

Article 17

- (1) Any privately owned broadcasting institution is firstly obliged to obtain a broadcasting permit from the Government.
- (2) Such a radio broadcasting permit is granted for a period of 5 (five) years, while a television broadcasting permit for a period of 10 (ten) years, which can be renewed.
- (3) The granting of such a permit as meant in paragraphs (1) and (2) is based on the broadcasting reach zone, and only in the case of radio broadcasting, in addition to the broadcasting reach zone, attention should also be paid to the format of the station concerned.
- (4) The privately owned broadcasting institution is obliged to pay for broadcasting permit expenses and contribution to the Government, and only the radio broadcasting institution is not obliged to pay contributions.
- (5) Transfer of a broadcasting permit is prohibited.
- (6) Further provisions on the conditions of and procedures for obtaining a broadcasting permit, as meant in paragraph (1); the conditions of and procedures for renewal of a broadcasting permit, as meant in paragraph (2); and permit expenses and contributions as meant in paragraph (4) are governed with government

regulations.

Article 18

- (1) Any broadcasting permit, as meant in Article 17 paragraph (1), including the use of frequency and transmitting devices is issued by the Minister having coordinated the matters with the related government agency.
- (2) Further provisions on the coordination, as meant in paragraph (2) will be governed with government regulations.

Article 19

- (1) The privately owned broadcasting institution appoints the chief executive and the persons responsible for broadcast implementation covering:
 - a. the general chief executive;
 - b. the person responsible for broadcast implementation;
 - c. the person responsible for news reporting;
 - d. the person responsible for technical matters; and
 - e. the person responsible for business matters.
- (2) Only in the case of the privately owned radio broadcasting institution, the chief executive and the persons responsible for broadcast implementation should at least consist of:

- a. the general chief executive;
 - b. the person responsible for broadcast implementation;
 - c. the person responsible for news reporting.
- (3) The position of chief executive and those of the persons responsible as meant in paragraphs (1) and (2) are held by Indonesian nationals that are never found guilty by a verdict made by a court as to an act contrary to Pancasila.
- (4) Legal responsibility assumed by the chief executive of the privately owned broadcasting institution can be transferred in writing to the persons responsible in accordance with their respective areas of responsibility.
- (5) Further provisions on the composition, tasks, and responsibility and responsibility transfer of the chief executive, and those of the persons responsible for broadcast implementation will be governed with government regulations.

Part Five

Special Broadcasting Institution

Article 20

The Special Broadcasting Institution includes:

- a. Satellite-transmitted subscription broadcasting imple-

- menter;
- b. Terrestrial transmission subscription broadcasting implementer;
 - c. Cable transmission subscription broadcasting implementer;
 - d. Implementer of broadcasts especially transmitted to a radio channel or subscription television channel or to a broadcasting implementer in order for the broadcasts to become part of other broadcasts;
 - e. service provider of any audio-visual broadcast in a limited open environment (closed circuit TV);
 - f. provider of any satellite-transmitted broadcast by means of one or more channels;
 - g. provider of any broadcast for a limited audience;
 - h. provider of television any audio-visual broadcast on a demand basis (video-on demand services);
 - i. provider of audio text services;
 - j. provider of video text services;
 - k. provider of multimedia information services;
 - l. The Special Broadcasting Institution implementing broadcasting services and other information services.

Article 21

The Special Broadcasting Institution as meant in Article 20 shall be an Indonesian legal person and shall first obtain the Minister's approval.

Article 22

- (1) The provisions as meant in Article 11 paragraphs (2) and (3), Article 12, Article 13, Article 14, Article 17 paragraphs (4) and (5), and Article 18 apply to the Special Broadcasting Institution.
- (2) The Special Broadcasting Institution as meant in Article 20 shall carry out internal censorship of the content of programs to be broadcast and/or channeled.

Article 23

- (1) The satellite-transmitted subscription broadcasting implementer as meant in Article 20, letter a, shall use a transmitter directed towards a satellite (up-link) located in Indonesia, and give priority to the use of Indonesia-owned satellite.
- (2) The Broadcasting implementer as meant in paragraph (1) shall give priority to the audience in the territory of Indonesia as its target.
- (3) The Broadcasting implementer as meant in paragraph (1) shall ensure that its broadcasts are being received by subscribers only.

Article 24

- (1) The Broadcasting implementer as meant in Article 20 letters a and c shall broadcast 1 (one) domestically-

produced broadcast in the ratio of 10 (ten) overseas produced broadcasts to at least 1 (one) domestically-produced broadcast.

- (2) The Broadcasting implementer as meant in article 20, letter b shall broadcast 1 (one) domestically-produced broadcast in the ratio of 5 (five) overseas produced broadcasts to at least 1 (one) domestically-produced broadcast.
- (3) The ratio between domestically-produced broadcasts and overseas produced broadcasts as meant in paragraphs (1) and (2) can be reviewed by the government.

Article 25

The cable transmission subscription broadcasting implementer as meant in Article 20, letter c shall channel television broadcasts both from the government-owned broadcasting institution and the privately-owned broadcasting institution which can be received in the local zone in which the institution concerned performs subscription broadcasting operations.

Article 26

Further provisions concerning the Special Broadcasting Institution as meant in Article 20, the conditions of and

procedures for obtaining a broadcasting permit, and permit expenses as meant in Articles 21 and 22, and the permit validity period and permit renewal will be regulated with government regulations.

Part Six

Foreign Broadcasting Institution

Article 27

- (1) Establishment of foreign broadcasting institutions in Indonesia is prohibited.
- (2) Foreign broadcasting institutions can only perform broadcasting activities not on a regular basis and/or journalistic activities in Indonesia with the government's approval.
- (3) Foreign broadcasting institutions performing broadcasting activities not on a regular basis from Indonesia can bring in the equipment for broadcasts transmitted to a satellite upon the government's approval.
- (4) Foreign broadcasting institutions can establish a representative office or place correspondents to perform journalistic activities in Indonesia with the government's approval.
- (5) Foreign broadcasting institutions and foreign news agencies performing journalistic activities in Indone-

sia with the government's approval, be it broadcast live or in the form of video recordings, shall comply with the prevailing legislation.

- (6) Foreign broadcasting institutions leasing Indonesia-owned satellite transmission and transponder facilities for international broadcasts can transmit their broadcasts from Indonesia with the government's approval.
- (7) Further provisions concerning permits and foreign broadcasting institutions in Indonesia will regulated with the government's approval.

Part Seven

Interrelationship Between Broadcasting Institutions

Article 28

Broadcasting Institutions shall develop cooperation and a conducive business climate in order to avoid competition possibly detrimental to the interests of broadcasting services for the general public.

Article 29

- (1) In order to develop cooperation as meant in Article 28, broadcasting Institutions and broadcasting practitioners each establish a cooperative umbrella organi-

zation and a professionals cooperative umbrella organization.

- (2) Broadcasting institutions shall merge in an umbrella organization for cooperation between institutions and broadcasting practitioners shall do so in an umbrella organization for professional cooperation as meant in paragraph (1).

Article 30

- (1) Government regulates and coordinates cooperation between broadcasting institutions at home and between broadcasting institutions at home and international organizations or broadcasting institutions abroad relating to their joint interests.
- (2) Government-owned broadcasting institutions and privately owned broadcasting institutions can represent Indonesia at international forums, agencies, or broadcasting institutions.
- (3) Privately owned broadcasting institutions can become participants or members of such forums, agencies, or broadcasting institutions with the government's approval.

Article 31

- (1) With the government's approval, cooperation in broadcast transmission, engineering and service with foreign broadcasting institutions abroad will be performed on mutually remunerative principles.
- (2) Government-owned broadcasting institutions can establish in foreign broadcast transmission with foreign broadcasting institutions in order to assist each other, by means of their respective equipment, with improvement in the quality of broadcasting reception and reach in the audience target zones of both parties.

CHAPTER IV

BROADCAST IMPLEMENTATION

Part One

Broadcast Content

Article 32

- (1) In accordance with the basis, principles, goals, functions, and the direction as governed in this Law, broadcasts by government-owned broadcasting institutions and privately owned broadcasting institutions shall contain more domestically produced program.

- (2) The ratio between domestic radio and television programs and foreign programs shall be at least 70 (seventy) to 30 (thirty).
- (3) Foreign programs able to be broadcast are those being not detrimental to the national interests and norms found in Indonesia, nor will they damage good relations between friendly countries.
- (4) The content of programs broadcast by government-owned broadcasting institutions and privately owned broadcasting institutions shall comply with the standards of program content, especially domestically produced programs and children's programs.
- (5) The content of programs shall protect and motivate children and teenagers by broadcasting such programs at a special time.
- (6) The material of the programs to be broadcast should contain elements able to build the nation's moral and character, unity and integrity, motivation of the nation's noble cultural values, discipline, the fondness of science and technology.
- (7) The content of programs containing the elements of violence, sadism, pornography, superstition, gambling, permissive, consumptive, hedonistic, feudalistic life patterns is prohibited.
- (8) The content of programs contrary to Pancasila, as that based on communism, Marxism-Leninism is prohibited.

(9) The content of programs containing matters provoking, disputing, and/or contradicting religious teachings or humiliating human values and the nation's culture or other matters worthy of presumption that they will damage the nation's unity and integrity.

Part Two

Broadcast Language

Article 33

- (1) The lingua franca used in implementing broadcasts is Bahasa Indonesia.
- (2) A vernacular can be used as a lingua franca in implementing broadcasts to the extent it is necessary to support a certain program.
- (3) English can be used depending on the purpose of a particular program.
- (4) Other foreign languages than English can be used as a lingua franca only for a program of the foreign language concerned.
- (5) The sign language can be used in implementing certain broadcasts intended for deaf viewers.
- (6) English language programs can be broadcast, in the case of radio broadcast, by means of narration in Bahasa Indonesia; and in the case of television broadcast also by means of narration in addition to Indonesian sub-titles.

- (7) A program in a foreign language other than the program as meant in paragraph (6), except that in the same language family as Bahasa Indonesia, in the case of radio broadcast, shall be provided with a narration in Bahasa Indonesia, and in the case of television broadcast, shall be dubbed into English and given a narration or Indonesian sub-titles.
- (8) A program in a foreign language can be dubbed into Bahasa Indonesia depending on the purpose of the related program.
- (9) The use of a foreign language in a religious broadcast shall be suited to the purpose of the related religious teachings.
- (10) A foreign language can be used for a program directed overseas in accordance with the language used in the target audience zone.
- (11) A foreign language in a television program originating in the country concerned can be broadcast at home through a separate audio channel which can be received by the audience having a television set with a facility for that purpose.
- (12) The use of a foreign language in a television program and others originating in the country concerned and transmitted by a Special Broadcasting institution, will be further regulated by the Minister.

Part Three

Sources of Program

Article 34

- (1) Each broadcasting institution shall give priority to a domestic program, be it produced in-house or by a domestic production house.
- (2) Programs originating in another country will be treated as comparisons or supplements in a lower percentage than that of domestic programs.
- (3) Each program in the form of feature film or video recording to be broadcast shall first obtain a censorship certificate from the Film Censorship Institution.
- (4) Each programs originating in a production house shall comply with the standards of program content shall not conflict with the basis, principles, goals, functions, and the direction as meant herein.
- (5) A production house as meant in paragraph (4) shall be an Indonesian legal person and be given a permit by the Government in accordance with the prevailing legislation.
- (6) The percentage of television programs produced by a domestic production house shall be higher than that of television programs produced in-house.

(7) Further provisions on permits, ownership, capitalization, and labor imposed on a production house will be governed by the government's legislation.

Part Four

Broadcast Relay

Article 35

- (1) Any broadcast carried out by the government-owned broadcasting institution in the form of a centrally broadcast program shall be relayed by privately owned broadcasting institution.
- (2) Any centrally broadcast program as meant in paragraph (1) includes a state program, news broadcast at certain broadcast hours, and a program where an important notice necessary for the general public's information is announced.
- (3) Any domestic broadcasting institution is prohibited from relaying broadcast from a foreign broadcasting institution intended to be a regular program.
- (4) Irregular foreign broadcast relaying can be done in the case of a particular global program or one not conflicting with the national interests.

- (5) Further provisions on broadcast relaying will be governed by the government's legislation.

Part Five

Joint Broadcast

Article 36

- (1) The Government-owned broadcasting institution and a privately owned broadcasting institution can carry out a joint broadcast.
- (2) Such a joint broadcast as meant in paragraph (1) will be coordinated by the government-owned broadcasting institution.

Part Six

Article 37

- (1) Responsibility for the worthiness of an audio recording not produced in-house will be assumed by the privately owned broadcasting institution.
- (2) Any broadcasting institution is prohibited from broadcasting:
- a. an audio recording provoking, disputing, and/or contradicting religious teachings or humiliating human values and the nation's culture or other matters worthy of presumption that they will damage the nation's unity and integrity.

- b. a music and song recording of which the lyrics expressing pornography and matters as meant in letter a.
- (3) Further provisions on the broadcasting of an audio recording are governed with the Government's regulations.

Part Seven

Broadcasting Right

Article 38

- (1) Any broadcasting institution shall have the broadcasting right to each broadcast program.
- (2) The ownership status shall appear clearly in a description of the program.
- (3) Each program is protected by the Law on copyright.

Part Eight

Program Classification

Article 39

- (1) Any broadcasting institution shall make a classification of programs for films, electronic cinemas, and/or certain programs suited to the age brackets of the audience and the broadcast time.

- (2) The classification of programs as meant in paragraph (1) shall be indicated both when being advertised and broadcast.
- (3) Further provisions on the classification of programs will be governed with the Government's regulations.

Part Nine

News Broadcast

Article 40

- (1) Any privately owned broadcasting institution can carry out news broadcast.
- (2) In doing so, the privately owned broadcasting institution shall meet the news standards and comply with the Code of Broadcast Ethics and the Code of Journalistic Ethics.
- (3) Any Special broadcasting institution carrying out subscription broadcasts as meant in Article 20 is prohibited from carry out news broadcast prepared in-house.
- (4) A production house as meant in Article 34 paragraph (4) is prohibited from producing a program for new broadcast purposes, except such news as the feature or matters of human interest.
- (5) Further provisions on news broadcast implementation

will be governed with the Minister's regulations.

Part Ten

Advertising Broadcast

Article 41

Advertising broadcast consist of commercials broadcast and public service broadcast.

Article 42

- (1) The material of commercials broadcast shall prepared by a company holding the government's permit or by the broadcasting institution itself.
- (2) Commercials broadcast is prohibited from showing:
 - a. any promotion relating to the teachings of a religion or certain sect, political teachings or certain ideology, promotion of a particular individual, social class, or group;
 - b. any exaggerated, deceiving promotion of a good and service, in terms of the quality, origin, contents, dimension, nature, composition, and originality;
 - c. any commercial of an alcoholic drink and the like, of addictive substance, and that describing consumption of cigarettes;
 - d. matters contrary to society's sense of morality.

- (3) The material of a commercial broadcast shall be prepared giving priority to Indonesian natural background, artists, production crew.
- (4) The material of a commercial to be broadcast on television shall obtain a censorship certificate from the Film Censorship Institution.
- (5) The material of a commercial to be broadcast on the radio shall be accounted for by the related broadcasting institution.
- (6) A commercial broadcast for children shall pay attention to and comply with the standards of the television broadcast for children.
- (7) A commercial broadcast is prohibited from exceeding the percentage of the specified commercial broadcast duration, so is its insertion in a centrally broadcast program, as meant in Article 35, paragraph (2), and in a religious broadcast.
- (8) The content of a commercial broadcast shall comply with the standards of broadcast content.
- (9) Any broadcasting institution shall give priority to the receipt and broadcasting of a commercial placed by a national advertising company that is a member of the association of national advertising companies recognized by the government.

Article 43

Any public service broadcasting advertisement shall be given a portion of at least 10% (ten per cent) of commercials broadcast duration allocated for a broadcasting institution, and at least 20 (twenty) minutes each day in the case of the government-owned broadcasting institution. The public service broadcasting advertisement shall be broadcast which is spread during the broadcasting time.

Article 44

Further provisions on commercials broadcast implementation will be governed with the government's regulations.

Article 45

Provisions on commercials broadcast implementation by the Special broadcasting institution will be governed with the government's regulations.

Part Eleven

Program Pattern

Article 46

(1) Any broadcasting institution shall prepare a program pattern.

- (2) The broadcasting institution shall classify a program containing the type, objective, and purpose of the program.
- (3) The time for the broadcasting of a program as meant in paragraph (1) will be suited to the target audience, except in the case of selected programs.
- (4) The program pattern prepared by the broadcasting institution shall be recommended by BP3N.
- (5) Further provisions on the program pattern, program classification, and time of program broadcasting will be governed with the government's regulations.

Part Twelve

Zone of Broadcasting Reach

Article 47

- (1) The zone of broadcasting reach includes:
 - a. National broadcasting zone;
 - b. Regional broadcasting zone;
 - c. Local broadcasting zone; and
 - d. International broadcasting zone
- (2) The zone of broadcasting reach of the government-owned broadcasting institution is determined as follows:

- a. In the case of a radio broadcasting station, its zone of broadcasting reach is the national broadcasting zone, regional broadcasting zone, local broadcasting zone, and international broadcasting zone.
 - b. In the case of a television broadcasting station, its zone of broadcasting reach is the national broadcasting zone, regional broadcasting zone, local broadcasting zone, and international broadcasting zone.
- (3) The zone of broadcasting reach of a privately owned broadcasting institution is determined as follows:
- a. In the case of a radio broadcasting station, its zone of broadcasting reach is the local broadcasting zone;
 - b. In the case of a television broadcasting station, its zone of broadcasting reach is the national broadcasting zone.
- (4) The zone of broadcasting reach of a special broadcasting institution is determined as follows:
- a. In the case of the radio broadcasting implementation or subscription television broadcasting by means of a satellite, its zone of broadcasting

- reach covers the whole territory of Indonesia;
- b. In the case of the radio broadcasting implementation or subscription television broadcasting by terrestrial means, its zone of broadcasting reach covers the area around the place where the broadcast is carried out.
 - c. In the case of the radio broadcasting implementation or subscription television broadcasting by cable means, its zone of broadcasting reach covers the area around the place where the broadcast is carried out.
 - d. Further provisions on the zone of broadcasting reach of the special broadcasting institution will be governed with the government's regulations.
- (5) Broadcasting institutions and special broadcasting institutions are prohibited from expanding their zone of broadcasting reach of exceeding the provisions as contained in their respective permits for broadcast implementation.
- (6) Further provisions on the zone of broadcasting reach will be governed with the government's regulations.

Part Thirteen

Broadcast Technical Facility

Article 48

- (1) Any broadcasting institution shall use a broadcast technical facility meeting the system standards and technical performance standards specified by the government.
- (2) Any broadcasting institution shall give priority to the use of the domestically produced technical facility to the extent that it proves meeting the system standards and technical performance standards as meant in paragraph (1) based on the test result by the authorized institution.
- (3) Any privately owned broadcasting institution shall provide its own facilities and infrastructure so that it can carry out broadcast independently as it is appropriate for a broadcasting institution.
- (4) Further provisions on the broadcast technical facility, standard system, and technical performance will be governed with the government's regulations.

Article 49

- (1) The government regulate radio and television transmitting systems taking into account of technological

developments.

- (2) Further provisions on the use of the radio and television transmitting systems will be governed with the government's regulations.

Part Fourteen

Special Broadcast Reception Equipment

Article 50

- (1) The special broadcast reception equipment as an auxiliary device for broadcast reception can be used by the general public for commercial and non-commercial purposes.
- (2) The special broadcast reception equipment for commercial purposes can be used by a company which is an Indonesian legal person with the following provisions:
 - a. it has a government-granted permit;
 - b. it meet the government-imposed technical requirements.
- (3) Further provisions on the use of the special broadcast reception equipment as meant in paragraphs (1) and (2) will be governed with the government's regulations.

Part Fifteen

Additional Broadcasting Services

Article 51

- (1) Additional broadcasting services can be provided by privately owned broadcasting institutions upon receipt of government's permit.
- (2) In the case of the implementation of additional broadcasting services as meant in paragraph (1), the privately owned broadcasting institutions shall adopt the system standards and meet the requirements of technical performance specified by the government.
- (3) Further provisions on the implementation of additional broadcasting services, the system standards and the requirements of technical performance will be governed with the government's regulations.

CHAPTER V

BROADCAST ETIQUETTE

Part One

General

Article 52

- (1) Any broadcasting institution shall always make every effort in order that broadcasting operations will not have a negative impact on the life as a society, a

nation, and a state.

- (2) Any broadcast shall be implemented using the language, words and etiquette best-suited to the Indonesian national identity.

Part Two

Broadcasting Code of Ethics

Article 53

- (1) Any broadcast implementer shall respect and uphold the Broadcasting Code of Ethics prepared and laid down by the organization of broadcasting institutions and the broadcasting profession organization as meant in Article 29, as the guidelines for broadcast implementation.
- (2) In order to maintain compliance with the Broadcasting Code of Ethics as meant in paragraph (1), the organization of broadcasting institutions and the broadcasting profession organization will establish the Honorary Council for the Broadcasting Code of Ethics.

Part Three

Correction Requirement

Article 54

- (1) Any broadcasting institutions shall correct broadcast

- contents if errors are found or if there are protests against the broadcast contents and/or news contents.
- (2) Such correction shall be made no later than 1 x 24 (one times twenty four) hours afterwards or on the first occasion on the same program and in the same form and manner as the conveyance of the protested broadcast contents and/or news contents.
- (3) The correction as meant in paragraph (2) relieve the broadcasting institution concerned of responsibility of a legal action filed by the party adversely affected.
- (4) Further provisions on correction will be governed with the Minister's regulations.

CHAPTER VI

DEVELOPMENT AND CONTROL

Part One

General

Article 55

- (1) Broadcasting development and control are performed to comply with the standards of program content shall not conflict with the basis, principles, goals, functions,

and the direction of broadcasting in order that the implementation , as meant in this Law can be brought into reality.

(2) Broadcasting development and control are so done in order to ensure:

- a. that the general public's interests as contributors, consumers be protected;
- b. that the quality of all broadcasting aspects be improved;
- c. that the business climate and creativity freedom of the broadcasting institution and the general public's responsible expressional freedom be developed;
- d. that the broadcasting reach be increasingly even;
- e. that the competitiveness of national broadcasting be increasingly healthy.

(3) Broadcasting development and control are so done by the Government in cooperation with BP3N on a proactive, intensive, integrated, continued basis by paying attention to the aspirations and needs of the people, and scientific and technological advances.

Part Two
Government's Special Role in
Development and Control

Article 56

- (1) In developing and controlling broadcasts, the government will:
- a. lay down broadcasting policies;
 - b. prepare and lay down broadcast-related regulations;
 - c. plan, prepare, and determine broadcasting location maps;
 - d. set the classifications and standards of the broadcast contents;
 - e. gather, allocate, utilize, and account for funds, from broadcasting dues, contributions, broadcasting permit expenses, commercials broadcast by the Indonesian Broadcasting System (Radio Republik Indonesia) and other legitimate business sources managed by certain working units;
 - f. publish, renew, postpone, and revoke broadcasting permit;
 - g. plan, develop, and improve the quality of human resource in the field of broadcasting;
 - h. set and arrange the use of broadcasting technology,

broadcast distribution and receipt, and information service;

- i. accommodate, examine, and follow up society's complaints of, protests against, in addition to criticisms and appreciations of broadcasting operation; and
 - j. coordinate and cooperate with related parties in the field of broadcasting, both at home and abroad.
- (2) Further provisions on the procedure for gathering, allocation, utilization, accounting for funds as meant in paragraph (1), letter e, will be governed with the Government's regulations.

Part Three

Role of Broadcasting Advisory and Control Board

Article 57

- (1) As a partner in Broadcasting development and control, the Government establish BP3N, whose tasks and functions are:
 - a. to give considerations in formulating broadcasting policies;
 - b. to give considerations in preparing and setting the related regulations in the field of broadcasting;

- c. to give inputs of planning, preparation, and determination of broadcasting location maps;
- d. to prepare classifications and standards of broadcast contents as the guidelines for broadcasting operations, especially for children and teenagers's broadcast, and local content;
- e. to give considerations in gathering, allocation, utilization, accounting for funds from broadcasting dues, permit expenses and contributions both from broadcasting institutions and other legitimate sources in supporting broadcasting implementation, development, and control;
- f. to give recommendations for publication, renewal, postponement and revocation of the broadcasting permit;
- g. to give inputs of planning, development, and improvement in the quality of human resource in the field of broadcasting;
- h. to give considerations in setting and arranging the use of broadcasting technology, broadcast distribution and receipt, and information service;
- i. to give inputs of accommodation, examination, and follow up of society's complaints of, protests against, in addition to criticisms and apprecia-

- tions of broadcasting operations; and
- j. to give inputs of coordination and cooperation with related parties in the field of broadcasting, both at home and abroad.
- (2) BP3N consists of the elements of the government, experts and prominent figures in education, culture, religion, broadcasting; and prominent figures in other fields considered necessary; and the representatives of the organization of broadcasting institutions and the broadcasting profession organization, and broadcasting-related societal organization.
- (3) in performing its tasks and functions, BP3N forms commissions.
- (4) The chairman is elected by all members of BP3N from themselves in holding positions in the government.
- (5) In order to assist the chairman of BP3N, a director general responsible in the field of broadcasting will be appointed as the secretary to BP3N.
- (6) Further provisions on the formation, position, member composition, fund sources, and facilities and infrastructures of BP3N, will be governed with the Government's regulations.

Part Two

Storage of Broadcast Materials

Article 58

- (1) Any broadcasting institution shall store materials which have been broadcast, in the form of audio and video recordings, photograph, and texts.
- (2) Broadcast materials of historical value, nationally and internationally, will be handed over to the institution in charge of records in accordance with the prevailing legislation.
- (3) Broadcast materials of important value to the national broadcasting world will be stored in accordance with the prevailing legislation.
- (4) Further provisions on the storage requirement as meant in paragraph (1) will be governed with the Government's regulations.

CHAPTER VIII

SOCIETY'S PARTICIPATIVE ROLE AND OBLIGATIONS

Article 59

- (1) Every Indonesian national has an equal right and the widest possible opportunity to play a role in creating, producing a master work, and making an effort,

and conducting social control in the field of broadcasting.

- (2) The participative role as meant in paragraph (1) can be realized, among others, in the form of:
 - a. establishing a broadcasting institution in accordance with the provisions of this law;
 - b. making a contribution in the form of thought and idea to the development of broadcast quality;
 - c. establishing a broadcasting education and training institution for broadcastership;
 - d. conducting education and training in broadcastership;
 - e. establishing production houses in accordance with the prevailing legislation.

Article 60

- (1) Every owner of the television set and that of the special broadcast reception equipment shall pay broadcasting dues
- (2) Further provisions on the amount of broadcasting dues and the sanction for violations of the provisions as meant in paragraph (1) will be governed with the Government's regulations.

CHAPTER VIII

HANDING OVER OF AFFAIRS

Article 61

- (1) The government can hand over part of the government's affairs in the field of broadcasting to the regional administration.
- (2) Further provisions on the handing over of part of the affairs as meant in paragraph (1) will be governed with the Government's regulations.

CHAPTER IX

INVESTIGATION

Article 62

- (1) In addition to the police officer of the Republic of Indonesia as an investigator, the civil servant within a department whose scope of tasks and responsibilities include broadcasting development is granted special authority as an investigator as meant in Law number 8 of 1981 on criminal procedure law, in order to conduct a criminal investigation in the field of broadcasting, as regulated in this Law.
- (2) The civil servant as an investigator as meant in paragraph (1) is authorized to:

- a. receive reports or complaints from someone of a criminal act in the field of broadcasting;
- b. conduct a verification of a report or statement regarding a criminal act in the field of broadcasting;
- c. conduct an examination of a person alleged to have committed a criminal act in the field of broadcasting based on a piece of strong preliminary evidence;
- d. ask for information and evidence from a person or a legal person in relation to a criminal act in the field of broadcasting;
- e. conduct an examination of a person for his/her statement as a witness in relation to the examination of a criminal act in the field of broadcasting;
- f. conduct an examination of devices or other materials and articles in relation to the examination of a criminal act in the field of broadcasting;
- g. conduct an examination at a certain place where evidence materials have allegedly been found, and confiscate materials and articles as a result of a criminal act, which can be made evidence in a criminal act in the field of broadcasting;
- h. take someone's fingerprints, take his/her photo-

graph, and ask for expert help in the performance of an assignment of criminal investigation in the field of broadcasting.

- (3) Further implementation on the authority as meant in paragraph (2) will be done in accordance with the provisions governed in Law number 8 of 1981 on Criminal Procedure Law.

- other matters worthy of presumption that they will damage the nation's unity and integrity as meant in Article 32 paragraph (9); or
- b. anyone that knowingly broadcasts a music and song recording of which the lyrics expressing pornography and matters provoking, disputing, and/or contradicting religious teachings or humiliating human values and the nation's culture or other matters worthy of presumption that they will damage the nation's unity and integrity as meant in Article 37 paragraph (2), letter b.

Article 65

Anyone that knowingly broadcasts matters of the nature of sadism, pornography and/or gambling as meant in Article 32 paragraph (7) will be sentenced to a maximum of 3 (three) years in prison or a maximum penalty of Rp 300,000,000.00. (three hundred million rupiahs).

Article 66

Anyone that knowingly carries out unauthorized broadcasts as meant in Article 17 paragraph (1) will be sentenced to a maximum of 8 (eight) years in prison or a maximum penalty of Rp. 800,000,000.00. (eight hundred million

rupiahs).

Article 67

Anyone that knowingly establishes a foreign broadcasting institution in Indonesia as meant in Article 27 paragraph (1) will be sentenced to a maximum of 10 (ten) years in prison or a maximum penalty of Rp. 1000,000,000.00. (one billion rupiahs).

Article 68

(1) Sentenced to a maximum of 5 (five) years in prison or a maximum penalty of Rp. 500,000,000.00. (five hundred million rupiahs) is:

a. anyone that knowingly without permission implements subscription television broadcasting by means of a satellite, as meant in Article 20, letter a, vid. Article 21;

b. anyone that knowingly without permission implements subscription television broadcasting by cable means, as meant in Article 20, letter c, vid. Article 21;

(2) Sentenced to a maximum of 3 (three) years in prison or

a maximum penalty of Rp. 300,000,000.00. (three hundred million rupiahs) is:

- a. anyone that knowingly without permission implements subscription television broadcasting by terrestrial means as meant in Article 20, letter b, vid. Article 21;
- b. anyone that knowingly without permission implements broadcasts especially transmitted to a radio channel or subscription television channel or to a broadcasting implementer in order for the broadcasts to become part of other broadcasts, as meant in Article 20, letter d, vid. Article 21;
- c. anyone that knowingly without permission channels any satellite-transmitted broadcast by means of 1 (one) or more channels, as meant in Article 20, letter f, vid. Article 21;
- d. anyone that knowingly without permission channels broadcasts in a limited environment as meant in Article 20, letter g, vid. Article 21;
- e. anyone that knowingly without permission implements any audio-visual broadcast on a demand basis

- (video-on demand services) as meant in Article 20, letter h, vid. Article 21;
- f. anyone that knowingly without permission implements any multimedia information services as meant in Article 20, letter k, vid. Article 21.
- (3) Sentenced to a maximum of 2 (two) years in prison or a maximum penalty of Rp. 200,000,000.00. (two hundred million rupiahs) is:
- a. anyone that knowingly without permission implements any audio-visual broadcast in a limited open environment as meant in Article 20, letter e, vid. Article 21;
- b. anyone that knowingly without permission implements any audio text services as meant in Article 20, letter i, vid. Article 21;
- c. anyone that knowingly without permission implements any video text services as meant in Article 20, letter j, vid. Article 21.
- (4) Criminal penalty for anyone that knowingly without permission implements any special broadcasting services as meant in Article 20, letter l, vid. Article 21, is stipulated by the government regulation

to be sentenced to a maximum of 5 (five) years in prison or a maximum penalty of Rp. 500,000,000.00. (five hundred million rupiahs).

Article 69

Anyone that knowingly transfers a broadcasting permit as meant in Article 17 paragraph (5) is sentenced to a maximum of 1 (one) year in prison or a maximum penalty of Rp. 100,000,000.00. (one hundred million rupiahs).

Article 70

Anyone that without permission performs broadcasting activities on an irregular basis and/or journalistic activities in Indonesia as meant in Article 27, paragraph (2), is sentenced to a maximum of 1 (one) year in prison or a maximum penalty in the amount of Rp. 100,000,000.00. (one hundred million rupiahs)

Article 71

Anyone that without permission establishes cooperation in broadcast transmission with foreign broadcasting institutions abroad as meant in Article 31, paragraph (1),

is sentenced to a maximum of 1 (one) year in prison or a maximum penalty in the amount of Rp. 200,000,000.00. (two hundred million rupiahs).

Article 72

Anyone that without permission uses special broadcast reception equipment for commercial purposes as meant in Article 50, paragraph (2), letter a, is sentenced to a maximum of 9 (nine) months in prison or a maximum penalty of Rp. 100,000,000.00. (one hundred million rupiahs).

Article 73

Anyone that broadcasts commercials as meant in Article 42, paragraph (2), letter a, is sentenced to a maximum of 1 (one) year in prison or a maximum penalty of Rp. 100,000,000.00. (one hundred million rupiahs).

Article 74

Anyone that broadcasts commercials as meant in Article 42, paragraph (2), letters b, c, and d, is sentenced to a maximum of 9 (nine) months in prison or a maximum penalty of Rp. 100,000,000.00. (one hundred million rupiahs).

Article 75

By order of the Court, audio and audio-visual recordings as meant in Articles 64 and 65 are expropriated for destruction, while the sets or equipment as meant in Articles 66, 67, 68, and 72 are expropriated for the state.

Article 76

- (1) Any criminal act as meant in Articles 64, 65, 66, 67, and 68 is a crime.
- (2) Any criminal act as meant in Articles 69, 70, 71, 72, 73, and 74 is a misdemeanor.

CHAPTER XI

TRANSITIONAL PROVISIONS

Article 77

- (1) With this Law coming into force. all the prevailing regulations for implementation in the field of broadcasting and the existing boards or institutions remain effective or continue to perform their functions provided that they do not conflict with or have not yet been superseded by the new ones on the basis of this Law.

- (2) The existing broadcasting institutions prior to the promulgation of this Law are obliged to make adjustments to the provisions of this Law at the latest within 2 (two) years since the promulgation of this Law.
- (3) Within 2 (two) years since the promulgation of this Law, the Government will have altered or made adjustments to the government-owned broadcasting institutions and the others or other units relating to broadcasting within the Department of Information in accordance with the provisions of this Law.

CHAPTER XII

CONCLUDING PROVISIONS

Article 78

This law shall become effective on the date of its enactment.

In order that it may be known by everyone, an order shall be issued for the promulgation of this Law in the State Gazette of the Republic of Indonesia.

Enacted in Jakarta

on the 29th day of September 1997

THE PRESIDENT OF
THE REPUBLIC OF INDONESIA

(signed)

SOEHARTO

Promulgated in Jakarta
on the 29th day of September 1997
STATE MINISTER/STATE SECRETARY
OF THE REPUBLIC OF INDONESIA

(signed)

MOERDIONO

STATE GAZETTE OF THE REPUBLIC OF INDONESIA OF THE YEAR
1997 NUMBER 72

The copy agrees with the original

R.I. CABINET SECRETARIAT

Head of Bureau of Law and Legislation

(signed)

Lambock V. Nahattands

CLARIFICATION
ON
LAW OF THE REPUBLIC OF INDONESIA
NUMBER 24 OF THE YEAR 1997
ON
BROADCASTING

GENERAL

Broadcasting by means electronic mass communications with its advantages able to overcome space and time in the audio-visual, graphic and textual form should be able to play an active role in achieving the goals of national development as the practice of Pancasila (Five Basic Principles). Therefore, together with other mass media, the capabilities of broadcasting must be enhanced through national development intended to enhance comprehension and practice of the values of Pancasila and the 1945 Constitution in all aspects of national life so as to enhance the people's awareness of the life as a society, a nation, and a state in order to realize Wawasan Nusantara (Archipelago Concept, i.e. the maritime territory of Indonesia includes all the water between the islands), to cement the nation's

unity and integrity, national resilience; and to maintain dynamic national stability, in line with the developmental dynamics and technological progress.

With the continually improved and developed capabilities in accordance with the above directions, broadcasting has an important, strategic position in motivating society's opinion and desire towards positive things so as to play an active role in every phase of national development covering the development of the Indonesian people on comprehensive basis.

Meanwhile, rapidly developing broadcasting technology has already made the legal basis for the existing broadcasting development no longer sufficient, both due to the fact that the level of the regulation applied is lower than that of a law, and the fact that the scope just includes the particular aspects of unintegrated broadcasting operations.

Based on the above matters, as a foundation to regulate and develop broadcasting implementation, and to ensure law order and legal certainty, in addition to compliance with the Code of Broadcast Ethics, a law on broadcasting is required.

Broadcasting regulation in this Law is prepared based on the following ideas:

1. Pancasila, the 1945 Constitution, the Guidelines for the State Policies as a philosophic, constitutional, operational basis as guidelines for generating and developing broadcasting in Indonesia so that as a mass communication, broadcasting has become an effective means for the nation's struggle, establisher of the nation's unity and integrity, a means for developing the intellectual life of the nation, development and preservation of the nation's diversified cultures, information, education, and healthy entertainment, and as the speaker of public opinion, and the motivator of the people's participation in national development.
2. Broadcasting has a strategic value and therefore it is vital that broadcasting be controlled by the state. To that end, it is essential that broadcasting be developed and controlled in the best way possible.
3. Broadcasting is closely related to the radio frequency spectrum and the geo-stationary orbit which are both natural resources in such limited supply that its utilization must be regulated effectively and efficiently for the national interests to the fullest extent possible.
4. As the realization of the people's participation in national development, in addition to the government,

the people can carry out broadcasting and are obliged to support its growth and development.

5. Broadcasting implemented by the people is an integral part of the national broadcasting system.
 6. Development of broadcasting is directed towards the creation of one with quality able to absorb and reflect the people's positive, diversified aspirations, and to enhance the people's deterrent power against the adverse impacts of foreign cultures.
 7. In order to generate a climate which is favorable and conducive to broadcasting implementation, its development must be done on a thorough, integrated basis in a link in line with the basis, principles, goals, functions, and the direction of broadcasting implementation.
 8. In order to avoid any act against the law which might arise from broadcasting implementation, sanctions must be imposed on the breach of the provisions of this Law.
- By starting from the gist of thoughts as mentioned above, this Law regulates underlying matters, while those that are technical and operational in nature will be so done with the government's regulations and other directives for implementation.

CLARIFICATION

ARTICLE BY ARTICLE

Article 1

Sufficiently clear

Article 2

Sufficiently clear

Article 3

Sufficiently clear

Article 4

The provision in this Article means that the broadcasting goals closely relate to the aspects of life as a society, a nation, and a state. Broadcasting shall therefore not ignore the aspects of idealism and shall give priority to social missions through programs able to cement the nation's unity and integrity; to develop the nation's intellectual life; and to develop society's participative mental attitude towards efforts of national development.

Article 5

Sufficiently clear

Article 6

Letter a

Broadcasting is directed towards improvement in human resource quality, in order that broadcasting institutions through their broadcasts can generate the attitude of hard work , discipline, appreciation of achievement, courage to compete, creativity, and response to change; encourage learning culture, progress culture, and improvement in faith in and devotion to God the Almighty.

Letter b

Sufficiently clear

Letter c

Sufficiently clear

Letter d

Sufficiently clear

Letter e

Sufficiently clear

Letter f

Sufficiently clear

Article 7

Paragraph (1)

Given the fact that broadcasting has a strategic role in the effort to cement and enhance the nation's integrity and unity, to encourage economic growth, to develop the nation's intellectual life, to consolidate national culture and stability, then broadcasting is something vital to the general public's needs, and hence it essential that broadcasting be controlled by the state.

Paragraph (2)

Meant by "the Government is closely assisted by BP3N" is the fact that the Government cooperate with BP3N in order to develop and control the growth and development of national broadcasting.

Article 8

Sufficiently clear

Article 9

The types of broadcast regulated in this paragraph are not limited to radio and television broadcasting, but also

include information service reaching the general public. The types of broadcast will still develop into the realization of convergence between telecommunication, broadcasting, and computerization. In line with the resulting developments, broadcasting can be divided into broadcasting service, broadcast service, and information service. Meant by broadcasting service is radio or television broadcasting service its scope of activity beginning with broadcasting gathering, producing to broadcasting broadcast materials by means of a terrestrial transmitter. Meant by broadcast service is a broadcasting service its scope of activity basically being restricted to merely channeling or transmitting broadcasts from one broadcasting institution or another, or to carrying out an audio-visual broadcast in an open environment or doing so by means of a satellite. Meant by information service is a broadcasting service in the form of information service reaching the general public, in the form of text, speech, graphs and pictures, static and animated, presented separately and integratedly.

Article 10

Paragraph (1)

Meant by to be given "special authority" is that for organizational administration, for management of human resources, of facilities, of infrastructures, and of finance in such a way that it is more effective and efficient in the case of carrying out broadcasting missions.

Paragraph (2)

In so doing the government-owned broadcasting institution must be able to provide broadcasting services in the best possible, fast, accurate manner suited to the general public's need and desire. To that end, the government-owned broadcasting institution must be managed in accordance with the universally prevailing principles of broadcasting management.

Paragraph (3)

Sufficiently clear

Paragraph (4)

Sufficiently clear

Paragraph (5)

This provision is intended for the government-owned broadcasting institution to be able to optimize radio and television broadcasting services, as well as information services for the general public by making good use of new technology.

A subscription broadcast is carried out as a complement or support in order for the government-owned broadcasting institution to be better able to perform its missions in the national interests.

Meant by an "additional broadcasting service" is an information service becoming united with radio and/or television broadcast transmitting which can be received by the general public with or with no special equipment not interfering with the receiving of such a broadcast as teletext and radio data services.

Paragraph (6)

The government-owned broadcasting institution can establish cooperation with the private sector in the areas of management, capitalization, implementation of technical functions of broadcasting, broadcasting implementation, human resource development, research and development, and other businesses relating to broadcasting implementation.

Cooperation in broadcasting implementation can be established in the form of joint venture in accordance with the prevailing legislation.

Paragraph (7)

Accomplishment of the broadcasting mission in order to disseminate development policies and activities evenly to the people all over Indonesia, to meet their needs and accommodate their aspirations relating to the areas of information, education, and information, requires additional funds obtained from broadcasting dues, contributions, fees for the broadcasting permit, proceeds from commercials broadcast by stations of the Indonesian Broadcasting System, and other lawful businesses.

Letter a

Sufficiently clear

Letter b

Meant by broadcasting dues is those imposed on the owner of a television set and other special receiving devices in exchange for broadcasts received from a number of broadcast sources.

Meant by contribution is an amount of fund raised from

privately owned broadcasting institutions and special broadcasting institutions. Both has raised the funds from the proceeds of commercials.

Meant by a fee for the broadcasting permit is an amount of fund imposed on privately owned broadcasting institutions and special broadcasting institutions in relation to the broadcasting permit.

Letter c

Sufficiently clear

Letter d

Sufficiently clear

Paragraph (8)

Sufficiently clear

Article 11

Paragraph (1)

Sufficiently clear

Paragraph (2)

This paragraph is intended to prevent a privately owned broadcasting institution from its being used to dissemi-

nate opinions opposing Pancasila.

Paragraph (3)

This paragraph is intended for the establishment of the privately owned broadcasting institution to be based on the national interests, and to cement the nation's unity and integrity.

The privately owned broadcasting institution remains able to implement broadcasts of religious and political education as part of the program pattern prepared periodically by the privately owned broadcasting institution concerned; and especially for radio broadcasting suited to the station format.

The prohibition also applies to the privately owned broadcasting institution which has obtained its broadcasting permit if, as it turns out, the institution will carry out broadcasts in the future for the purpose as mentioned in this paragraph

Article 12

Paragraph (1)

Since any domestic broadcasting institution must be oriented towards Indonesia's national interests, the capital for the establishment of such a broadcasting institution

must be national in nature so as not be influenced by other external interests.

Paragraph (2)

If the privately owned broadcasting institution requires funds for business development and improvement in public service, the addition of capital or further capitalization can be done through a capital market or otherwise after the institution has obtained the government's approval. But neither the addition of capital nor further capitalization shall come from such foreign funds as a commercial loan or another way the funds of which come from abroad. In order to prevent the transfer of ownership of a privately owned broadcasting institution to a person, a group, or an alien, the government remains able to control it through the mechanism of approval.

Paragraph (3)

Sufficiently clear

Article 13

Paragraph (1)

This paragraph is intended to avoid domination of broad-

casts able to form public opinion detrimental to national development, and/or domination of commercials broadcasts not conducive to healthy broadcasting.

Paragraph (2)

This provision is intended to avoid domination of information through broadcasts and printed media able to form public opinion detrimental to national development. Meant by "direct cross ownership" is ownership of a privately owned broadcasting institution by a print media company and vice versa. Meant by "indirect cross ownership" is ownership of a privately owned broadcasting institution and a print media company by a person or legal person.

Paragraph (3)

This paragraph is intended for a privately owned broadcasting institution to be managed on familial relationship basis in accordance with the essence of Pancasila democracy reflected in business management. Minimum percentage of share ownership by the employees of a privately owned broadcasting institution is laid down by the government's regulations.

Ownership of shares by employees is collective in nature brought into reality through the cooperative or other associations in accordance with the prevailing legislation.

Paragraph (4)

Sufficiently clear

Article 14

"Support" meant in this Article concerns capital support, while service or technical support neither binding on nor affecting the appearance of programs is acceptable with the government's consent.

Article 15

Sufficiently clear

Article 16

Paragraph (1)

The location map of a radio broadcasting station is a map of the distribution of locations of radio broadcasting stations, considered ideal for operating and developing broadcasts in a certain region using the reach of a local broadcasting zone.

The location map of the radio broadcasting station is drawn upon consideration of the social, economic conditions of society within the reach of the local broadcasting zone; and of frequency availability not interfering with the receiving of radio broadcast between broadcasting stations within the reach of a local broadcasting zone.

For the purpose of granting of a permit for radio broadcasting, the location map of the radio broadcasting station is referred to, in addition to the station format, and must meet the needs of the people within the reach of a local broadcasting zone.

The location map of the radio broadcasting station concerned will be drawn and improved, and the number of each station format be determined in a certain period by paying attention to BP3N's considerations.

Paragraph (2)

Sufficiently clear

Paragraph (3)

The program/broadcast channel meant in this paragraph, in the case of the radio, is the local program/broadcast

channel; and in the case of the television, the national program/broadcast channel.

Paragraph (4)

Meant by "under certain circumstances" in this paragraph, is those making the government-owned broadcasting institution itself unable to broadcast some important event necessary for international society's knowledge.

Such circumstances can emerge because of non-performance of the broadcasting means; or of insufficiency of the government-owned broadcast institution's equipment.

Such circumstances can results from the need for deployment of the whole broadcasting potential because of a national or international event necessary to be widely broadcast in the national interests.

Meant by "to support" in this paragraph is to exercise the authority granted by the government-owned broadcasting institution to a privately owned broadcasting institution implement a particular broadcast which would have been so done by the government-owned broadcasting institution.

Article 17

Paragraph (1)

Permit as meant in this Paragraph is the right to carry

out radio or television broadcasting. Such permit granting is associated with the responsibility for development of the content of any broadcast to be well-suited to the basis, principles, goals, functions, and the direction in Indonesia.

Paragraph (2)

Meant by "which can be renewed" in this paragraph is renewal of permit to carry out radio or television broadcasting based on the performance evaluation of the privately owned broadcasting institution concerned.

At each renewal, the maximum period of a broadcasting permit granted is 5 (five) years, in the case of the radio broadcasting, and 10 (ten) years, in the case of the television broadcasting

Paragraph (3)

The format of a station is the characteristic of a radio broadcasting station, based on the dominant part of the broadcast content, its stipulation being associated with the need and desire of the target audience to be reached by the station.

Paragraph (4)

Sufficiently clear.

Paragraph (5)

The provision in this paragraph is intended to prevent the broadcasting from purchase and sale which can result in the broadcasting institution being under the control of a particular person or legal person.

The prohibition in this paragraph includes the broadcasting implementation by the party being not the permit holder, or the fact that part or all the shares of the broadcasting institution are handed over to another party.

Paragraph (6)

Sufficiently clear.

Article 18

Paragraph (1)

Meant in "to coordinate" in this paragraph is a joint effort with the related government agency by means of an under one roof permit granting mechanism in order to facilitate public service provision. Since this Law regulates, directs, develop, and controls broadcasting opera-

tions closely relating to the use of frequency and transmitting facilities, such an under one roof permit granting mechanism is urgently needed.

Paragraph (2)

Sufficiently clear.

Article 19

Paragraph (1)

The appointment of the chief executive and the persons responsible for broadcast implementation is meant to lay the fundamentals of professional, responsible management. The whole responsibility for broadcasting implementation rests with the chief executive for general affairs. But in the case of legal responsibility relating to broadcasting implementation, it can be delegated to the person responsible for appropriate matters: news reporting, material, technical, and business.

Paragraph (2)

Sufficiently clear.

Paragraph (3)

Sufficiently clear.

Paragraph (4)

Sufficiently clear.

Paragraph (5)

Sufficiently clear.

Article 20

The special broadcasting institution has typical characteristic compared with the broadcasting institution.

Basically, the special broadcasting institution only channel radio and television broadcast, that is, audio-visual, or information on an interactive and non-interactive basis. Broadcast materials or information service can only be received by the audience by using a special broadcast receiving set.

Special broadcasting institution are divided into broadcasting/audio-visual, special broadcast distributor, information service institution, each having a different type of broadcasting.

As a broadcasting institution, it only transmits and/or distribute broadcast materials obtained from another.

In line with the rapid developments of technology and the general public's life necessities, it is possible that the broadcasting institution will be given permission to carry

out broadcasting activities by providing for itself broadcast materials for distribution on a limited basis.

As a distributor, the broadcasting institution only distribute broadcasts received from and/or supplied by another broadcasting institution, and it is not allowed to implement broadcasting.

As an information service institution, basically the broadcasting institution only distributes information materials received from another, and can provide for itself the necessary information materials.

Article 21

The type of legal person and permit for special broadcasting implementation as meant in Article shall be an Indonesian legal person especially formed in order to implement special broadcasting under a permit apart from a permit for a privately owned broadcasting institution.

Article 22

Paragraph (1)

Sufficiently clear.

Paragraph (2)

Meant by "internal censorship" is that that must be implemented by a special broadcasting institution, of the content of a broadcast received and directly distributed from a program of broadcasting institutions at home and abroad.

The objective of internal censorship is to protect the general public against the negative impacts of a program since the program-receiving audience cannot be limited in terms of age and his comprehension.

Article 23

Paragraph (1)

The satellite-transmitted subscription broadcast can only be received, listened to, or watched, by the audience by using a special device for receiving broadcasts, and by paying a fee in the form of a subscription or a direct fee for a particular program.

The satellite-transmitted subscription broadcast has advantages over other types of subscription broadcasts since its broadcasting reach includes the national zone and part of the international zone.

A must to use a transmitter directed towards a satellite

located in Indonesia, and to give priority to the use of Indonesia-owned satellite is intended to facilitate the control over the content of broadcasts through internal censorship by delaying for sometime any broadcast distributed from abroad.

Paragraph (2)

Sufficiently clear.

Paragraph (3)

Technological advances have enabled the satellite-transmitted subscription broadcasting institution to be received by the radio/television receiving set with no subscription.

The special broadcasting institution is therefore intended to apply to and develop technology so that its broadcasts can be received only by a subscriber radio/television receiving set.

Article 24

Paragraph (1)

In order for the Subscription Broadcasting Institution not to place an emphasis on economic considerations only in its broadcasting operations, and not to become a mere

foreign culture-disseminating medium, broadcasts from abroad shall be limited to the obligation to distribute broadcasts produced at home in a harmonious ratio.

In order to enable quality domestically-produced broadcasts to be included in a subscription broadcasting channel, the realistic ratio is 1 (one) channel of domestically-produced broadcasts to 10 (ten) overseas produced broadcasts.

If the number of channels able to be implemented is fewer than 10 (ten) channels of overseas produced broadcasts, the institution remains obliged to distribute 1 (one) channel of domestically-produced broadcasts.

Paragraph (2)

In Order for the subscription broadcasting institution not to place an emphasis on economic considerations only in its broadcasting operations, and not to become a mere foreign culture-disseminating medium, broadcasts from abroad shall be limited to the obligation to distribute broadcasts produced at home in a harmonious ratio.

In order to enable quality domestically-produced broadcasts to be included in a subscription broadcasting channel, the realistic ratio is 1 (one) channel of domestically-produced broadcasts to 5 (five) overseas produced

broadcasts.

If the number of channels able to be implemented is fewer than 5 (five) channels of overseas produced broadcasts, the institution remains obliged to distribute 1 (one) channel of domestically-produced broadcasts.

Paragraph (3)

If based on the survey results, as it turns out, the domestic materials have developed, it is necessary for the government to adjust the ratio between domestically-produced broadcasts and overseas produced broadcasts so that the number of channels for domestically-produced broadcasts can be increased.

Article 25

Sufficiently clear.

Article 26

Sufficiently clear.

Article 27

Paragraph (1)

Prohibition in this paragraph also covers any Indonesian legal person whose ownership is dominated and/or controlled by a foreign broadcasting institution.

Paragraph (2)

Sufficiently clear.

Paragraph (3)

Sufficiently clear.

Paragraph (4)

Meant by a "representative" of a foreign broadcasting institution in this paragraph is an office in which a number of correspondents of a foreign broadcasting institution work in order to support their activities of journalistic coverage in Indonesia.

Paragraph (5)

Sufficiently clear.

Paragraph (6)

Sufficiently clear.

Paragraph (7)

Sufficiently clear.

Article 28

Sufficiently clear.

Article 29

Paragraph (1)

Meant by a "cooperative umbrella organization" is a broadcasting organization intended to increase broadcasting implementation so that the broadcasts presented comply with the basis, principles, goals, functions, and the direction of broadcasting.

Meant by a "professionals cooperative umbrella organization" is an organization for broadcasting practitioners in order to enhance the professionalism of its members so as to advance the broadcasting world.

Paragraph (2)

Sufficiently clear.

Article 30

Paragraph (1)

Sufficiently clear.

Paragraph (2)

Meant in "to represent Indonesia" in this paragraph is the authority granted by the Government of Indonesia to Government-owned broadcasting institutions and privately owned broadcasting institutions in order to attend forums and/or become a member of a broadcasting institution at international level on behalf of the Government of the Republic of Indonesia.

At particular forums and organizations which require the Government of the Republic of Indonesia to become a participant or full member, the Government of the Republic of Indonesia can be represented by the Government-owned broadcasting, in this case, a privately owned broadcasting institution can be included an ordinary member.

Paragraph (3)

Sufficiently clear.

Article 31

Paragraph (1)

"Cooperation" meant in this paragraph is fundamental, which can give rise to impacts inter-related with other interests, and must first be approved by the Government.

The cooperation in the form of broadcast implementation on an irregular basis like that in the fields of program and sports event coverage can be established to the extent that it will not harm national interests.

In this paragraph there are two norms of permit, that is, that of cooperation in broadcast transmission and of engineering and service.

Breach of the provisions of the permit for cooperation in transmission is classified as a criminal act; and breach of the provisions of engineering and service, as an administration breach.

Paragraph (2)

Sufficiently clear.

Article 32

Paragraph (1)

Sufficiently clear.

Paragraph (2)

Meant by a "ratio of programs" in this paragraph is a ratio between the duration of domestic programs and foreign programs the duration of foreign programs being at least 70 (seventy) to 30 (thirty).

This ratio applies to all types of programs, including films and electronic cinema.

Paragraph (3)

In showing foreign programs, the government-owned broadcasting institutions and privately owned broadcasting institutions shall pay attention to the close relations between Indonesia and friendly countries, since it is not impossible that such programs might touch on sensitive things able to damage the good relations with Indonesia.

Paragraph (4)

Meant by the "standards of program content" in this para-

graph is the criteria or standard measurement of the quality of broadcast content relating to:

- a. agreement between broadcast content and the culture of the target audience;
- b. agreement between broadcast content and the age bracket and the need of the target audience;
- c. effort to protect children and teenagers; and
- d, accurateness, balance, truth of broadcast content especially news broadcast and commercials.

Paragraph (5)

Broadcasting institutions shall protect and motivate children and teenagers by broadcasting such programs at the appropriately special time for school children and those having reached the age to attend school.

Meant by the "special time" is the time for showing programs well-suited to the difference in the time zones prevailing in Indonesia.

Paragraph (6)

Sufficiently clear.

Paragraph (7)

Sufficiently clear.

Paragraph (8)

If the content of programs, as it turns out, is contrary to Pancasila, the government will issue a decision of suspending such a broadcasting activity for a certain period of time.

Further process concerning the continuation of the program implementation will wait the finding of the court. a sanction will be imposed on the law breakers in accordance with the prevailing legislation.

Paragraph (9)

Meant by "to provoke" in this paragraph is to excite someone's or a group's feeling able to generate an attitude of opposing, resisting, rebelling, or doing other acts contrary to the law and the prevailing legislation.

Meant by "to contradict religious teachings" is to contradict religious values universally found in every religious teachings.

Meant by "to humiliate human values" is to degrade/ humiliate human values or underestimate human self-respect.

Meant by "worthy of presumption that they will damage the nation's unity and integrity" is the fact that based on

common sense it is presumed to damage the nation's unity and integrity.

Matters which can interfere with the nation's unity and integrity are for example those containing a dispute between ethnic groups or tribes, between religions, between races, and between social classes (SARA).

Article 33

Paragraph (1)

Sufficiently clear.

Paragraph (2)

In the use of a vernacular, the broadcasting institution should do its best to translate a program into Bahasa Indonesia so that the audiences in other regions can understand and follow it.

Paragraph (3)

Sufficiently clear.

Paragraph (4)

Sufficiently clear.

Paragraph (5)

Sufficiently clear.

Paragraph (6)

Sufficiently clear.

Paragraph (7)

Meant in "dubbing" is the transfer of verbal language from

one language to another.

Paragraph (8)

Given the fact that the dubbing into Bahasa Indonesia has both positive and negative impacts, it will be so done on a selective basis.

Any program having a value able to enhance the nation's intellectual life, and any special one having a positive impact on the preservation of the nation's cultures can be dubbed on a selective basis.

Paragraph (9)

Sufficiently clear.

Paragraph (10)

Sufficiently clear.

Paragraph (11)

Sufficiently clear.

Paragraph (12)

Sufficiently clear.

Article 34

Paragraph (1)

This provision strengthens that of Article 32, paragraph (1) that broadcasting institutions should broadcast more domestic broadcasting themes based on the nation's self-identification and cultural roots. It is very likely that such a broadcasting program cannot be produced by a broadcasting institution itself and harmonious cooperation should therefore be established with a domestic production house.

Such a production house must be seen as a support to the progress of the broadcasting world at home in order to maintain, in cooperation with broadcasting institutions, the national self-identification and insight.

Broadcasting institutions and production houses, by generating mutually profitable cooperation must be able to give an additional value to the nation's cultural values, which are endless program sources. It agrees with the broadcasting direction to development and conservation of the nation's cultural values, while strengthening its resilience.

Paragraph (2)

When selecting programs originating in another country, its consideration is essential in order that such programs

its consideration is essential in order that such programs will be helpful and can be made a comparison to encourage improvement in the quality of domestic programs.

Paragraph (3)

Sufficiently clear.

Paragraph (4)

Sufficiently clear.

Paragraph (5)

Sufficiently clear.

Paragraph (6)

Sufficiently clear.

Paragraph (7)

Sufficiently clear.

Article 35

Paragraph (1)

Meant by "to relay a broadcast" of the privately owned broadcasting institution is to re-transmit the broadcast at the same time rather than to record in advance and broadcast it in the form of a delayed broadcast.

Any broadcast carried out by the government- owned broadcast-
ing institution in the form of a centrally broadcast
program shall be relayed by privately owned broadcasting
institution.

Paragraph (2)

Meant by a state program is, among others:

- a. the state address on every 16 August before the
Indonesian Legislative Assembly;
- b. the seconds towards the Proclamation of the Independ-
ence of the Republic of Indonesia; and
- c. the ceremony of Pancasila Supernatural Power on every
1 October.

Paragraph (3)

Meant by a "to relay a broadcast" meant in this paragraph
is to re-transmit the broadcast from a foreign broadcast-
ing institution with or with no auxiliary device.

A "regular program" meant in this paragraph is one con-
tained in the program pattern.

Paragraph (4)

Sufficiently clear.

Paragraph (5)

Sufficiently clear.

Article 36

This provision is intended for a specially important event, both of a national and international scopes, to be carried out in the best manner possible reaching all Indonesian people.

Meant by a specially important event is, among others, any great event or incident urgently necessary to be made known to the general public, including an international level, widely loved sports contest.

Article 37

Paragraph (1)

Worthiness of a broadcast associated with the suitability of content with the standard criteria for the content of an audio recording broadcast not produced in-house is the full responsibility of the broadcasting institution concerned.

This provision is intended for the broadcasting institution to conduct an in-house censorship to test the worthiness of an audio recording broadcast for broadcasting purposes.

Paragraph (2)

Sufficiently clear.

Paragraph (3)

Sufficiently clear.

Article 38

Paragraph (1)

Meant by a "broadcasting right" in this paragraph is the right to broadcast a program once or more times or for a certain period.

Paragraph (2)

Confirmation of the "ownership of a broadcasting right" can be done by placing it at the end of every program, while in the case of the radio broadcasting it can be done periodically or according to the need.

Paragraph (3)

Sufficiently clear.

Article 39

Paragraph (1)

Meant by "classification of a program" is such an act based on the content of the program linked with the age brackets and the types the target audience.

The classification of programs is meant to protect the general public against negative matters resulting from the program broadcast, and to facilitate them in selecting programs.

Paragraph (2)

The classification of programs shall indicate a worth-watching code based on the levels of violence, obscenity, language vulgarity associated with the age brackets of the audience as follows:

- a. worth-watching for children;
- b. parents guidance necessary;
- c. general audience;
- d. adult only; and
- e. restricted.

Paragraph (3)

Sufficiently clear.

Article 40

Paragraph (1)

Basically, the authority to implement news broadcasts is held by the government broadcasting institution. However, the privately owned broadcasting institution can also carry out news broadcasts in accordance with particular

requirements.

Paragraph (2)

Meant by to meet the news standards and comply with the Code of Broadcast Ethics and the Code of Journalistic Ethics for the privately owned broadcasting institution in implementing news broadcasts is the fact that prior to doing so some requirements must be met by the privately owned broadcasting institution's chief executive for general affairs and the person responsible for news broadcasting.

It is necessary since news broadcasting has a direct great impact on the general public.

Electronic news broadcasting shall take the press' responsible, independent approach, referring to the Law of the Press' Basic Provisions. The news standards are laid down by the government on the basis of BP3N's considerations.

This provision is intended to put emphasis on the obligations of broadcasting institutions that they are to maintain the content and the manner in which new conveyed in accordance with the Code of Broadcast Ethics and the Code of Journalistic Ethics.

Paragraph (3)

Since basically, the subscription broadcasting institution

is a mere distributor of a foreign program, it is difficult for it to account for news broadcasts prepared in-house.

Paragraph (4)

A news broadcast program is a journalistic activity closely relating to the responsibility and credibility of a broadcasting institutions. A production house is therefore allowed to produce neither any program for news broadcasting purposes, nor program materials able to be classified as news.

Meant by "news" in this paragraph is a piece of news containing new information elements concerning recent a major event which may have impacts on the audience.

Any production house having the ability will be allowed to produce broadcast program material in the form of feature or matters of human interest, both of which are not classified as news.

Paragraph (5)

Sufficiently clear.

Article 41

Sufficiently clear.

Article 42

Paragraph (1)

Meant by a "company" in this paragraph is a national production house or a national advertising company that are both members of an advertising association.

Paragraph (2)

Sufficiently clear.

Paragraph (3)

Sufficiently clear.

Paragraph (4)

Sufficiently clear.

Paragraph (5)

Sufficiently clear.

Paragraph (6)

Sufficiently clear.

Paragraph (7)

Meant by a "percentage of broadcast duration" is the length of time permitted for a commercials broadcast.

Paragraph (8)

Sufficiently clear.

Paragraph (9)

Meant by "to give priority to the receipt and broadcasting of a commercial" is to give the greatest opportunity possible and motivate national advertising companies. In the case of an individual or small scale business they are given opportunities to place their commercials with a broadcasting institution, especially the radio broadcasting institution without the use of services provided by an advertising companies that are a member of the association of national advertising companies.

Article 43

Sufficiently clear.

Article 44

Sufficiently clear.

Article 45

Sufficiently clear.

Article 46

Paragraph (1)

By means of a program pattern, a broadcasting institution can control the balance of broadcasting functions so that everything will go harmoniously. The program pattern shall be prepared in a certain period of at least 6 (six) months or 1 (one) year. Such a program must be actual and can be adjusted according to the need.

Paragraph (2)

Meant by "to classify a program" is to classify a program according to its type covering news broadcast, information, sports and entertainment broadcasts, educational and cultural broadcasts, commercials, and religious broadcasts. In the case of each type of broadcast, the objectives and purposes are described referring to the background of societal practice in general, and the need and desire of the target audience.

Paragraph (3)

The time for the broadcasting of a program is very important for the attention of every broadcasting institution referring to societal practice of listeners or viewers on the basis of age.

According to its social functions, it is necessary for the broadcasting institution to pay attention to the general public's needs in order not to interfere with the balance of their day-to-day life. Similarly, it is essential that children's programs be broadcast at appropriate hours.

In broadcasting national programs, it is also necessary for every broadcasting institution to pay attention to the time zoning in Indonesia, especially any time coinciding with that of the observation of a religious service. In the case of a selected live program, the time is not necessarily tied to that determined by a program pattern.

Paragraph (4)

Meant by "recommended by BP3N" is the program is given considerations as an input for preparation of a standard program pattern as the guidelines for the broadcasting institution in the preparation of a program pattern for a period of time.

Paragraph (5)

Sufficiently clear.

Article 47

Paragraph (1)

Sufficiently clear.

Paragraph (2)

Sufficiently clear.

Paragraph (3)

Sufficiently clear.

Paragraph (4)

Letter a

Sufficiently clear.

Letter b

Sufficiently clear.

Letter c

Meant by "the area around the place where the broadcast is carried out" is a certain area in which a cable network can be constructed as a means to distribute its broadcasts without posing problems causing damage to an environmental infrastructure.

Letter d

Sufficiently clear.

Paragraph (5)

Sufficiently clear.

Paragraph (6)

Sufficiently clear.

Article 48

Paragraph (1)

This provision is intended for the general public to have access to a quality meeting the requirements of broadcasting services; and to facilitate the broadcasting operation between broadcasting institutions. With the same system standards, the exchange of programs between the institutions, centrally broadcast and international programs can be done easily and economically.

Meeting of the technical performance standards specified by the government can be done by broadcasting institutions on a gradual basis.

Paragraph (2)

By means of this provision, any broadcasting institution

can encourage the development of domestic industry by giving priority to the use of the domestically produced technical facility meeting the technical performance standards.

Basically, the standards for testing by the authorized institution apply to all broadcasting technical facilities used by broadcasting institutions in Indonesia.

The institution authorized to do the testing in this respect is a government or privately owned institution appointed by the government. The authorized institution shall have facilities and capabilities of testing in accordance with the specified international standards.

Paragraph (3)

Sufficiently clear

Paragraph (4)

Sufficiently clear.

Article 49

Paragraph (1)

This provision is intended for development purposes in order to avoid the possible duplication of the radio frequency spectrum by a broadcasting institution.

Paragraph (2)

Sufficiently clear.

Article 50

Paragraph (1)

Meant by "special broadcast reception equipment" is set of auxiliary devices necessary as an auxiliary part for the receiving of a radio and/or television broadcasts; or of special broadcast in order for the general public can receive broadcasts from a broadcasting institution or a special broadcasting institution.

Such a set of special devices for commercial purposes is a set provided by a a broadcasting institution for use by a social groups, companies, or offices in exchange for an amount of money paid periodically or in other forms.

The special equipment for non-commercial broadcast receiving is a set of devices is that owned by society members for their own use.

Paragraph (2)

Sufficiently clear.

Paragraph (3)

Sufficiently clear.

Article 51

Paragraph (1)

Sufficiently clear.

Paragraph (2)

Sufficiently clear.

Paragraph (3)

Sufficiently clear.

Article 52

Paragraph (1)

This provision is intended give directions to all broadcasting institutions to consider which program is worth-showing, and which is not (self-censorship). With regard paid to the capability, the extent of reaching capability, radio and television broadcast impacts on society; and to the diversity of Indonesian people, it is hoped that broadcasting institutions can absorb and reflect the local society's conscience accurately.

Paragraph (2)

Sufficiently clear.

Article 53

Paragraph (1)

The Broadcasting Code of Ethics is a pledge, a determination, moral guidelines reflected by broadcast implementations prepared and laid down by the organization of broadcasting institutions and the broadcasting profession organization.

By honoring and being subject to agreement formulated in the Broadcasting Code of Ethics, a broadcasting institution will be able to morally "evaluate, guide, or even punish itself" so as to convince the general public that it has highly moral responsibility.

Paragraph (2)

Sufficiently clear.

Article 54

Paragraph (1)

Sufficiently clear.

Paragraph (2)

Sufficiently clear.

Paragraph (3)

Sufficiently clear.

Paragraph (4)

Sufficiently clear.

Article 55

Paragraph (1)

Sufficiently clear.

Paragraph (2)

Meant by "development and control" includes regulation, supervision, putting in order of broadcasting implementation by the government-owned broadcasting institution, privately owned broadcasting institution, and special broadcasting institution.

In the development and control of broadcasting implementation, it is essential that an integrated mechanism be developed, enabling the development of healthy developmental activities, especially in terms of the broadcasting content which has a self identification based on the national interests and on the management of the respective institutions.

Creation of a healthy business climate is necessary in

order to avoid unfair competition, and concentration of domination of the broadcasting business by a particular person or group conflicting with the spirit and value of Pancasila and the 1945 Constitution.

Paragraph (3)

Sufficiently clear.

Article 56

Paragraph (1)

Letter a

Sufficiently clear.

Letter b.

"Broadcast-related regulations" must be able to create a climate generating and developing healthy, dynamic broadcast implementation; and able to encourage and anticipate scientific and technological developments, and their application to the broadcasting world in Indonesia.
prepare and lay down

Letter c.

The radio frequency spectrum as a natural resource in a limited supply must be utilized in the most optimum way

possible for broadcasting implementation and information communication. It is therefore essential that the government in an integrated manner prepare, and determine broadcasting location maps fixing the number of broadcasting institutions in a location with a certain reaching zone paying regard to the factors of zone and population number, the economic support capacity in the zone, and the frequency allocation available on the basis of frequency planning for national broadcasting. Such factors deserve attention in fixing a broadcasting location map so that broadcasting institutions can develop healthily.

Letter d

Sufficiently clear.

set the classifications and standards of the broadcast contents;

Letter e.

Activities intended to support broadcasting implementation, development and control covering the motivating of mobile social groups, in culture and education take a large cost.

So does continuous monitoring of broadcasting implementation, of the general public's complaints or responses.

Thus, the funds coming from broadcasting dues, contributions, broadcasting permit expenses imposed on privately owned broadcasting institutions, special broadcasting institutions, and commercials broadcast by the Indonesian Broadcasting System (Radio Republik Indonesia) stations and other lawful businesses must be raised and well managed.

Such funds raised on the basis of this provision are state revenue, rather than tax, managed in accordance with the prevailing legislation.

Letter f

Sufficiently clear.

Letter g

Sufficiently clear.

Letter h

Sufficiently clear.

Letter i

Sufficiently clear.

Letter j

Sufficiently clear.

(2) Matters to be governed in the Government's regulations are, among others, the procedure for managing the funds from broadcasting dues, contributions, broadcasting permit expenses imposed on privately owned broadcasting institutions, special broadcasting institutions, and commercials broadcast by the Indonesian Broadcasting System (Radio Republik Indonesia) stations and other lawful businesses paying attention to the characteristics of professional broadcasting activities. Effort must be made in order that the mechanism of fund management can support the implementation of broadcasting tasks and functions.

Article 57

Paragraph (1)

BP3N was formed as the general public's participation in broadcasting development and at the same time as a positive interactive umbrella organization between the general public, government and privately owned broadcasting institutions. BP3N is non-structural in nature and functions in order to give considerations to and control broadcast-related matters for the Government.

BP3N considerations, inputs, or recommendations, can be given in the written, verbal or active participational forms.

Paragraph (2)

Sufficiently clear.

Paragraph (3)

Sufficiently clear.

Paragraph (4)

Sufficiently clear.

Paragraph (5)

Sufficiently clear.

Paragraph (6)

Sufficiently clear.

Article 58

Sufficiently clear.

Article 59

Sufficiently clear.

Article 60

Paragraph (1)

Sufficiently clear.

Paragraph (2)

The amount of broadcasting dues as meant in this paragraph is determined by the government based on the results of consultations with the Legislative Assembly of the Republic of Indonesia.

The sanction for violations of the provisions as meant in this paragraph can be in the form of warning, penalty, or the most serious, that is, in the form of the sealing of broadcast-receiving set.

Article 61

Sufficiently clear.

Article 62

Paragraph (1)

In performing his task, the investigator, who is a civil servant coordinates his with another investigator, a police officer of the Republic of Indonesia, starting from

investigation notice to the handing over of investigation results, which will give the best results without adversely affecting the broadcasting institution concerned.

Paragraph (2)

Sufficiently clear.

Paragraph (3)

Sufficiently clear.

Article 63

Paragraph (1)

In Article 31 paragraph (1) those imposed on are only technical and service cooperation not supported by the government's permission.

Paragraph (2)

The administrative sanctions are imposed gradually. Only in the case of certain violations, the administrative sanctions can be done not on a gradual basis, depending the seriousness of the violations. For example, if a broadcasting institution is evaluated to have committed serious violation which can disturb security and order, the suspension of its broadcasting operations can be directly imposed on it.

An administrative sanction in the form of revocation of the broadcasting permit associated with a broad aspect must be imposed carefully following a number of considerations.

インドネシア「放送法」概要（速報版）

- スハルト大統領は1997年9月29日、インドネシアで初めての「放送法」案に署名し、今年24番目の法律として即日成立した。
- 昨年12月この法案は国会での審議を終え、大統領の署名を待つだけの状態であったが、以下の問題などがあって、国会に差し戻しとなっていた。
 - (1) TVRIに公共的とは言え、コマーシャルの放送を認めている点
 - (2) 放送事業者の放送免許の期間
 - (3) 民間放送局のカバーエリア等
- 今回成立した「放送法」は、全体55ページ、12章78条から成っている。
- 章の構成としては、総則から始まり、放送事業を国営、民間、それに衛星、ケーブル等の特別放送局に分類している。そして、放送の実施にあたっての放送内容、カバーエリア、訂正放送等の記述があって、政府の役割、視聴（聴取）者の義務と役割、罰則規定等がその内容となっている。
- 同法の特徴的な点を挙げると、以下の通りとなる。
 - 1) 国営放送局の財源は、国家予算、受信料からの割り当て、RRI（国営ラジオ放送）の広告収入となっており、TVRI（国営テレビ放送）の広告放送は認められていない。
 - 2) 民間放送局のテレビ局は首都に置かれ、その数は政府によって定められる。
 - 3) 民間放送局の放送免許は、ラジオ局が5年、テレビ局が10年の有効期間となっており、延長は可能。免許料はこのあとの法令で定められる。
 - 4) 民間放送局の設立は、インドネシア国籍の個人或いは法人のみが許され、外国からの出資は一切認められない。
 - 5) 民間放送局同士、また新聞・雑誌等の印刷メディアからの出資は制限される。
 - 6) 民間放送局の役員は、インドネシア国籍を有する者に限られる。
 - 7) 衛星、ケーブル、ビデオ・オン・デマンド等の放送事業を行うものを特別放送局と位置づけ、他の国営、民間の放送局とは違った規定を設けている。
 - 8) 特別放送局にも放送免許は必要。
 - 9) 国営・民間放送局が、国内番組と外国番組の比率を7：3とし、国内番組を優先させることが義務づけられているのに対し、特別放送局の衛星放送ではその比率が、1：10で、外国番組の優先が許されている。
 - 10) 番組の中で使用される言語はインドネシア語で、必要に応じ英語が許される。英語以外の言語を放送で使用が許されるのは語学講座のみ。ただし、特別放送局は例外でその規定は政

令で定められる。

- 11) 民間放送局は国営放送局の全国向け放送（中央からの放送の意）を中継しなければならない。この放送の内容は政府公報および定められた時間のニュースである。ただし、民間放送局は、同法で初めてニュースの取材・制作を認められた。
- 12) 映画、実録番組に対する検閲は映画検閲協会が行う。
- 13) 暴力、サディズム、ポルノグラフィ、ギャンブル、麻薬などのシーンを含む番組を放送することは許されない。また、共産主義を高揚したり、反宗教的な番組も禁止。
- 14) 広告放送も検閲の対象。インドネシアの風土、文化を描くものが良い。
- 15) 外国放送局を設立することは許されない。ただし、政府の許可を得た上で、不定期な放送と取材活動は許される。また、支局を設け、駐在員を置くことも、政府の許可を得れば許される。
- 16) 民間放送局のテレビ局はインドネシア全国を放送区域とし、ラジオ局は各地域（ローカル）を放送範囲とする。特別放送局については、衛星、ケーブル等の媒体の種類によって異なる。

以上が、インドネシアで初めての「放送法」で特徴的な点である。

付属資料6 面会者リスト

Annex

LIST OF THE ATTENDANTS

NATIONAL DEVELOPMENT PLANNING AGENCY (BAPPENAS)

- | | |
|-------------------------|---|
| 1. Ms. Enni Rochmaeni | Head of Bureau of Law Social Communication & Information |
| 2. Ms. Emmy Suparmiatun | Staff of Bureau of Law Social Communication & Information |
| 3. Mr. Indra Sakti | Staff of Bureau of Law Social Communication & Information |

DEPARTMENT OF INFORMATION DIRECTORATE GENERAL OF RADIO, TELEVISION, FILM

- | | |
|--------------------|---|
| 1. Mr. Dewabrata | The Director General of Radio Television & Film |
| 2. Mr. Chairul Zen | Secretary of the Directorate of General of Radio Television Film |
| 3. Mr. Sunaryo | Head of Programm Planning & Reporting Division (RTF) |
| 4. Mr. Suhartono | Planning of Programm Sub Division (RTF) |
| 5. Mr. Najib | Evaluation Sub Division (RTF) |
| 6. Mr. Achmad. SA | Head of Transmission Division, at RTF Engeneering center |
| 7. Mr. N. Kondo | JICA Expert to RTF |

DIRECTORATE TELEVISION (TVRI JAKARTA)

- | | |
|---------------------------|----------------------------------|
| 1. Mr. Andi Batto Pabekka | Technical Production Section |
| 2. Ms. Ruki Adriani | Administrative Division |
| 3. Ms. Yosta Baharuddin | Program Sub Directorate |
| 4. Mr. Wardi Wahid | Deputy TV Director for Technique |
| 5. Mr. Sutrimo | News Division Sub Directorate |

DIRECTORATE RADIO (RRI JAKARTA)

- | | |
|------------------------|---------------------------------------|
| 1. MR. Harry Wiharso | News Department Radio Sub Directorate |
| 2. Ms. Mulyani | Deputy Radio Director for Program |
| 3. Mr. Mulato Widiyono | Deputy Radio Director for Technique |

TVRI SURABAYA STATION

| | |
|-----------------------|-----------------------------|
| 1. Mr. Yon Hardoyono | Station Manager |
| 2. Mr. C. Istriyanto | Technical Operation |
| 3. Mr. Jumarna | Transmission Manager |
| 4. Mr. Sumarlan | Staff |
| 5. Mr. Pitoyo | Production Manager |
| 6. Ms. Tuti Utami | Staff of Production |
| 7. Mr. Nasiq Syarief | Staff |
| 8. Mr. Hario Agung | Staff of Technical Manager |
| 9. Mr. Misto Rawi | Staff of Technical Manager |
| 10. Mr. Ishak Bachmid | Staff of Technical Manager |
| 11. Mr. Ali Mudrik | Staff of Production Manager |
| 12. Mr. Bowosukendro | Staff of Administration |

SCTV SURABAYA STATION

| | |
|------------------------------|---------------------------|
| 1. Mr. Risanggono Soemaryono | Director of SCTV Surabaya |
| 2. Ms. Dini S. Rahim | Public Relations Officer |
| 3. Mr. Lesmono | R F Manager |
| 4. Ms. Susilaniryah | Scheduling |
| 5. Mr. Sonny W. | Technical Maintenance |
| 6. Mr. Suryo Mulyanto | HRD Manager |
| 7. Mr. Made Masna | Staff of Production |
| 8. Mr. Istrijanto | Technical Operation |



RRI REGIONAL 1 SURABAYA STATION

| | |
|-----------------------|---------------------------------|
| 1. Mr. Mukidi | Head of RRI Radio Station |
| 2. Mr. Agus Widjaja | Head of Broadcast Section |
| 3. Mr. Pardjingat | Head of Technical Section |
| 4. Mr. Yatim Taswiran | Head of Technical Production |
| 5. Mr. Rokim | Executive of the General Affair |



TVRI UJUNG PANDANG STATION

| | |
|--------------------------|---|
| 1. Mr. Zainal Arifin | Station Manager of TVRI Ujung Pandang |
| 2. Mr. Muslinmin Minsong | Head of Technical Section |
| 3. Mr. Taras Parawansa | Acting Head of Transmission Section |
| 4. Mr. Nursyamsu Sultan | Head of Broadcasting Section (Production Sector) |

RRI NUSANTARA IV UJUNG PANDANG STATION & MAINTENANCE CENTER

| | |
|--------------------------|--------------------------------------|
| 1. Mr. Muchlis Amin | Station Manager of RRI Ujung Pandang |
| 2. Mr. Muslinmin Minsong | Head of Technical Section |
| 3. Mr. Richard Manurip | Head of Transmission Section |
| 4. Mr. Idris Kuba | Staff of Technical Production |
| 5. Mr. Daniel Kala Tanan | Staff |
| 6. Ms. Nurhayati Boddong | Staff of Production |
| 7. Mr. Nur Jalil | Staff of Production |
| 8. Mr. Rannu | Staff |
| 9. Mr. DRS Mustang | Staff of Production |
| 10. Mr. Adhar | Staff of Technical |

TVRI DENPASAR STATION

| | |
|----------------------------|-----------------------------------|
| 1. Mr. A. Rachman Nasution | Station Manager of TVRI Den Pasar |
| 2. Mr. Eddie Susilo | Manager of Technical Section |
| 3. Mr. Tri Somaharjo | Manager of Programm |
| 4. Mr. Supriadi | Staff of Technical Section |
| 5. Mr. Nasrudin | Chief of News department |
| 6. Mr. Suudi AR | Manager of Accouting |
| 7. Mr. Sigit | Cameraman |

JICA Preparatory Study Team

| | |
|--------------------|----------------------------------|
| 1. Mr. T. Hatazoe | Leader |
| 2. Mr. K. Fukuda | Study Planning |
| 3. Mr. T. Yamazaki | Broadcasting Network Planning |
| 4. Mr. T. Kamiya | Broadcasting Administration |
| 5. Mr. M. Hirata | Studio Facilities Planning |
| 6. Mr. E. Yaguchi | Transmitting Facilities Planning |
| 7. Mr. J. Nakamura | Program Transmission Planning |

JICA Indonesia Office

| | |
|-----------------|-----------------------------------|
| 1. Mr. R. Suwa | Resident Representative |
| 2. Mr. N. Omiya | Assistant Resident Representative |

Embassy of Japan in the Republic of Indonesia

| | |
|-----------------|-----------------|
| 1. Mr. T. Kumei | First Secretary |
|-----------------|-----------------|

付属資料 7 収集資料リスト

様式第1号 (記第2関係)

(収集/作成資料)

資料リスト (収集資料 / 専門家作成資料)

平成 年 月 日 作成

| | | | | |
|--------|--------|--------|--------|-------|
| 文書管理課長 | 文書管理課長 | 資料管理課長 | 資料管理課長 | 図書監査人 |
| | | | | |

| 地域 | プロジェクトID | 調査団番号 | 調査団名又は専門家氏名 | 調査の趣旨又は採集科目 | 調査期間又は現地調査期間又は採集期間 | 担当者氏名 | 担当部署 | 取扱区分 | 発行機関 | キャスト | JICA 作成資料 | 専門家 作成資料 | 収集 資料 | 形態(図書・ビデオ・地図・写真等) | 資料の名称 | 図書館記入欄 | |
|----|--------------|------------|-------------------------|-------------------------|--------------------|-------|------|-----------|----------------------|------|--------------|-------------|----------|-------------------|-------|--------|--|
| | 006-1487-F-0 | A-97-01625 | インドネシア | インドネシア全国放送網整備拡充計画調査 | 98年4月7日~98年4月26日 | | 社調2課 | | | | | | | | | | |
| 国名 | インドネシア | | 情報省ラジオ・テレビ・フィルム総局 (RTP) | 情報省ラジオ・テレビ・フィルム総局 (RTP) | | | | | JICA/JKT事務所 日本大使館 | | | | | | | | |
| 番号 | 1 | | インドネシア滞在のしおり | | | | | JR・ERR() | | | | | | | | | |
| | 2 | | 情報省高官経歴・名簿 | | | | | JR・ERR() | | | | | | | | | |
| | 3 | | 質問状回答 | | | | | JR・ERR() | 情報省 | | | | | | | | |
| | | | 3-1.RRIの送信機関連データ | | | | | JR・ERR() | 同上 | | | | | | | | |
| | | | 3-2.TVRIの送信機関連データ | | | | | JR・ERR() | 同上 | | | | | | | | |
| | | | 3-3.RRIの衛星経由回線構成 | | | | | JR・ERR() | 同上 | | | | | | | | |
| | | | 3-4.国家開発計画 | | | | | JR・ERR() | 同上 | | | | | | | | |
| | | | 3-5.法令及び規則 | | | | | JR・ERR() | 同上 | | | | | | | | |
| | | | 3-6.組織図 | | | | | JR・ERR() | 同上 | | | | | | | | |
| | | | 3-7.放送番組時刻表 | | | | | JR・ERR() | 同上 | | | | | | | | |
| | | | 3-8.RRI放送局所在地一覧表 | | | | | JR・ERR() | 同上 | | | | | | | | |
| | | | 3-9.放送カバレッジ地図 | | | | | JR・ERR() | 同上 | | | | | | | | |
| | | | 3-10.番組制作施設の現状 | | | | | JR・ERR() | 同上 | | | | | | | | |
| | | | 3-11.放送番組構成比率の現状と将来計画 | | | | | JR・ERR() | 同上 | | | | | | | | |
| | | | 3-12.放送の現状と将来計画 (未完成) | | | | | JR・ERR() | 同上 | | | | | | | | |

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| | 3-13.技能者と平均給与 | | | | | JR・ER()-SE | |
| | 3-14.イミグレーション・ガイダンス | | | | | JR・ER()-SE | |
| 4 | RRISラバヤギヤギヤパンフレット及び番組制作編成一覧表 | | | | | JR・ER()-SE | |
| 5 | TVRIスラバヤギヤ局施設現況及び局長コメント | | | | | JR・ER()-SE | |
| 6 | SCTV紹介資料 | | | | | JR・ER()-SE | |
| 7 | TVRIウジュンバンバンダン局の歴史と施設一覧表 | | | | | JR・ER()-SE | |
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| 9 | TVRIチンバサル局現況説明資料 | | | | | JR・ER()-SE | |
| 10 | PALAPA-C関連資料 | | | | | JR・ER()-SE | |
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| 12 | インドネシア共和国放送網の現状と課題 | | | | | JR・ER()-SE | |
| 13 | RRRI送信機一覧表 | | | | | JR・ER()-SE | |
| 14 | RRRI全国サテライトリンク・チャンネル割当表 | | | | | JR・ER()-SE | |
| 15 | RRRIサテライトリンク設置場所 | | | | | JR・ER()-SE | |
| 16 | RRRI放送局所在地図 | | | | | JR・ER()-SE | |

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| 17 | RRI,TVRI兼務職員勤務表 | | | | | JR・ERR()PSE | 情報省 | JR・ERR()PSE | |
| 18 | エンジンアリングセンター作成TV-CH割当ERP | | | | | JR・ERR()PSE | 運輸省通信総局 | JR・ERR()PSE | |
| 19 | 全国商業テレビチャンネル割当とERP | | | | | JR・ERR()PSE | 同上 | JR・ERR()PSE | |
| 20 | 商業ラジオ局へ情報省発行放送局免許証 | | | | | JR・ERR()PSE | 商業放送連盟 | JR・ERR()PSE | |
| 21 | 無線局免許証 | | | | | JR・ERR()PSE | 同上 | JR・ERR()PSE | |
| 22 | ジャカルタ近郊FMラジオ局一覧表 | | | | | JR・ERR()PSE | 商業FMラジオ局 | JR・ERR()PSE | |
| 23 | 技術訓練終了資格証 | | | | | JR・ERR()PSE | プロダクションハウス | JR・ERR()PSE | |
| 24 | 商業FMラジオ局施設設備一覧表 | | | | | JR・ERR()PSE | 新聞社 | JR・ERR()PSE | |
| 25 | プロダクションハウス活動紹介パンフレット | | | | | JR・ERR()PSE | 運輸省通信総局 | JR・ERR()PSE | |
| 26 | 新内閣の陣容 | | | | | JR・ERR()PSE | ジャバングラブ | JR・ERR()PSE | |
| 27 | インドネシア無線周波数割当分布図一覧 | | | | | JR・ERR()PSE | 情報省 | JR・ERR()PSE | |
| 28 | インドネシアハンドブック | | | | | JR・ERR()PSE | 同上 | JR・ERR()PSE | |
| 29 | INDONESIA 1997, AN OFFICIAL HANDBOOK | | | | | JR・ERR()PSE | 同上 | JR・ERR()PSE | |
| 30 | INDONESIA 1998, AN OFFICIAL HANDBOOK | | | | | JR・ERR()PSE | 同上 | JR・ERR()PSE | |
| 31 | DATA DAN FAKTA RTF TAHUN 1995/96 DAN PROGRAM PERJA TAHUN III PELITA VI 1996/97 (年次活動報告書) | | | | | JR・ERR()PSE | 同上 | JR・ERR()PSE | |

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| 32 | | | DATA DAN PAKTA RTF TAHUN 1996/97 DAN PROGRAM KBGIA TAHUN IV PELITA VI 1997/98 (年次活動報告書) | | | JR・ER()・SE | 情報省 | | | | | | | |
| 33 | | | THE 1945 CONSTITUTION OF THE REPUBLIC OF INDONESIA (憲法) | | | JR・ER()・SE | 同上 | | | | | | | |
| 34 | | | PRESS ACT OF INDONESIA(プレスアクト) | | | JR・ER()・SE | 同上 | | | | | | | |
| 35 | | | インドネシア共和国ラジオ・テレビ放送権取特許法に係る案件実情 支那調査報告書(要約) | | | JR・ER()・SE | OECE | | | | | | | |
| 36 | | | インドネシア共和国放送法 | | | JR・ER()・SE | 情報省 | | | | | | | |
| | | | | | | JR・CR()・SC | | | | | | | | |
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