



**DEPARTMENT OF COMMUNICATIONS
DIRECTORATE GENERAL OF POST AND ELECOMMUNICATIONS**

**GOVERNMENT REGULATION NO.52 OF 2000
REGARDING TELECOMMUNICATIONS OPERATION**

**NUMBER OF REGULATION : GR NO. 52 OF 2000
DATE OF STIPULATED : 11 JULY 2000**

**ISSUED BY :
DIRECTORATE GENERAL OF POST AND
TELECOMMUNICATIONS
Jl. Medan Merdeka Barat No. 17
JAKARTA PUSAT 10110**

GOVERNMENT REGULATION OF THE REPUBLIC OF INDONESIA

NUMBER 52 YEAR 2000

CONCERNING

TELECOMMUNICATIONS OPERATION

THE PRESIDENT OF REPUBLIC OF INDONESIA

Considering : That in the framework of implementing the provisions on the operation of telecommunications as governed in Law No. 36/1999 on Telecommunications, it is deemed necessary to stipulate a Government Regulation on Telecommunications Operation;

Recognizing : 1. Article 5 paragraph 2 of the Constitution of 1945;
2. The law No. 36/1999 on Telecommunications (Statute Book No. 154/1999. Supplement to Statute Book No. 3881);

RESOLVES:

To stipulate : GOVERNMENT REGULATION ON TELECOMMUNICATIONS OPERATION.

**CHAPTER I
GENERAL PROVISIONS**

Article 1

In this Government Regulation referred to as:

1. Telecommunications is any transmission, emission and/or reception of signs, signals, writings, images and sounds or intelligence of any nature by wire, *radio*, optical or other electromagnetic systems;
2. Telecommunications device is any devices and/or instrument used to provide telecommunications;
3. Telecommunications equipment is a group of telecommunications devices which enables one to conduct telecommunications;

4. Radio transmitter is a telecommunications device that uses and transmits radio waves;
5. Telecommunications network is a series of telecommunications equipment and peripherals used in telecommunications;
6. Telecommunications services are the provision of telecommunications to meet the telecommunications needs using telecommunications network;
7. Telecommunications operator is an individual, cooperative, regional-owned business enterprise (BUMD), state-owned business enterprise (BUMN), private enterprises, government agency, and state defense and security agency;
8. Telecommunications operation is the activity of providing and telecommunications services to enable the operation of telecommunications;
9. Telecommunications network operation is the activity of providing and/or extending telecommunications networks to enable the operation of telecommunications;
10. Telecommunications service operation is the activity of providing and/or extending telecommunications services to enable the operation of telecommunications;
11. Special telecommunications operation is the operation of telecommunications which by its nature, allocation and operation is special;
12. Interconnection is the connection among telecommunications networks of various telecommunications network operators;
13. The universal service obligation is the obligation which is compulsory to the telecommunications network and or telecommunication service operators to meet the accessibility for regions or communities which have not been accessible by the operation of the networks and or services of telecommunications;
14. The Minister shall be the Minister whose scope of duties and responsibilities are in the area of telecommunications.

CHAPTER II

OPERATION OF TELECOMMUNICATIONS NETWORKS AND SERVICES

First Part Operation of Telecommunications

Article 2

The operation of telecommunications is conducted by telecommunications operators.

Article 3

The operation of telecommunications as referred to in Article 2 includes:

- a. operation of telecommunication networks;
- b. operation of telecommunication services;
- c. operation of special telecommunications;

Article 4

The operation of telecommunication networks and/or the operation of telecommunication services as referred to in Article 3 letters a and b can be carried out by legal entities set up for the purposes based on the existing regulations, namely:

- a. State Enterprises (BUMN);
- b. Regional Administration Enterprises (BUMD);
- c. Private Business Enterprises; or
- d. Cooperatives.

Article 5

The special telecommunication operation as referred to in Article 3 letter c can be conducted by:

- a. individuals;
- b. government agencies; or
- c. legal entities other than telecommunications network operators and/or telecommunication service operators.

Second Part

Telecommunication Network Operation

Article 6

- (1) In the telecommunication network operation as referred to in Article 3 letter a, the telecommunication network operators shall deploy and/or provide telecommunications network.
- (2) The telecommunication network operators in developing the telecommunications networks shall meet the provisions of the prevailing regulations.
- (3) In developing and providing the telecommunications networks as referred to in paragraph 1, the telecommunication network operators shall follow technical provisions in the Fundamental Technical Plan.
- (4) The provisions on the Fundamental Technical Plan as referred to in paragraph 3 are governed by a Decree of the Minister.

Article 7

The telecommunication network operators shall ensure the operation of of telecommunications through its own networks.

Article 8

- (1) The telecommunication network operators can operate the telecommunications services through the networks owned and provided.
- (2) The provision of the telecommunications services as referred to in paragraph 1 shall be the business activity which is separated from the operation of networks already undertaken.
- (3) To provide the services as referred to in paragraph 2, the operators of telecommunication networks shall obtain license to telecommunications service operation from the Minister.

Article 9

- (1) The operation of telecommunication networks consists of:
 - a. fixed network operation;
 - b. mobile network operation;
- (2) The operation of fixed networks consist of:
 - a. the operation of fixed local networks;
 - b. the operation of fixed local networks for long distances direct dial;
 - c. the operation of fixed local networks for international direct dial;
 - d. the operation of closed-user group fixed local networks.
- (3) The operation of mobile networks consists of:
 - a. the operation of terrestrial mobile networks;
 - b. the operation of cellular mobile networks;
 - c. the operation of satellite mobile networks;
- (4) The provision on the procedure for telecommunication network operation as referred to in paragraph (1) shall be governed by the Decree of the Minister.

Article 10

- (1) The fixed local network operator or the cellular mobile network operator or the satellite mobile network operator shall provide basic telephony services.
- (2) The fixed local network operator in providing basic telephone services shall offer public telephone service.
- (3) The fixed local network operator in providing public telephone services may cooperate with the third party.

Article 11

- (1) The telecommunications network operator in providing telecommunications networks may cooperate with the foreign telecommunications network operator in accordance with the operation license.
- (2) The cooperation as referred to in paragraph 1 is contained in a written agreement.

Article 12

The telecommunications network operator shall meet any request from the would-be telecommunications network customer which/who has met the requirements for subscription to the telecommunications network as long as the telecommunications networks are available.

Third Part Telecommunications Service Operation

Article 13

In the telecommunications service operation as referred to in Article 3 letter b, the telecommunications service operator uses the telecommunications networks owned by the telecommunications network operator.

Article 14

- (1) The telecommunications service operation consists of:
 - a. basic telephone service operation;
 - b. telephone value added service operation;
 - c. multimedia service operation.
- (2) The provisions on the procedures for the telecommunications service operation as referred to in paragraph 1 shall be governed by the Decree of the Minister.

Article 15

- (1) The telecommunications service operator shall provide telecommunications facilities to guarantee the good quality of execution of telecommunications services.
- (2) The telecommunications service operator shall provide the same services for the telecommunications service user.
- (3) In providing the telecommunications facilities as referred to in paragraph 1, the telecommunications service operator shall follow technical provisions in the Fundamental Technical Plan.
- (4) The provisions on the Fundamental Technical Plan as referred to in paragraph 3 are governed by a Decree of the Minister.

Article 16

- (1) The telecommunications service operator shall record in detail the use of telecommunications services by the telecommunications user.
- (2) If the user requires records on the use of telecommunications services as referred to in paragraph 1, the telecommunications operator shall make them available.

Article 17

- (1) The records as referred to in Article 16 shall be kept at least for a period of 3 (three) months.
- (2) The telecommunications service operator has the right to collect fees for the request for the records on the use of telecommunications services.

Article 18

- (1) The telecommunications service subscriber may provide himself with the access equipment and the terminal equipment of the telecommunications service customer.
- (2) The access equipment installation at home and or at building can be carried out by qualified installers.

Article 19

The telecommunications service operator shall fulfill any request from the telecommunications customer applicant who has met the requirements for subscription to the telecommunications service provided that the service access of telecommunications is available.

Fourth Part Interconnection of Telecommunications Network Operation

Article 20

- (1) Any telecommunications network operator shall ensure the availability of interconnection.
- (2) The interconnection between telecommunications networks is performed at the point of interconnection.
- (3) The implementation of the interconnection by telecommunications network operators is provided on the basis of the request from other telecommunications network operators.

Article 21

- (1) Telecommunications network operators shall not cause any discrimination in providing interconnection.
- (2) In the implementation of the interconnection, telecommunications network operators shall provide services in accordance with the service level agreed upon.

Article 22

- (1) The interconnection consensus between telecommunications network operators shall not harm one another and shall be contained in a written agreement.
- (2) In the case that an agreement is not reached or a dispute arises between telecommunications network operators in implementing the interconnection, the parties can request to the Minister for its settlement.
- (3) The attempt of settlement by the Minister as referred to in paragraph 2 shall not reduce the rights of the parties to perform any legal efforts in accordance with the prevailing regulations.

Article 23

- (1) In the telecommunications service operation through 2 (two) network operators or more, the cost of interconnection is imposed.
- (2) The cost of interconnection as referred to in paragraph 1 is set on the basis of transparent, mutually agreed and fair calculation.
- (3) The cost of interconnection is imposed on the originating telecommunications network operator.
- (4) If there are differences in the calculation of the cost for the use of interconnection as referred to in paragraph 3, telecommunications network operators can make legal settlement efforts through the court or out of court.

Article 24

The connectivity of the equipment belonged to a telecommunications service operator to the telecommunication network shall be carried out in a transparent and non-discriminative way.

Article 25

- (1) In the case that the telecommunications network operator does not have direct connection with the telecommunications networks in the destination areas in Indonesia and/or foreign countries, the telecommunications network operator shall route its traffic through existing telecommunications networks operators.
- (2) The telecommunications network operator, whose network used to route the traffic in subject, has the right to obtain the part interconnection fee, which its amount shall be previously agreed.
- (3) The routing obligation as referred to in paragraph 1 shall also be applied in the case that the direct route capacity owned by the telecommunications network operator is insufficient.

- (4) The telecommunications network operator shall distribute the surplus of the traffic from one operator to any other network operators.

Fifth Part Universal Service Obligation

Article 26

- (1) The telecommunications network operator and the telecommunications service operator are subjected to the contribution of the universal service obligation.
- (2) The universal service obligation contribution as referred to in paragraph 1 takes the following forms:
 - a. provision of networks and or telecommunications services;
 - b. contribution in the form of an interconnection cost component; or
 - c. other contributions.

Article 27

For the implementation of the universal service obligation, the Minister stipulates:

- a. certain areas as universal service areas;
- b. the total capacity of networks in each universal service area;
- c. the type of telecommunication services which shall be provided by the telecommunications service operator in each universal service area.
- d. The telecommunications network operator appointed to provide telecommunications networks in the universal service area.

Article 28

- (1) The obligation to build and operate networks in the universal service area is charged to the local regular network operator.
- (2) The contribution of the universal service obligation is charged to other network operators channeling the traffic to the local regular network operator.
- (3) The contribution of the universal service obligation as referred to in paragraph 2 is made in the form of payment of the component of the interconnection cost received by the local regular network operator.
- (4) Other contributions of the universal network obligation are charged to network operators other than those referred to in paragraphs 1 and 2 and to other service operators.

Article 29

- (1) Any network operator and or telecommunications service operator shall carry out the recording of income from the result of the universal service obligation contribution originated from the interconnection income.
- (2) The recording as referred to in paragraph 1 shall be reported periodically to the Minister.

Article 30

The provision on the amount of the universal service obligation contribution and the procedure for the implementation of the universal service obligation contribution are stipulated by a Decree of the Minister.

Article 31

The Minister exercises supervision and control in the implementation of the universal service obligation.

Sixth Part Operation Right Fee (BHP) of Telecommunications

Article 32

- (1) Any telecommunications network operator and or telecommunications service operator shall contribute a payment of the BHP of Telecommunications.
- (2) The tariff of the BHP of Telecommunications as referred to in paragraph 1 is stipulated by a separate Government Regulation.

Article 33

Any network operator or telecommunications service operator which is fail or late in paying the BHP of Telecommunications is subjected to sanctions in accordance with the prevailing regulations.

Seventh Part Tariffs of Telecommunications Operation

Article 34

- (1) The tariffs of the telecommunications operation consist of the tariff of telecommunications network operation and the tariff of telecommunications service operation.
- (2) The tariffs of the telecommunications operation consist of the types and structures of tariffs.

Article 35

- (1) The types of tariffs of telecommunications network operation consist of:
 - a. tariff of lease of networks;
 - b. cost of interconnection.

- (2) The types of tariffs of telecommunications service operation channeled through the regular networks consist of:
 - a. tariff of local line basic telephone service, long distance direct line (SLJJ), international direct line (SLI);
 - b. tariff of telephone value added services;
 - c. tariff of multimedia services.
- (3) The types of tariffs of telecommunications operation channeled through the mobile networks consist of:
 - a. air-time tariff;
 - b. exploration/searching tariff;
 - c. tariff of multimedia services.

Article 36

- (1) The structure of tariffs of telecommunications network operation consists of:
 - a. cost of access;
 - b. cost of use;
 - c. cost of the universal service contribution.
- (2) The structure of tariffs of telecommunication services operation consists of:
 - a. cost of activation;
 - b. cost of monthly subscription;
 - c. cost of use;
 - d. cost of additional facilities.

Article 37

- (1) The amounts of the tariffs are set based on formulas.
- (2) The stipulation of the formulas on the tariff calculation as referred to in paragraph 1 is based on costs.
- (3) The provision on the tariff formulas as referred to in paragraph 1 is governed by a Decree of the Minister.

CHAPTER III SPECIAL TELECOMMUNICATIONS OPERATION

First Part - General

Article 38

- The special telecommunications operation is conducted for the following purposes:
- a. own purposes;
 - b. state defense and security;
 - c. broadcasting.

Second Part

Special Telecommunications Operation For Own Purposes

Article 39

The special telecommunications operation for own purposes as referred to in Article 38 letter a, is conducted for the following purposes:

individuals;

- a. government agencies;
- b. special service offices;
- c. legal entities.

Article 40

The special telecommunications operation for own purposes as referred to in Article 39 letter a consists of:

- a. amateur radio;
- b. radio communications among citizens.

Article 41

- (1) The activity of amateur radio as referred to in Article 40 letter a is conducted to have communications with each other concerning knowledge, technical examination and information related to the technical aspects of radio and electronics.
- (2) The activity of amateur radio can serve to convey news on dangers, natural disasters, search and rescue (SAR).

Article 42

- (1) The activity of radio communications among citizens as referred to in Article 40 letter b conducted to communicate with one another concerning social activities.
- (2) The activity of radio communications among citizens can serve to convey news on dangers, natural disasters, search and rescue (SAR).

Article 43

- (1) The special telecommunications operation for the purpose of government agencies as referred to in Article 39 letter b is conducted by the government agencies to support the activity of government administration.

- (2) The special telecommunications operation for the purpose of government agencies may be conducted, if:
 - a. the purposes cannot be met by network operators and or telecommunications service operators;
 - b. the location of activity cannot yet be reached by network operators and or telecommunications service operators; and or
 - c. the activity needs separate and isolated telecommunications networks.

Article 44

The special telecommunications operation for special service offices referred to in Article 39 letter c shall be carried out by government agencies support the activities of relevant service offices.

Article 45

- (1) The special telecommunication operation for legal entities as referred to in Article 39 letter d is conducted by legal entities to support their activities and or business.
- (2) The special telecommunications operation for legal entities can be conducted, if:
 - a. their purpose cannot be met by network operators and or telecommunications service operators;
 - b. the location of the activity cannot yet be reached by network operators and or telecommunications service operators; and or
 - c. i activity needs separate and isolated telecommunications networks.

Article 46

- (1) In the case that the telecommunications network and or telecommunications service operators have not been able to provide the access in certain areas, the special telecommunications operator as referred to in Article 38 letter a can operate telecommunications networks and or provide telecommunications service with the license from the Minister.
- (2) The special telecommunications operator operating the telecommunications networks and or providing telecommunications services as referred to in paragraph 1 shall follow the provisions on the telecommunications network operation and or telecommunications service operation.
- (3) In the case that the telecommunications network and or telecommunications service operators have been able to provide the access in areas as referred to in paragraph 1, the special telecommunications operator concerned can still carry on the telecommunications services and telecommunications networks.

Third Part
Special Telecommunications Operation For Purposes
Of State Defense and Security

Article 47

- (1) The special telecommunications operation for the purpose of state defense and security as referred to in Article 38 letter b is the telecommunications operation, the nature, form and use of which are specially designated for the purpose of state defense and security conducted by the Ministry of Defense, Indonesian Military Force, and Police Force of the Republic of Indonesia.
- (2) The provisions on the procedure for the special telecommunications operation for the purpose of state defense are governed by a Decree of the Minister who is responsible for defense.
- (3) The provisions on the procedures for the special telecommunication operation for the purpose of state security are governed by a Decree of the Chief of the Police Force of the Republic of Indonesia.

Article 48

- (1) The promotion of the special telecommunications operation for the purpose of state defense is conducted by the Minister who is responsible for the defense.
- (2) The promotion of the special telecommunications operation for the purpose of state security is conducted by the Chief of the Police Force of the Republic of Indonesia.

Article 49

- (1) In the condition that the telecommunications networks operated by the special telecommunications operator for the purpose of state defense have not yet been able or are not able to support the state defense, the special telecommunications operation for the purpose of state defense can use or utilize the other special telecommunications operations.
- (2) In the condition that the telecommunications networks operated by the special telecommunications operator for the purpose of state security have not yet been able or are not able to support state security, the special telecommunications operator for the purpose or the state security can use or utilize the other special telecommunications operations.
- (3) In using and utilizing the network and or telecommunications services owned by other telecommunications network operators and or telecommunications service operators, the special telecommunications operator for the purpose of state defense shall follow the provisions on the use of networks and or telecommunications services which are valid.

- (4) In using and utilizing the networks and or telecommunications services owned other by telecommunications network operators and or telecommunications service operators, the special telecommunications operator for the purpose of state security shall follow the provisions on the use of networks and or telecommunications services which are valid.
- (5) Further provisions on procedures for the use and utilization as referred to in paragraph 1 are jointly stipulated by the Minister and the Minister who is responsible for defense.
- (6) Further provisions on the procedures for use and utilization as referred to in paragraph 2 are jointly stipulated by the Minister and the Chief of the Police Force of the Republic of Indonesia.

Article 50

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

- a. operate telecommunications beyond its license and allocations;
- b. connect or make interconnection with other telecommunications networks; and
- c. collect fees in whatever forms for the use and or operation, except for special telecommunications which relate to the ratified international agreements.

Fourth Part Special Telecommunications Operation for Broadcasting Purposes

Article 51

The special telecommunications operation for broadcasting purposes as referred to in Article 38 letter c is the telecommunications operation, the nature, form and use of which are specially designated for broadcasting purposes.

Article 52

The special telecommunications operation for broadcasting purposes is conducted by the broadcasting operator to meet broadcasting needs.

Article 53

- (1) The special telecommunications operator for broadcasting purposes shall build its own networks as broadcasting and transmission facilities for the broadcasting purposes.
- (2) The special telecommunications operator for broadcasting purposes as referred to in paragraph 1 shall not lease the networks to the other telecommunications operators.

Article 54

- (1) The special Telecommunications Networks for broadcasting purposes can be connected to other telecommunications networks as long as they are specially used for the broadcasting purposes.
- (2) In the case that the special telecommunications networks for broadcasting purposes are connected to the telecommunications networks owned by the other telecommunications network operators as referred to in paragraph 1, the special telecommunications operator for broadcasting purposes shall follow the provisions on the use of telecommunications networks and or telecommunications services.

CHAPTER IV LICENSING

Article 55

- (1) In order to operate telecommunications, licenses are granted by stages, namely the principle license and the operation license.
- (2) The operation of special telecommunications for individuals and special service offices does not need the principle license.
- (3) The operation of special telecommunications for the state defense and security does not need the principle license and the operation license.

Article 56

- (1) The principle license as referred to in Article 55 paragraph 1 is granted maximally for 3 (three) years and it can be extended.
- (2) The extension of the principle license as referred to in paragraph 1 is granted once in 1 (one) year.
- (3) The principle license cannot be transferred.

Article 57

- (1) For the operation of telecommunications networks or telecommunications services, the applicant shall submit the application in writing to the Minister.
- (2) In submitting the application as referred to in paragraph 1, the applicant shall meet the following requirements:
 - a. in the form of Indonesian legal body dealing with telecommunications;
 - b. having funding resources and human resources in the area of telecommunications.
- (3) The procedures for submitting the application as referred to in paragraph 1 are stipulated by a Decree of the Minister.

Article 58

- (1) The Minister announces the business opportunities to operate telecommunications networks and or telecommunications services to the public openly.
- (2) The announcement as referred to in paragraph 1 contains at least:
 - a. types of operation;
 - b. number of operators;
 - c. locations and coverage of operation;
 - d. requirements and procedures for application;
 - e. place and time for submitting the application;
 - f. costs which shall be paid;
 - g. criteria for selection and evaluation for stipulating the would-be telecommunications operator.
- (3) The licenses for operation of telecommunications networks and or telecommunications services are granted through evaluation or selection.
- (4) The requirements for application as referred to in paragraph 2 letter d consist of at least:
 - a. profile of the company;
 - b. plan for setting up the networks or services;
 - c. business plan.
- (5) The provisions on the procedures for the evaluation or selection as referred to in paragraph 3 are stipulated by a Decree of the Minister.

Article 59

For the operation of special telecommunications, the applicant shall submit the application in writing to the Minister.

Article 60

- (1) In submitting the application for special telecommunications for the purpose of broadcasting, the applicant shall meet the following requirements:
 - a. in the form of Indonesian legal body dealing with broadcasting;
 - b. having funding resources and human resources in the area of broadcasting.
- (2) The provisions on the procedures for submitting the application as referred to in paragraph 1 are stipulated by a Decree of the Minister.

Article 61

- (1) To meet the need for the operation of special telecommunications for broadcasting purposes, the Minister announces the business opportunities to in operate of special telecommunications for broadcasting purposes to the public openly.
- (2) The announcement as referred to in paragraph 1 contains at least:
 - a. number of operators;
 - b. locations and coverage of operation;
 - c. requirements and procedures for application;
 - d. place and time for submitting the application;
 - e. costs which shall be paid;
 - f. criteria for selection to determine the would-be telecommunications operator.
- (3) The special telecommunications operation license for broadcasting purposes is granted through selection.
- (4) The provisions on the procedures for selection as referred to in paragraph 3 are stipulated by a Decree of the Minister.

Article 62

- (1) The Licenses for operation of special telecommunications for individual are called the amateur radio license and the inter-citizen radio communications license.
- (2) The license for operation of special telecommunications for special service offices is called the radio station license.

Article 63

The license for the operation of special telecommunications for one's own need by legal body using the limited band radio communications system and the point-to-point radio communications system is called the radio station license.

Article 64

- (1) Within a maximal period of 60 (sixty) work days as from the receipt of the application in full, the Minister shall make the decision on granting or rejecting the principle license.
- (2) If within the period of 60 (sixty) work days the Minister does not make the decision on rejecting or granting the license, the application for the principle license is considered accepted.

Article 65

- (1) The holder of the principle license shall submit the application for operations feasibility test for the facility and infrastructure which have been built to the institution authorized to conduct the operation feasibility test.
- (2) The provisions on the procedures for the operation feasibility test as referred to in paragraph 1 are stipulated by a Decree of the Minister.

Article 66

The Minister issues the telecommunications operation license after the facility and infrastructure built are declared feasible for operation.

Article 67

- (1) The telecommunications operation license of telecommunications is granted without time limit and evaluation is conducted once in 5 (five) years.
- (2) The Minister imposes an administrative sanction on the result of the evaluation which no longer meets the requirements in accordance with the license granted.
- (3) The provisions on the procedures for the evaluation as referred to in paragraph 1 are stipulated by a Decree of the Minister.

CHAPTER V COMPENSATION

Article 68

- (1) For the errors and or carelessness of telecommunications operators which create losses, the harmed parties have the right to submit compensation claims to the telecommunications operators.
- (2) The telecommunications operators shall give the compensation as referred to in paragraph 1, unless the telecommunications operators can prove that the losses are not created by their errors or carelessness.
- (3) The compensation as referred to in paragraph 1 is limited to the direct losses created by the errors and or carelessness of the telecommunications operators.

Article 69

- (1) The settlement of the compensation as referred to in Article 68 can be conducted through the process of court or out of court.
- (2) The procedures for submitting claims and settling the compensation as referred to in paragraph 1 are in accordance with the existing regulations.

Article 70

- (1) The telecommunications network operator has the right to the compensation resulted from the transfer of or change in the telecommunications networks due to the activities or at the request of the relevant agency/ministry/institution or other parties.
- (2) The amount of the compensation as referred to in paragraph 1 is set by taking into account the losses caused by the discontinuation of the activity of operation of telecommunications services the telecommunication networks and on the basis of the agreement of the parties concerned.

- (3) The cost as referred to in paragraph 1 becomes the burden and responsibility of the relevant agency/ministry/institution or other parties which carry out activities or want the transfer or the change in telecommunications networks.

CHAPTER VI TECHNICAL REQUIREMENTS FOR TELECOMMUNICATIONS DEVICES AND EQUIPMENT

Article 71

- (1) All telecommunications devices and equipment made, assembled, imported for trade and or used in the territory of the Republic of Indonesia shall meet technical requirements.
- (2) The technical requirements for the telecommunications devices and equipment as referred to in paragraph 1 cover the technical requirements for telecommunications devices and equipment for the purposes of telecommunications network operation, telecommunications service operation and special telecommunications operation.

Article 72

The technical requirements as referred to in Article 71 are intended:

- a. to ensure interconnectivity in the telecommunications network;
- b. to prevent any disturbances between the telecommunications devices and equipment sets;
- c. to protect the public from possible losses caused by the use of the telecommunications devices and equipment;
- d. to encourage the development of industry, innovation and technological engineering of national telecommunications.

Article 73

- (1) The Minister determines the technical requirements for the telecommunications devices and equipment which have not possessed the Indonesian national standard after having taken into account the considerations of the related parties and agencies.
- (2) The technical requirements for the telecommunications devices and equipment as referred to in paragraph 1 are formulated on the basis of:
 - a. the adoption of the international standard or the regional standard;
 - b. the adaptation of the international standard or the regional standard; or
 - c. the result of the development of industry, innovation and technological engineering of national telecommunications.
- (3) The technical requirements which have been determined as referred to in paragraph 1 can be proposed to become the Indonesian National Standard.

Article 74

- (1) The Minister issues certificates for the types of telecommunications devices and equipment which have met technical requirements and been based on test results.
- (2) The test of the telecommunications devices and equipment as referred to in paragraph 1 is conducted by the test centers which have been accredited by the authorized institution and stipulated by the Minister.
- (3) The Minister can appoint the test centers which have been accredited to issue the certificates.
- (4) The technical requirements for the telecommunications devices and equipment as referred to in Article 73 paragraph 1 are not valid for the telecommunications devices and equipment which have possessed the international standard.
- (5) The provisions on the procedures for the requirements for the issuance of certificates and the test as referred to in paragraphs 1 and 2 and the period of validity for the certificates are stipulated by a Decree of the Minister.

Article 75

- (1) The Minister can make mutual recognition of the application of the technical requirements for telecommunications devices and equipment with other countries.
- (2) The mutual recognition as referred to in paragraph 1 follows the existing provision.

Article 76

- (1) In applying the technical requirements for telecommunications devices and equipment, certificate fees are imposed.
- (2) The certificate fees for the telecommunications devices and equipment as referred to in paragraph 1 are stipulated by a Government Regulation.

Article 77

- (1) The telecommunications devices and equipment which have obtained the certificates are obliged to be given labels.
- (2) The provisions on the labels of the telecommunications devices and equipment as referred to in paragraph 1 are stipulated by a Decree of the Minister.

CHAPTER VII

SAFEGUARDING AND PROTECTING TELECOMMUNICATIONS OPERATION

Article 78

The types of disturbances of telecommunications consist of:

- a. physical disturbances, namely the physical disturbances to telecommunications networks, facilities and infrastructures which result in disturbances telecommunications operation;
- b. electromagnetic harmful interferences, namely the electromagnetic interferences on the telecommunications networks and or facilities and infrastructures which result in disturbances to telecommunications operation.

Article 79

The safeguarding and protection of the operation of telecommunications are conducted to safeguard and protect telecommunications facilities and infrastructure, telecommunications networks, human resources and information.

Article 80

- (1) The telecommunications network operator and the special telecommunications operator shall prepare map and or drawings of the telecommunications networks used.
- (2) The map and or drawings of the telecommunications networks as referred to in paragraph 1 shall be disseminated to the related agencies.

Article 81

- (1) The telecommunications network operator and the special telecommunications operator shall install signs showing the existence of the telecommunications networks.
- (2) The provisions on the signs as referred to in paragraph 1 are stipulated by a Decree of the Minister.

Article 82

All telecommunications networks, facilities and infrastructures of telecommunications shall be equipped with safeguarding and protecting facilities in order to be prevented from telecommunications disturbances.

Article 83

Telecommunications operators shall install early detection equipment, monitoring equipment and the equipment which prevents telecommunications operation disturbances.

Article 84

1. The government agency which has the authority to issue the license to construct buildings, installations and or other infrastructures shall take into account the maps and or drawings of telecommunications networks.
2. The party which carries out the construction based on the license as referred to in paragraph 1 shall avoid the emergence of telecommunications operation disturbances.

Article 85

Anyone who works within the telecommunications operation environment shall safeguard and protect the facilities and infrastructures of telecommunications and the information delivered through the telecommunications networks.

Article 86

Telecommunications operators shall provide, educate and train the personnel who are in charge of and responsible for the safeguarding and protection of the telecommunications facilities and infrastructures.

Article 87

For the purpose of criminal trials process, the telecommunications service operator can record the information which is sent and or received by the telecommunications service operator and can provide the information needed at:

- a. the written request of the Attorney General and or the Chief of the Police Force of the Republic of Indonesia for certain criminal acts;
- b. the request of the investigator for certain criminal acts in accordance with the existing regulations.

Article 88

The request for recording the information as referred to in Article 87 is conveyed in writing and by legal means to the telecommunications service operator with the copy sent to the Minister.

Article 89

- (1) The written request for the recording of the information as referred to in Article 88 contains at least:
 - a. the object recorded;
 - b. the period of recording; and
 - c. the period of reporting the result of the recording.
- (2) The telecommunications service operator shall meet the request for recording the information as referred to in paragraph 1 at the latest within 1 x 24 hours as from the date of request receipt.

- (3) In the case that the recording is not enable technically, the telecommunications service operator as referred to in paragraph 2 shall notify the Attorney General, the Chief of the Police Force of the Republic of Indonesia and or the investigator.
- (4) The notification as referred to in paragraph e is conveyed at the latest within 6 (six) hours after the receipt of the request as referred to in paragraph 1.
- (5) The result of the information recording as referred to in paragraph 2 is conveyed confidentially to the Attorney General and or the Chief of the Police Force of the Republic of Indonesia and or the Investigator.

CHAPTER VIII PUBLIC PARTICIPATION IN TELECOMMUNICATIONS

Article 90

- (1) In order to involve public participation, a public participation institution is set up in the area of telecommunications.
- (2) The institution as referred to in paragraph 1 is set up on the basis of the consensus among telecommunications industrialists.
- (3) The establishment of the institution as referred to in paragraph 2 is reported to the Minister.

Article 91

- (1) The members of the public participation institution come from telecommunications industrialists players consisting of:
 - a. association in the area of telecommunications business;
 - b. association of telecommunications professionals;
 - c. association of telecommunications equipment manufacturers;
 - d. association of telecommunications network and telecommunications service users; and
 - e. intellectual society in the area of telecommunications;
- (2) The board of the public participation institution is 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 is inaugurated by the Minister.
- (4) The inauguration as referred to in paragraph 3 is conducted after taking into account the Statutes/Internal Rules of the public participation institution.

Article 92

- (1) The public participation institution in the area of telecommunications has the duty of conveying thoughts and views developing in the public concerning the direction of telecommunications development for policy making, regulation, control and supervision in the area of telecommunications.

- (2) The thoughts and views as referred to in paragraph 1 are conveyed in writing to the government either requested or not requested.
- (3) The government shall carefully consider the thoughts and views as referred to in paragraph 2.

Article 93

The public participation institution in the area of telecommunications has the following functions:

- a. to collect opinions, thoughts and views from the public concerning the telecommunications development;
- b. to study and formulate the opinions which are developing in the public as policy and or regulation proposal material relating to the promotion, regulation and operation of telecommunications.

Article 94

- (1) The public participation institution in the area of telecommunications in carrying out its activities is funded in a self-supporting way.
- (2) The public participation institution in the area of telecommunications obtains finance from legal sources.

CHAPTER IX SANCTION

Article 95

- (1) Violations of Articles 6, 7, 8 paragraph 3, Article 10 paragraph 2, Article 12, 15, 16, 19, Article 20 paragraph 1, Article 21, Article 25 paragraph 1, paragraph 3, paragraph 4, Article 26 paragraph 1, Article 28, 29, Article 32 paragraph 1, Article 46 paragraph 2, Article 49 paragraph 3, paragraph 4, Article 50, 53, 54, 57, 60, Article 65 paragraph 1 are subjected to the administrative sanction in the form of revocation of licenses.
- (2) The revocation of licenses as referred to in paragraph 1 is conducted after having been given three written warnings at a stretch, each of which lasts for 7 (seven) work days.

CHAPTER X

TRANSITIONAL PROVISION

Article 96

At the time this Government Regulation is enacted, all implementing regulations of the Government Regulation No.37/1991 on Protecting and Safeguarding the Operation of Telecommunications and the Government Regulation No.8/1993 on Operation of Telecommunications, are still valid as long as they are not against or have not been replaced yet by a new regulation based on this Government Regulation.

CHAPTER XI CLOSING PROVISION

Article 97

With the enactment of this Government Regulation:

- a. Government Regulation No.21/1967 on Amateur Radio in Indonesia (Statute Book No.35/1967, Supplement to Statute Book No.2843) jo Government Regulation No.20/1980 on Amendment and Addition to Government Regulation No.21/1967 on Amateur Radio in Indonesia (Statute book No.30/1980);
- b. Government Regulation No.55/1970 on Non Governmental Broadcasting Radio (Statute Book No.75/1970, Supplement to Statute Book No.2952);
- c. Government Regulation No.37/1991 on Protecting and Safeguarding Telecommunications Operation (Statute Book No.46/1991, Supplement to Statute Book No.3446);
- d. Government Regulation No.4/1992 on Telecommunications Operation for State Defense and Security (Statute Book No.10/1992, Supplement to Statute Book No.3466);
- e. Government Regulation No.8/1993 on Telecommunications Operation (Statute book No.12/1993, Supplement to Statute Book No.3514), are declared void.

Article 98

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

For public recognition, this Government Regulation shall be placed in Statute Book of the Republic of Indonesia.

Stipulated in Jakarta
on July 11, 2000

THE PRESIDENT OF
THE REPUBLIC OF INDONESIA

sgd.

ABDURRAHMAN WAHID

Promulgated in Jakarta
on July 11, 2000

SECRETARY

sgd

DJOHAN EFFENDI

STATUTE BOOK OF THE REPUBLIC OF INDONESIA NO.107/2000

**ELUCIDATION
ON GOVERNMENT REGULATION NO.52/2000
ON TELECOMMUNICATIONS OPERATION**

GENERAL

The operation of telecommunications, which has an important and strategic role in the state and public life and facilitating and improving the relations among countries, must have its quality of service continuously improved. One of the ways to improve the quality of service in the area of telecommunications is by making regulations which can clarify and certainty for the operation of telecommunications.

Law No.36/1999 on Telecommunications states that the operation of telecommunications cover telecommunications networks, operation of telecommunication services and operation of special telecommunications. The operation of telecommunications networks and or telecommunications services can be conducted by State Enterprises, Regional Enterprises, Private Enterprises and Cooperatives whose business forms are in accordance with the existing regulations, operating networks and or services of telecommunications. The operation of special telecommunications can be conducted by individuals, government agencies and legal entities in addition to telecommunications network and or telecommunications service operators.

For further elaboration of the regulation on telecommunications operation, it is deemed necessary to prepare an implementing regulation in the area of telecommunications operation.

This Government Regulation states that the telecommunications network operator in doing the business is demanded to build and or provide telecommunications networks in accordance with the Fundamental Technical Plan. The said Fundamental Technical Plan is further stipulated by the Minister.

The telecommunications network operator may also operate telecommunications service by obtaining a prior license from the Minister. Subsequently, the telecommunications network operator is obliged to provide interconnection among telecommunications networks. The implementation of the interconnection is allowed on the basis of the requests from other telecommunications network operators. The operation of interconnection is required to pay the cost of interconnection which is charged to the original telecommunications network operator, the amount of which is based on transparent calculation jointly agreed and it is fair.

The operation of telecommunications services is obliged to first, provide telecommunications facilities which guarantee the good quality of telecommunications services. Second, the telecommunications service operator is demanded not to be discriminative in providing services for telecommunications services user. Third, the telecommunications service operator is obliged to conduct the recording of the use of telecommunications services and to store the notes/recording concerned for at least 3 (three) months. The telecommunications service user who needs the notes/recording can ask for the said notes/recording by paying the cost of printing of the notes/the cost of recording.

The Minister stipulates the implementation of the Universal Services Obligation for telecommunications network and telecommunications service operators in the form of providing telecommunications networks and or services, a contribution in the form of the cost component of interconnection or other contributions.

This Universal Services Obligation is intended as the obligation to provide networks and services of telecommunications in remote areas and or in the areas which are not yet developed, particularly the areas which have big potential to support the sector of economy and to smoothen the exchange of information, which is very important to encourage development activities and government administration.

The special telecommunications are operated for the purposes of individual own use, state defense and security and broadcasting. The special telecommunications are operated if the demand cannot be met by the network operator and or the telecommunications service operator; the locations of activity can not be reached by the network operator and or the telecommunications service operator; and the activity needs a separate and isolated telecommunications network. Subsequently, the operation of special telecommunications is limited so as not to operate telecommunications outside the designation, not to be connected to other telecommunications networks and not to demand fees in whatever forms for the operation.

The operation of telecommunications networks and telecommunications services are subjected to the cost of telecommunications operation, the amount of which is further set by a separate Government Regulation

The licensing of the telecommunications operation is conducted in 2 (two) phases, namely the principle license and the operation license. The licenses are intended as an effort of the Government to promote the development of telecommunications operation. The Government is obliged to publish periodically the areas which are open to telecommunications operation. Telecommunications operators are obliged to meet the requirements stipulated in the licensing.

Telecommunications operators are obliged to give compensation for their errors/carelessness which creates direct losses to network and or telecommunications service users.

On the other hand, the telecommunications network operator can also ask for the compensation for the transfer of telecommunications networks due to the activity of or request from the relevant agency/ministry/institution or other parties.

Subsequently, this Government Regulation stipulates the public participation in the area of telecommunications. To involve active public participation, a public participation institution is set up in the area of telecommunications. The public can set up several institutions in accordance with needs. The institution is intended to be the partner of the Government, with the duty of conveying thoughts and views which are developing in the public concerning the direction of telecommunications development to stipulate the policy, regulation, control and supervision in the area of telecommunications. However, it is necessary to emphasize that the thoughts and views from the institution are not binding for the Government.

Finally, violations of the provisions which have been made clear in this Government Regulation are liable to administrative sanctions.

ARTICLE BY ARTICLE

Articles 1 up to 5
Sufficiently clear

Article 6
Paragraph 1

In building and or providing telecommunications networks, networks operators can build the networks, wholly as well as partly and or provide part of the networks for the operation of telecommunications. For instance, in the case that transponders of satellite are needed, the networks operators do not have to possess their own satellite.

Paragraph 2

The existing regulations include the regulations on licensing for mineral quarrying, constructing buildings, agrarian affairs or the environment.

Paragraph 3

The Fundamental Technical Plan contains technical provisions which shall be followed in constructing and or providing telecommunications networks, so that it guarantees the connection of one networks to another networks. The Fundamental Technical Plan includes the principles of interconnection, load charging, numbering and regulation the flow of information (routing).

Paragraph 4 –Sufficiently clear

Article 7 – Sufficiently clear

Article 8

Paragraph 1 – Sufficiently clear

Paragraph 2

The separate business activity means clear separation of the accounting system in any telecommunications operation business. It is intended to guarantee sound business competition and accounting audits.

Paragraph 3 – Sufficiently clear

Article 9

Paragraph 1

Letter a

The operation of regular networks is the activity of networks operation for regular telecommunications service which is intended for the operation of public telecommunications and lease circuits.

Letter b

The operation of mobile networks is the activity of networks operation for mobile telecommunications service.

Paragraph 2

Letter a

The operation of local regular networks is the activity of networks operation in specified areas, using cable networks and or local networks without cables.

The operation of local regular networks can undertake lease circuits.

Letter b

The operation of long distance direct line regular networks is the activity of networks operation to link networks, especially local regular networks including lease circuits for closed networks.

The long distance direct line regular networks constitute long distance call backbone networks.

Letter c

The operation of international line regular networks is the operation of networks which link domestic networks to the international networks.

Letter d

The operation of closed regular networks is the operation of networks to provide networks for lease

Paragraph 3

Letter a

The operation of terrestrial mobile networks is the operation of networks which serve certain mobile customers, among others public radio trunking and public radio paging services.

Letter b

The operation of cellular mobile networks is the operation of networks which serve mobile telecommunications through satellites.

Paragraph 4-Sufficiently clear

Article 10

Paragraph 1

Basic telephone services are telephone services which use the technology of the circuit switch, namely telephone and facsimile.

Paragraph 2

Public telephone is the coin operated public telephone and card operated public telephone.

Paragraph 3

The third party is the Indonesian legal body which cooperates with the local regular networks operator on the basis of a cooperation agreement.

Article 11

Paragraph 1 – Sufficiently clear

Paragraph 2

An agreement shall be prepared in writing to specify the scope of the agreement and to facilitate the settlement of disputes or differences which might arise in the operation of telecommunication networks.

Article 12

The obligation to meet any application from any would-be telecommunications networks customer as long as the telecommunications networks are available is intended to ensure that the telecommunications networks operator has an open attitude and does not have discrimination against the would-be customer.

The requirements for subscription are the requirements which shall be met by the would-be telecommunications networks customer, such as the license to operate telecommunications services, and the types of services which will be operated.

Article 13-Sufficiently clear

Article 14

Paragraph 1

Letter a

The operation of basic telephone services is the operation of telephone, telegraph, telex and facsimile. The operation of basic telephone services can be conducted on a resale basis.

The resale operation of basic telephone services is the operation of the services based on the business agreement to resell the basic telephone services. For instance, among others, the operation of telecommunications kiosks.

Letter b

The operation of telephone value-added services is the operation of services which offers value-added services for basic telephone, such as the intelligent network service (IN), calling cards, services with interactive technology (voice response) and call radio for the public.

Letter c

The operation of multimedia services is the operation of telecommunications services which offer services based on information technology including the operation of voice over internet protocol (VoIP), internet and intranet, data communications, video conference and entertainment video services.

The operation of multimedia services can be conducted on a resale basis.

The resale operation of multimedia services is the operation of services based on the business agreement reselling the multimedia services. For instance, the operation of internet kiosks.

Paragraph 2-sufficiently clear

Article 15

Paragraph 1

The good service quality includes fulfillment of the service standard.

Paragraphs 2 up to 4-sufficiently clear

Article 16-sufficiently clear

Article 17

Paragraph 1-sufficiently clear

Paragraph 2

The said fees are the cost of printing of the notes/records of the use of telecommunications services.

Article 18

Paragraph 1

The access equipment is the equipment which is part of and provided by the telecommunications service operator for the purpose of connection of the telecommunications services, which will be used by customers.

The terminal equipment of the customer is the terminal equipment which is at the location of the customer and provided by telecommunications service customer for the purpose of telecommunications activities.

Paragraph 2-sufficiently clear

Article 19

The obligation to meet any application from any would-be telecommunications service customer as long as the access of telecommunications services available is intended to ensure that the operator of telecommunications services has an open attitude and does not have discrimination against the would-be customer.

The requirements for subscription are the requirements which shall be met by the would-be telecommunications service customer, such as the identity card, permanent address and sketch of the location.

Article 20

Paragraph 1-sufficiently clear

Paragraph 2

The point of interconnection is the point where interconnection takes place. It is the limit point of the responsibility for managing the telecommunications networks owned by different operators.

Paragraph 3-sufficiently clear

Article 21

Paragraph 1

The discrimination ban is intended to ensure that the networks operator provides the interconnection point at the point asked for, as long as it is technically feasible.

Paragraph 2

The said level of service includes the quality and capacity.

Article 22-sufficiently clear

Article 23

Paragraph 1

The cost of interconnection is the cost charged as the result of the interconnection of networks between two network operators or more.

Paragraph 2-sufficiently clear

Paragraph 3

The originating telecommunications network is the telecommunications networks in which the traffic originates.

Paragraph 4-sufficiently clear

Article 24

The connection is the connected state of the telecommunications service equipment with telecommunications networks, such as servers, nodes and routers.

Article 25

Paragraph 1 up to 3-sufficiently clear

Paragraph 4

This provision is intended to ensure that the telecommunication networks operator channels the excess of traffic of the telecommunications network operator in order to guarantee the connection of user's telecommunications with the addressed desired.

The telecommunications service user is not to bear additional burden as a result of the channeling of traffic to another networks.

Article 26

Paragraph 1-sufficiently clear

Paragraph 2

Letters a and b-sufficiently clear

Letter c

Other contributions can be in the form of, for instance, the exemption from the cost of access and tariff subsidy.

Article 27

Letters a and b-sufficiently clear

Letter c

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

Letter d-sufficiently clear

Article 28

Paragraph 1-sufficiently clear

Paragraph 2

Other networks operators are the operators of long distance line regular networks, operators of international line regular networks, operators of cellular mobile networks and operators of satellite mobile networks.

Paragraph 3 and 4-sufficiently clear

Article 29

Paragraph 1-sufficiently clear

Paragraph 2

The recording reports is intended to determine the total capacity, and the universal service territory.

Articles 30 up to 32-sufficiently clear

Article 33

The said sanctions are the sanctions governed in the regulations on Non-Tax State Revenue and Telecommunications.

Article 34-sufficiently clear

Article 35

Paragraph 1

Letter a

The tariff of networks lease is the tariff of the use of networks by the lease or the user of telecommunications networks.

Letter b

The cost of interconnection is the tariff paid by 1 (one) operator of telecommunications networks to another telecommunications network operator for providing the access and channeling the telecommunications traffic.

Paragraph 2

Letter a-sufficiently clear

Letter b

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

Letter c-sufficiently clear

Paragraph 3

Letter a

Air time tariff is telecommunication service use tariff through mobile networks which is accounted in time.

Letter b

Roaming tariff is charged-tariff to the subscriber who uses the mobile networks outside the origin of the mobile subscriber recorded.

Letter c-sufficiently clear

Article 36

Paragraph 1-sufficiently clear

Paragraph 2

Letter a

The cost of activation is the cost to activate the access which shall be paid by the telecommunications service customer to the telecommunications service operator.

Letter b up to d-sufficiently clear

Article 37

Paragraph 1

The tariff amounts calculated on the basis of formulas are set in accordance with the market mechanism.

Paragraph 2

The said costs are components of the costs of investment, operation and maintenance, networks development, factors of inflation, public purchasing power, and efficiency of the company.

Paragraph 3-sufficiently clear

Article 38 and 39-sufficiently clear

Article 40

The operation of special telecommunications for individual purposes is intended to carry out their hobby and training in the area of telecommunications.

Article 41-sufficiently clear

Article 42

Paragraph 1

The social activities include the activities of scouts, sports, arts, social affairs, order keeping and state security disturbance handling.

Paragraph 2-sufficiently clear

Article 43

Paragraph 1-sufficiently clear

Paragraph 2

Letter a

The purposes or need which cannot be met can include the need in the area of technology or the type of telecommunications services, required.

Letters b and c-sufficiently clear

Article 44

The operation of special telecommunications for the special service offices includes the following systems of communications:

- 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-Sufficiently clear

Paragraph 2

The operation of special telecommunications for legal entities includes the following business communications systems:

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

Article 46-sufficiently clear

Article 47

Paragraph 1

The function of state defense and state security covers efforts in the area of state defense all threats from foreign countries and efforts in the area of state security against domestic threats.

The operation of special telecommunications for the purpose of state defense and security has the following characteristics:

- a. limited, confidential and or very confidential;
- b. for communications and non communications;
- c. one direction and all directions; and
- d. regular and mobile

Paragraphs 2 and 3-sufficiently clear

Articles 48 up to 50-sufficiently clear

Article 51

The operation of special telecommunications for broadcasting purposes has the following characteristics:

- a. transmitting in one direction and continuously;
- b. directly received by the receiver;
- c. regular and mobile;
- d. presenting pictures and or sounds; and
- e. broadcasting allocation is for the general public.

Article 52-sufficiently clear

Article 53

Paragraph 1

The operator of special telecommunications for broadcasting purpose which leases the networks as the transmission facility for broadcasting purposes from another telecommunications networks operator is not included in the category of operation of special telecommunications for broadcasting purposes.

Paragraph 2-sufficiently clear

Article 54-sufficiently clear

Article 55

Paragraph 1

In principle, the principle license and the license for operation of telecommunications is one unit of licensing.

The principle license is intended to give opportunity to the would-be telecommunications operator to prepare the facility and infrastructure, which is permissible and supporting the operation of telecommunications; while the license for operation of telecommunications is the authority given for operation of telecommunications.

Paragraph 2 and 3-sufficiently clear

Article 56

Paragraph 1

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

Paragraph 2

The extension of the principle license can only be conducted once for a period of 1 (one) year.

Paragraph 3-sufficiently clear

Article 57-sufficiently clear

Article 58

Paragraph 1-sufficiently clear

Paragraph 2

Letters a up to e-sufficiently clear

Letter f

The costs mean the costs which shall be paid by the would-be networks operator and or telecommunications service operator, such as the cost of tender document purchase.

Letter g-sufficiently clear

Paragraph 3

The granting of licenses through selection is conducted for the type of telecommunications operation the total of which is limited, while the granting of licenses through evaluation is conducted for the type of operation of telecommunications the total of which is not limited.

Paragraphs 4 and 5-sufficiently clear

Articles 59 and 60-sufficiently clear

Article 61

Paragraph 1-sufficiently clear

Paragraph 2

Letter a-sufficiently clear

Letter b

The location means the place where the special telecommunications operator's station is set up for broadcasting purposes, while the coverage of operation means the coverage area and the service area.

Letter c-sufficiently clear

Letter d-sufficiently clear

Letter e

The costs mean the costs which shall be paid by the would-be special telecommunications operator for broadcasting purposes, such as the cost of tender document purchase.

Letter f-sufficiently clear

Paragraphs 3 and 4-sufficiently clear

Articles 62 and 63-sufficiently clear

Article 64

Paragraph 1

The said deadline is set as from the deadline of application submission.

Paragraph 2-sufficiently clear

Article 65

Paragraph 1

The operation feasibility test is intended to test and certify that all facilities and infrastructures which have been built are technically ready for operation. The agency which is appointed to conduct the test shall have the accreditation from the authorized institution.

Paragraph 2 and 3 -sufficiently clear

Articles 66 and 67-sufficiently clear

Article 68

Paragraphs 1 and 2-sufficiently clear

Paragraph 3

The direct loss means the loss directly suffered due to the use of telecommunications networks or services (limited damage).

The indirect loss as a result of the use of telecommunications networks or services (consequential damage) cannot be charged to the telecommunications operator.

Article 69

Paragraph 1

The settlement of compensation out of court is the settlement through conciliation, mediation or arbitration.

Paragraph 2-sufficiently clear

Article 70

Paragraph 1

This provision is intended to give protection and law certainty to the operator of telecommunications networks and also to provide information for the relevant agency/ministry/institution or other parties that the operator of telecommunications networks has the right to obtain the compensation which is resulted from the move/transfer of or change in telecommunications networks.

Paragraph 2 and 3-sufficiently clear

Article 71

Paragraph 1

The technical requirements are the requirements which are in accordance with the Indonesian National Standard (SNI) or the technical requirements made by the related technical agency.

Paragraph 2-sufficiently clear

Article 72

Letter a

Communications mean the state of being connected among telecommunications networks.

Letters b up to d-sufficiently clear

Article 73

Paragraph 1

The related parties are the groups of industries, telecommunications operators, public circles, research institutions, consumer's bodies, and colleges. The participation of the related party is realized in the form of study group or technical group.

Paragraph 2

Letter a

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

Letters b and c-sufficiently clear

Paragraph 3

The Indonesian National Standard (SNI) is the standard stipulated by the National Standardization Agency and it is valid nationally.

Article 74

Paragraph 1-sufficiently clear

Paragraph 2

The authorized institution is the institution which is set up by the government with the authority to conduct the granting of accreditation of test centers. The test is conducted on the sample of the telecommunications device and equipment based on technical requirements.

Paragraph 3

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

Paragraphs 4 and 5-sufficiently clear

Article 75

Paragraph 1

The application of technical requirements covers the results of test and certificates.

Paragraph 2-sufficiently clear

Article 76

Paragraph 1

The fees of certificates are for the certificates including the cost of telecommunications device and equipment tests.

Paragraph 2-sufficiently clear

Article 77

Paragraph 1

The said labels constitute is the certificate marking. The labeling of the telecommunications device and equipment is the responsibility of the party which manufactures and or trades the telecommunications device and equipment which have met the technical requirements stipulated.

Paragraph 2-sufficiently clear

Article 78

Letter a

The telecommunications facilities and infrastructure consist of software and hardware.

Letter b-sufficiently clear

Article 79-sufficiently clear

Article 80

Paragraph 1-sufficiently clear

Paragraph 2

The related agency means the ministry, regional administration and other parties which construct and provide facilities an infrastructures for the public, which conduct mining activities and which issue the license to construct buildings/high rise buildings.

Article 81 up to 87-sufficiently clear

Article 88

Being submitted in writing and legally means that any request for information recording shall be prepared and submitted in writing by the authorized agency and stamped by the applicant's agency and bear the signature of the official who submits the request.

Article 89

Paragraph 1

This provision is intended to clarify the object needed and the period of reporting results of the recording to be used as a guideline in the information recording.

Paragraphs 2 and 5-sufficiently clear

Article 90

Paragraph 1

The public participation instruction is the government partner. The public can set up several public participation bodies in the area of telecommunications in accordance with the need.

Paragraph 2

The telecommunications industrialists include telecommunications operators, telecommunications equipment businessmen and the intellectual society in the area of telecommunications.

Paragraph 3-sufficiently clear

Article 91-sufficiently clear

Article 92

Paragraph 1-sufficiently clear

Paragraph 2

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

Paragraph 3-sufficiently clear

Articles 93 up to 98-sufficiently clear