contents and instead favor the interests of certain groups in providing broadcasting services as referred to in Article 18 paragraph (3) and/or fail to comply with the Guidelines for Broadcasting Behavior and Broadcast Program Standards as referred to in Article 18 paragraph (6) shall be subject to administrative sanctions in the form of temporary suspension of the problematic programs upon completion of certain stage.

Article 50

- (1) Subscription-based Broadcasting Institutions that fail to broadcast programs in accordance with the classification of broadcast programs as referred to in Article 19 shall be subject to administrative sanctions in the form of written reprimands.
- (2) Subscription-based Broadcasting Institutions that have received 2 (two) written reprimands as referred to in paragraph (1) shall be subject to administrative sanctions in the form of temporary suspension of the problematic programs until the fulfillment of the provisions as referred to in Article 19.

Article 51

- (1) If Subscription-based Broadcasting Institutions in providing television broadcasting services in foreign language programs fail to provide Indonesian language subtitle or selective dubbing in Indonesian language in accordance with the requirements of certain programs as referred to in Article 20 shall be subject to administrative sanctions in the form of written reprimands.
- (2) Subscription-based Broadcasting Institutions that have received 2 (two) written reprimands as referred to in paragraph (1) shall be subject to administrative sanctions in the form of temporary suspension of the problematic programs until the fulfillment of the provisions as referred to in Article 20.

Article 52

- (1) Subscription-based Broadcasting Institutions in broadcasting programs that fail to state broadcast rights as referred to in Article 21 shall be subject to administrative sanctions in the form of written reprimands.
- (2) Subscription-based Broadcasting Institutions that have received 2 (two) written reprimands as referred to in paragraph (1) shall be subject to administrative sanctions in the form of temporary suspension of the problematic programs until the fulfillment of the provisions as referred to in Article 21.

Article 53

- (1) Subscription-based Broadcasting Institutions that fail to make correction as referred to in Article 22 paragraph (1) shall be subject to administrative sanctions in the form of written reprimands.

- (2) Subscription-based Broadcasting Institutions that have received 2 (two) written reprimands as referred to in paragraph (1) shall be subject to administrative sanctions in the form of temporary suspension of the problematic programs until the fulfillment of the provisions as referred to in Article 22 paragraph (1).

Article 54

Subscription-based Broadcasting Institutions that fail to store the broadcast materials or contents for a minimum of 1 (one) year after the broadcast as referred to in Article 23 paragraph (1) shall be subject to administrative sanctions in the form of written reprimands.

Article 55

- (1) Subscription-based Broadcasting Institutions broadcasting commercial advertisements on children's programs that fail to comply with the broadcast standards for children as referred to in Article 24 paragraph (2) shall be subject to administrative sanctions in the form of written reprimands.
- (2) Subscription-based Broadcasting Institutions that have received 2 (two) written reprimands as referred to in paragraph (1) shall be subject to administrative sanctions in the form of temporary suspension of the problematic commercial advertisements broadcast until the fulfillment of the provisions as referred to in Article 24 paragraph (2).

Article 56

Subscription-based Broadcasting Institutions broadcasting cigarette commercials that fail to fulfill the provisions as referred to in Article 24 paragraph (3) shall be subject to administrative sanctions in the form of administrative fines at a maximum of Rp100,000,000.00 (one hundred million rupiah) for radio broadcasting services and Rp1,000,000,000.00 (one billion rupiah) for television broadcasting services.

Article 57

- (1) Subscription-based Broadcasting Institutions that fail to allocate time for broadcasting public service advertisements as referred to in Article 24 paragraph (4) shall be subject to administrative sanctions in the form of written reprimands.
- (2) Subscription-based Broadcasting Institutions that have received 2 (two) written reprimands shall be subject to administrative sanctions in the form

of administrative fines at a maximum of Rp100,000,000.00 (one hundred million rupiah) for radio broadcasting services, and Rp1.000,000,000.00 (one billion rupiah) for television broadcasting services.

Article 58

- (1) Subscription-based Broadcasting Institutions whose advertising broadcast materials fail to utilize domestic resources as referred to in Article 24 paragraph (5) shall be subject to administrative sanctions in the form of written reprimands.
- (2) Subscription-based Broadcasting Institutions that have received 1 (one) written reprimand as referred to in paragraph (1) shall be subject to administrative sanctions in the form of administrative fines at a maximum of Rp50,000,000 (fifty million rupiah) for radio broadcasting services, and Rp500,000,000.00 (five hundred million rupiah) for television broadcasting services.

Article 59

- (1) Subscription-based Broadcasting Institutions that fail to replace foreign advertising broadcasts in programs transmitted from abroad with domestic advertising broadcasts as referred to in Article 24 paragraph (6) shall be subject to administrative sanctions in the form of written reprimands.
- (2) Subscription-based Broadcasting Institutions that have received 2 (two) written reprimands as referred to in paragraph (1) shall be subject to administrative sanctions in the form of temporary suspension of the problematic programs until the fulfillment of the provisions as referred to in Article 24 paragraph (6).

Part Two

Procedures for the Imposition of Administrative Sanctions

Article 60

- (1) The imposition of administrative sanctions as referred to in Article 42, Article 43, Article 44, Article 45, Article 46, Article 47, and Article 54 shall be carried out by the Minister.
- (2) The imposition of administrative sanctions as referred to in Article 48, Article 49, Article 50, Article 51, Article 52, Article 53, Article 55, Article 56, Article 57, Article 58, and Article 59 shall be carried out by the KPI.

- (3) The period of administrative sanctions imposition in the form of the first and second written reprimands shall be 7 (seven) calendar days respectively.

Article 61

- (1) In the event that Subscription-based Broadcasting Institutions fail to pay the administrative fines as referred to in Article 45, Article 56, Article 57, and Article 58 within 30 (thirty) days after the imposition of administrative fines, sanctions shall be increased to freezing of broadcasting activities until the fulfillment of the obligation to pay administrative fines.
- (2) The administrative fines as referred to in paragraph (1) shall be deposited directly into the state treasury.

Article 62

- (1) Subscription-based Broadcasting Institutions subject to administrative sanctions may file objections.
- (2) Further provisions on the procedure for filing objections to the imposition of administrative sanctions as referred to in Article 60 paragraph (1) shall be stipulated in a Ministerial Regulation.
- (3) Further provisions on the procedure for filing objections to the imposition of administrative sanctions as referred to in Article 60 paragraph (2) shall be stipulated in a KPI Regulation.

CHAPTER VIII
TRANSITIONAL PROVISIONS

Article 63

All provisions of the implementing regulations governing Subscription-based Broadcasting Institutions shall be declared to remain effective insofar as not contradictory or have not been superseded by new ones by virtue of this Government Regulation.

Article 64

- (1) If foreign share ownership of the Subscription-based Broadcasting Institutions has exceeded 20% (twenty percent) of the entire capital prior to the effectiveness of this Government Regulation, the excess of foreign share ownership shall be readjusted to the ceiling of foreign capital ownership.

- (2) The excess of foreign share ownership as referred to in paragraph (1) shall be transferred to an Indonesian citizen and/or Indonesian juristic persons whose entire shares are wholly owned by Indonesian citizens within a maximum period of 5 (five) years from the date of establishment of this Government Regulation.
- (3) In the event that 20% (twenty percent) of foreign share ownership in Subscription-based Broadcasting Institutions is owned by 1 (one) foreign investor, they shall transfer part of their shares to another foreign investor or transfer all of their shares to Indonesian citizens and/or Indonesian juristic persons no later than 28 December 2006.

Article 65

Subscription-based Broadcasting Institutions prior to the establishment of this Government Regulation already have Private Broadcasting Institutions for radio broadcasting services, Private Broadcasting Institution for television broadcasting services, and print media companies in the same area shall release one of their ownerships no later than 28 December 2006.

CHAPTER X MISCELLANEOUS PROVISIONS

Article 66

- (1) Concentration of ownership and control of Subscription-based Broadcasting Institutions by one person or juristic person, which prior to the establishment of this Government Regulation have owned more than one Subscription-based Broadcasting Institution, or Subscription-based Broadcasting Institution and Private Broadcasting Institution for radio broadcasting services, or Subscription-based Broadcasting Institution and Private Broadcasting Institution for television broadcasting services or Subscription-based Broadcasting Institution and print media, shall be reported to the Minister.
- (2) Subscription-based Broadcasting Institutions that already have licenses for the operation of paid television services from the Directorate General of Post and Telecommunications and/or licenses to operate subscription-based television broadcasts from the Department of Information prior to the establishment of this Government Regulation are recognized and shall report their presence in writing to the Minister to adjust their licenses to broadcasting operations license in accordance with Law Number 32 of 2002 on Broadcasting.

- (3) Hearings evaluation conducted by the KPI or KPID in the regions prior to the issuance of this Government Regulation shall be recognized insofar as not contradictory by virtue of this Government Regulation.

CHAPTER XI
CLOSING PROVISIONS

Article 67

Any Subscription-based Broadcasting Institutions shall adjust themselves to the provisions of this Government Regulation from the establishment of this Government Regulation.

Article 68

This Government Regulation shall come into force from the date of its promulgation.

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 16 November 2005

PRESIDENT OF THE REPUBLIC OF INDONESIA,

signed

DR. H. SUSILO BAMBANG YUDHOYONO

Promulgated in Jakarta
on 16 November 2005

MINISTER OF LAW AND HUMAN RIGHTS
OF THE REPUBLIC OF INDONESIA,

signed

HAMID AWALUDIN

STATE GAZETTE OF THE REPUBLIC OF INDONESIA YEAR 2005
NUMBER 129

ELUCIDATION
OF
REGULATION OF GOVERNMENT OF THE REPUBLIC OF INDONESIA
NUMBER 52 OF 2005
ON
BROADCASTING OPERATIONS BY
SUBSCRIPTION-BASED BROADCASTING INSTITUTIONS

I. GENERAL PROVISIONS

The development of communications and information technology has led to an information society with greater demands for the rights to know and the rights to obtain information. Information has become a basic necessity for the community and has become an important commodity in the life of the community, nation, and state.

The development of communications and information technology has had implications for the world of broadcasting, including broadcasting in Indonesia. Broadcasting, which serves to channel information and shape public opinion, plays a strategic role, especially in the development of democracy in our country. Broadcasting has become one of the means of communications for the public, broadcasting institutions, business world, and the Government.

With the enactment and effectiveness of Law Number 32 of 2002 on Broadcasting on 28 December 2002, our broadcasting world has experienced significant changes. The growth of radio and television subscription broadcasts at central and regional levels will increase. It was made possible by permitting the subscription-based broadcasting operations through satellite, cable, and terrestrial systems to increase opportunities for public to do business in the broadcasting sector. This has been accommodated by Law Number 32 of 2002 on Broadcasting in Chapter III Part Seven on Subscription-based Broadcasting Institutions.

Subscription-based Broadcasting Institutions are commercial broadcasting institutions, in the form of Indonesian juristic persons, whose business is providing Subscription-based Broadcasting Services. Subscription-based Broadcasting Institutions are established with initial capital which are wholly owned by Indonesian citizens and/or Indonesian juristic persons.

Provisions on Subscription-based Broadcasting Institutions are mandated by Law Number 32 of 2002 on Broadcasting in Article 25, Article 26, Article 27, Article 28, Article 29, and other related articles. The form of laws and regulations

governing Subscription-based Broadcasting Institutions in accordance with the mandate of Law Number 32 of 2002 is Government Regulation. For this reason, according to Article 5 paragraph (2) of the 1945 Constitution of the Republic of Indonesia and in accordance with the Decision of the Constitutional Court on Case Number 005/PUU-1/2003 dated 28 July 2004, this Government Regulation was formulated by the Government and was coordinated by the Minister whose scope of duties and responsibilities are in the field of communications and informatics. The regulation comprises provisions in the field of broadcasting and radio frequency spectrum for the purposes of radio and television broadcasting, with material to be compiled relating to Subscription-based Broadcasting Institutions, namely general provisions, establishment and licensing, broadcasting operations, capital, restrictions on cross ownership, fundamental technical plan and technical requirements for broadcasting equipment, and administrative sanctions, as well as transitional provisions governing the Subscription-based Broadcasting Institutions that have been in operation before the enactment of this Government Regulation.

II. ARTICLE BY ARTICLE

Article 1

Self-explanatory.

Article 2

Paragraph (1)

Letter a

Self-explanatory.

Letter b

Self-explanatory.

Letter c

Terrestrial systems means broadcasting operations, including multipoint multichannel distribution system (MMDS), local point multichannel distribution system (LMDS), and scrambled terrestrial broadcasts.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Article 3

Paragraph (1)

Letter a

Self-explanatory.

Letter b
Self-explanatory.

Letter c
The business area shall be clearly stated in the deed of establishment of subscription-based broadcasting service.

Letter d
Self-explanatory.

Paragraph (2)
Self-explanatory.

Article 4

Paragraph (1)
Self-explanatory.

Paragraph (2)
Self-explanatory.

Paragraph (3)
Letter a
Self-explanatory.

Letter b
Number 1

Description of channel format means an explanation of the types of broadcasts distributed in every channel.

Number 2
Self-explanatory.

Number 3
Self-explanatory.

Letter c
Number 1
Self-explanatory.

Number 2
To avoid interference, it is discouraged to propose the location of special transmitter stations for Subscription-based Broadcasting Institutions through terrestrial systems, which include proximity to airports, intelligence facilities, and embassies of friendly countries.

Number 3
Technical specifications mean description of the capabilities of the equipment used either the main control equipment (master control), distribution, or transmission equipment. A block diagram is an image that shows the connection between one equipment and another equipment that forms a system.

Number 4

Contour diagram means an image of coverage of regions based on the contour of the land surface.

Article 5

Paragraph (1)

Self-explanatory.

Paragraph (2)

The Minister, in carrying out the examination of the complete administrative requirements and broadcasting technical data, may be assisted by the Regional Government and elements of the Central Government in the regions whose scope of duties and responsibilities are in the field of radio frequency.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Self-explanatory.

Paragraph (5)

Self-explanatory.

Paragraph (6)

Allocation and use of radio frequency spectrum are intended for Subscription-based Broadcasting Institutions through terrestrial systems.

Paragraph (7)

Self-explanatory.

Paragraph (8)

Self-explanatory.

Paragraph (9)

Self-explanatory.

Paragraph (10)

The decision to approve broadcasting license means the principle license for conducting broadcast trials.

Paragraph (11)

Self-explanatory.

Paragraph (12)

Self-explanatory.

Article 6

Exceeding the channels available in the master plan on radio frequency applies to Subscription-based Broadcasting Institutions through terrestrial systems.

Article 7

Paragraph (1)

If Subscription-based Broadcasting Institutions operate subscription-based television and radio broadcasts in one program package, a broadcast trial period of no more than 1 (one) year is mandatory.

Paragraph (2)

The management of frequency determination process applies only to Subscription-based Broadcasting Institutions through terrestrial systems.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Self-explanatory.

Paragraph (5)

Self-explanatory.

Paragraph (6)

Self-explanatory.

Paragraph (7)

Self-explanatory.

Paragraph (8)

Self-explanatory.

Paragraph (9)

Self-explanatory.

Paragraph (10)

Self-explanatory.

Paragraph (11)

Self-explanatory.

Article 8

Paragraph (1)

If Subscription-based Broadcasting Institutions comprise television and radio broadcasting services, the license is valid for a period of 10 (ten) years.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Letter a

This provision applies to Subscription-based Broadcasting Institutions through terrestrial systems in the event that they violate the use of the radio frequency spectrum and/or broadcast coverage area, and do not fulfill the obligation to pay frequency use rights fees in accordance with the

provisions of the prevailing laws and regulations. For subscription-based broadcasting through cables, the provision applies in the event of violation of broadcast coverage area.

Letter b

Without notification means the broadcasting institution does not report in writing to the KPI.

Letter c

Self-explanatory.

Letter d

Self-explanatory.

Letter e

Self-explanatory.

Paragraph (4)

Self-explanatory.

Paragraph (5)

Self-explanatory.

Article 9

Paragraph (1)

Self-explanatory.

Paragraph (2)

If Subscription-based Broadcasting Institutions comprise television and radio broadcasting services, the license is valid for a period of 10 (ten) years.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Self-explanatory.

Paragraph (5)

The Minister, in carrying out the examination of the complete administrative requirements and broadcasting technical data, may be assisted by the Regional Government and elements of the Central Government in the regions whose scope of duties and responsibilities are in the field of radio frequency.

Paragraph (6)

Self-explanatory.

Paragraph (7)

Self-explanatory.

Paragraph (8)

Self-explanatory.

Paragraph (9)

Self-explanatory.

Paragraph (10)
Self-explanatory.

Paragraph (11)
Self-explanatory.

Paragraph (12)
Self-explanatory.

Paragraph (13)
Self-explanatory.

Article 10

Paragraph (1)

The broadcasting operations license fee consists of principle fee of the operation of broadcasting to carry out broadcast testing and the fee of permanent broadcasting operations license. Payment of broadcasting operations license fee and frequency use rights fees (Subscription-based Broadcasting Institutions through terrestrial systems) and license renewal fees are non-tax state revenues (PNBP) and must be deposited to the state treasury. The applicant can receive a permanent broadcasting operation license or broadcasting operations license renewal after showing proof of payment for the license.

Paragraph (2)
Self-explanatory.

Article 11

Paragraph (1)

“First being reported to the Minister” applies in the evaluation of proposed changes in name, domicile, management structure, and the statute of Subscription-based Broadcasting Institutions before it is validated by the General Meeting of Shareholders (RUPS).

Paragraph (2)

Approval of the competent authority in accordance with the provisions of the prevailing laws and regulations, for example an approval to amend the statute of a limited liability company (LLC), is granted by the minister responsible for the legal fields.

Paragraph (3)

Changes in transmitter location only apply to Subscription-based Broadcasting Institutions through terrestrial systems.

Paragraph (4)

Frequency changes only apply to Subscription-based Broadcasting Institutions through terrestrial systems.

Paragraph (5)

Self-explanatory.

Paragraph (6)
Self-explanatory.

Paragraph (7)
Self-explanatory.

Article 12

Letter a

License is granted at the time of submission of the application for establishment or application for each addition to the broadcast program in each channel by taking into account the Guidelines for Broadcasting Behavior and Broadcast Program Standards.

Letter b

Self-explanatory.

Letter c

Self-explanatory.

Letter d

If 10% (ten percent) of capacity is a fractional number, the number is rounded up. For example, 10% (ten percent) for a capacity of 24 (twenty-four) channels means that there must be 3 (three) channels for domestic production broadcasts.

Article 13

Self-explanatory.

Article 14

Self-explanatory.

Article 15

Cooperation can be in the form of technical cooperation or other cooperation.

Article 16

If systems and networks have been available in a subscription broadcast service region, the operator of Subscription-based Broadcasting Institutions shall meet new customer requests.

Article 17

The installation of broadcast receiver and terminal devices is installed by installers who meet the requirements in order to ensure that the consumers obtain good quality broadcast reception.

Article 18

Paragraph (1)

Self-explanatory.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Certain groups include ethnicities, religions, races, and political, economic, and conflicting groups.

Paragraph (4)

Self-explanatory.

Paragraph (5)

Self-explanatory.

Paragraph (6)

Self-explanatory.

Article 19

Self-explanatory.

Article 20

“Selectively dubbed” means voiceover only intended for children and science programs. This provision is prioritized for broadcast programs in the form of recordings. Subscription-based Broadcasting Institutions for television broadcasting services shall provide Indonesian subtitle only for film programs.

Article 21

This obligation is intended to protect the intellectual property rights of the owner.

Article 22

Self-explanatory.

Article 23

Paragraph (1)

Storing of broadcast material is intended to anticipate the possibility of claims or objections from parties who feel disadvantaged caused by broadcasting of certain programs. Broadcast material that must be stored is that for the type of news broadcast or word broadcast program.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Article 24

Paragraph (1)

Self-explanatory.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Provisions on broadcast advertising are not applied to live broadcasts from abroad, such as cigarette commercials on live broadcasts from abroad.

Paragraph (4)

Special prices mean prices in the form of maximum discounts or free-of-charge that reflect the obligations of the intended broadcasting institution, which utilizes the public domain in the broadcasting operations.

Scattered time means the broadcasts are aired within the period between 05.00 and 22.00 local time so that the screenings are not aired at the same time.

Paragraph (5)

Domestic resources mean that the actors and background of advertising products are originated domestically.

Paragraph (6)

Self-explanatory.

Article 25

Paragraph (1)

Broadcasting additional services mean services in the form of data communications, multimedia, or other telecommunications in addition to the main services that can be received with or without enhancements on radio, television, or other receivers.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Article 26

The subscription fee is determined by the respective Subscription-based Broadcasting Institutions, based on their contract with the subscribers.

Article 27

Self-explanatory.

Article 28

Paragraph (1)

Self-explanatory.

Paragraph (2)

Replenishment and increase in the context of fulfilling capital originating from foreign capital mean an increase in deposited capital by foreign citizens and/or foreign juristic persons, including changes in ownership of foreign citizens and/or foreign juristic persons. The replenishment of foreign capital can be carried out after the broadcast trial period ends and permanent broadcasting operations license is obtained, no sooner than 6 (six) months for Subscription-based Broadcasting Institutions for radio broadcasting services and 1 (one) year for Subscription-based Broadcasting Institutions for television broadcasting services.

Paragraph (3)

This provision is intended to avoid direct or indirect control by foreign shareholders in Subscription-based Broadcasting Institutions by having more than 20% (twenty percent) share.

Paragraph (4)

Self-explanatory.

Paragraph (5)

Self-explanatory.

Article 29

Self-explanatory.

Article 30

Self-explanatory.

Article 31

Self-explanatory.

Article 32

Paragraph (1)

This provision is intended to supervise the share ownership of Subscription-based Broadcasting Institutions by foreign citizens and/or foreign juristic persons.

Paragraph (2)

Self-explanatory.

Article 33

Self-explanatory.

Article 34

Self-explanatory.

Article 35

The said print media mean daily newspapers. The said cross ownership means share ownership.

Article 36

Paragraph (1)

Fundamental technical plan of broadcasting means a guideline for broadcasting operations in order that the public can enjoy the decent quality of broadcast services, it can facilitate the operations of broadcasting institutions, and it can encourage the development broadcasting infrastructure that is reasonable, economical, as well as maintaining safety and security.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Related institutions mean government agencies and non-government agencies that are responsible and related to broadcasting.

Article 37

Paragraph (1)

The technical provisions contained in the radio frequency master plan apply to Subscription-based Broadcasting Institutions through terrestrial systems.

Paragraph (2)

Self-explanatory.

Article 38

Paragraph (1)

The application of national standards and technical requirements of transmission devices aim to:

- a. prevent mutual interference between broadcasting tools and equipment;
- b. protect the public from possible losses due to the use of broadcasting tools and equipment that are not in conformance with national standards and the technical requirements of transmission devices;
- c. stimulate industry, innovation, and broadcast technology engineering nationally.

Paragraph (2)
Self-explanatory.

Paragraph (3)
Self-explanatory.

Paragraph (4)
Self-explanatory.

Article 39
Self-explanatory.

Article 40
Self-explanatory.

Article 41
Self-explanatory.

Article 42
Self-explanatory.

Article 43
Self-explanatory.

Article 44
Self-explanatory.

Article 45
Self-explanatory.

Article 46
Self-explanatory.

Article 47
Self-explanatory.

Article 48
Self-explanatory.

Article 49
The particular stage in question includes, among others, clarification and evaluation carried out by the KPI.

Article 50
Self-explanatory.

Article 51
Self-explanatory.

Article 52
Self-explanatory.

Article 53
Self-explanatory.

Article 54
Self-explanatory.

Article 55
Self-explanatory.

Article 56
Self-explanatory.

Article 57
Self-explanatory.

Article 58
Self-explanatory.

Article 59
Self-explanatory.

Article 60
Self-explanatory.

Article 61
Self-explanatory.

Article 62
Self-explanatory.

Article 63
Self-explanatory.

Article 64
Self-explanatory.

Article 65

Self-explanatory.

Article 66

Paragraph (1)

Reporting is intended for data administration.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Article 67

Self-explanatory.

Article 68

Self-explanatory.

SUPPLEMENT TO STATE GAZETTE OF THE REPUBLIC OF INDONESIA
NUMBER 4568.

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