

REGULATION OF MINISTER OF COMMUNICATIONS AND INFORMATICS  
OF THE REPUBLIC OF INDONESIA

NUMBER 15 OF 2018

ON

INDONESIAN TELECOMMUNICATIONS REGULATORY BODY

BY THE GRACE OF THE ONE AND ALMIGHTY GOD

MINISTER OF COMMUNICATIONS AND INFORMATICS,

- Considering
- a. that Law Number 36 of 1999 on Telecommunications provides that Minister may delegate some of the regulatory, supervisory, and control functions of telecommunications operations to a regulatory body;
  - b. that Regulation of Minister of Communications and Informatics Number 36/PER/M.KOMINFO/10/2008 on Establishment of Telecommunications Regulatory Body as has been amended several times and was last amended by Regulation of Minister of Communications and Informatics Number 01/PER/M.KOMINFO/02/2011 on The Second Amendment to Regulation of Minister of Communications and Informatics Number 36/PER/M.KOMINFO/10/2008 is no longer relevant; therefore, it shall be superseded;
  - c. that taking into account the development of Information and Communication Technology, telematics convergence, and the needs of the public and stakeholders, the functions of the Indonesian Telecommunications Regulatory Body other than the telecommunications sector need to cover the development of broadcasting infrastructure and informatics applications;

d. that based on the considerations as referred to in letter a, letter b, and letter c, it is necessary to establish a Regulation of Minister of Communications and Informatics on Indonesian Telecommunications Regulatory Body;

Noting

- : 1. Law Number 36 of 1999 on Telecommunications (State Gazette of the Republic of Indonesia Year 1999 Number 154, Supplement to State Gazette of the Republic of Indonesia Number 3881);
2. Law Number 32 of 2002 on Broadcasting (State Gazette of the Republic of Indonesia Year 2002 Number 139, Supplement to State Gazette of the Republic of Indonesia Number 4252);
3. Law Number 11 of 2008 on Electronic Information and Transactions (State Gazette of the Republic of Indonesia Year 2008 Number 58, Supplement to State Gazette of the Republic of Indonesia Number 4843) as amended by Law Number 19 of 2016 on Amendment to Law Number 11 of 2008 on Electronic Information and Transactions (State Gazette of the Republic of Indonesia Year 2016 Number 251, Supplement to State Gazette of the Republic of Indonesia Number 5952);
4. Government Regulation Number 52 of 2000 on Telecommunications Operations (State Gazette of the Republic of Indonesia Year 2000 Number 107, Supplement to State Gazette of the Republic of Indonesia Number 3980);
5. Government Regulation Number 53 of 2000 on Use of Radio Frequency Spectrum and Satellite Orbit (State Gazette of the Republic of Indonesia Year 2000 Number 108, Supplement to State Gazette of the Republic of Indonesia Number 3981);
6. Government Regulation Number 82 of 2012 on Electronic System and Transaction Operations (State Gazette of the Republic of Indonesia Year 2012 Number 189, Supplement to State Gazette of the Republic of Indonesia Number 5348);

7. Presidential Regulation Number 54 of 2015 on Ministry of Communications and Informatics (State Gazette of the Republic of Indonesia Year 2015 Number 96);
8. Regulation of Minister of Communications and Informatics Number 6 of 2018 on Organization and Work Procedure of the Ministry of Communications and Informatics (Official Gazette of the Republic of Indonesia Year 2018 Number 1019);

HAS DECIDED:

To establish : REGULATION OF MINISTER OF COMMUNICATIONS AND INFORMATICS ON INDONESIAN TELECOMMUNICATIONS REGULATORY BODY.

#### Article 1

In this Ministerial Regulation:

1. Indonesian Telecommunications Regulatory Body, hereinafter abbreviated as the BRTI, means Directorate General of Posts and Informatics Operations, Directorate General of Resources Management and Equipment of Posts and Informatics, Directorate General of Informatics Applications, and/or Telecommunications Regulatory Committee comprising government and communities.
2. Minister means the minister who oversees government affairs in the field of communications and informatics.

#### Article 2

The purpose and objective of establishing the BRTI is to ensure the principles of transparency, independence, accountability, and fairness in performing regulatory, supervisory, and control functions in the field of information and communication technology comprising aspects of telecommunications and telematics convergence which also includes broadcasting infrastructure and internet, as well as digital economy.

#### Article 3

- (1) The Minister has the authority in the fostering of information and communication technology which comprises:

- a. policy formulation function;
  - b. regulatory function;
  - c. supervisory function; and
  - d. control function.
- (2) The Minister shall delegate to the BRTI part of their authority which includes regulatory, supervisory, and control functions as referred to in paragraph (1) letter b, letter c, and letter d.

#### Article 4

- (1) In carrying out the functions as referred to in Article 3 paragraph (2), the BRTI shall be charged with formulating and stipulating regulation, supervisory, and control tasks which comprise:
- a. regulatory task that includes formulation and establishment of provisions for:
    - 1. telecommunications network operations, telecommunications service operations, broadcasting infrastructure development, and telecommunications and broadcasting resources, namely on:
      - a) operation performance standards;
      - b) quality of service standards;
      - c) interconnection service standards;
      - d) telecommunications and broadcasting equipment and device standards;
      - e) digitalization of broadcasting and multimedia development; and
      - f) radio frequency spectrum and satellite orbit management.
    - 2. informatics, namely on:
      - a) information technology and infrastructure improvement;
      - b) informatics empowerment;
      - c) digital economy; and
      - d) the Internet.

- b. supervision over:
    - 1. operational performance and business competition of telecommunications network and service operations, use of broadcasting and telecommunications device and equipment, and use of radio frequency and satellite radio; and
    - 2. technology and informatics infrastructure improvement, informatics empowerment, digital economy, and the Internet.
  - c. control over:
    - 1. dispute resolution between telecommunications operators, application of quality of service standards, use of broadcasting and telecommunications device and equipment, and/or use of radio frequency and satellite orbit; and
    - 2. improvement of technology and informatics infrastructure, utilization of informatics, digital economy, and the Internet.
  - d. other tasks assigned by Minister of Communications and Informatics.
- (2) The BRTI shall be assisted by a secretary and administrative staff.
- (3) The secretary as referred to in paragraph (2) shall be nominated by the BRTI and appointed by Secretary General of Ministry of Communications and Informatics.

#### Article 5

- (1) The BRTI shall report the results of its duties to the Minister.
- (2) In performing its duties, the BRTI may issue:
- a. decisions;
  - b. statutes; and/or
  - c. circulars.
- (3) The BRTI shall consult the Minister in advance in issuing decisions, statutes, and/or circulars as referred to in paragraph (2).
- (4) The decisions, statutes, and/or circulars as referred to in paragraph (2) shall be signed by the Chairperson of the BRTI.

#### Article 6

- (1) The BRTI shall comprise:
  - a. Directorate General of Posts and Informatics Operations or Directorate General of Resources Management and Equipment of Posts and Informatics;
  - b. Directorate General of Informatics Applications; and
  - c. Telecommunications Regulatory Committee.
- (2) The Members of Telecommunications Regulatory Committee as referred to in paragraph (1) letter c shall comprise representatives from the government and communities.
- (3) The Members of Telecommunications Regulatory Committee must abide by code of ethics.
- (4) The code of ethics as referred to in paragraph (3) shall be established by the Minister.

#### Article 7

- (1) Term of office of the members of Telecommunications Regulatory Committee from the communities shall be 4 (four) years and the members may be re-appointed for 1 (one) subsequent term of office through a selection mechanism.
- (2) Provisions on the term of office of the members of Telecommunications Regulatory Committee of the BRTI as referred to in paragraph (1) shall be effective from the inauguration of the members of Telecommunications Regulatory Committee for the period of 2018–2022 and thereafter.

#### Article 8

Further provisions on organizations, working governance relations, composition of members, duties, and authority of the BRTI shall be stipulated in a Ministerial decision.

#### Article 9

As from the time at which this Ministerial Regulation comes into force:

- a. Regulation of Minister of Communications and Informatics Number: 36/PER/M.KOMINFO/10/2018 on Establishment of the Indonesian Telecommunications Regulatory Body;

- b. Regulation of Minister of Communications and Informatics Number: 31/PER/M.KOMINFO/8/2009 on Amendment to Regulation of Minister of Communications and Informatics Number: 36/PER/M.KOMINFO/8/2008 on Establishment of the Indonesian Telecommunication Regulations Body; and
- c. Regulation of Minister of Communications and Informatics Number: 01/PER/M.KOMINFO/02/2011 on The Second Amendment to Regulation of Minister of Communications and Informatics Number: 36/PER/M.KOMINFO/10/2008 on Establishment of the Indonesian Telecommunications Body;

shall be repealed and declared ineffective.

#### Article 10

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

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

Established in Jakarta  
on 21 September 2018

MINISTER OF COMMUNICATIONS AND INFORMATICS  
OF THE REPUBLIC OF INDONESIA,

signed

RUDIANTARA

Promulgated in Jakarta  
on 18 October 2018

DIRECTOR GENERAL OF LAWS AND REGULATIONS  
MINISTRY OF LAW AND HUMAN RIGHTS OF THE REPUBLIC OF INDONESIA,

signed

WIDODO EKATJAHJANA

OFFICIAL GAZETTE OF THE REPUBLIC OF INDONESIA NUMBER 1440  
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UNOFFICIAL ENGLISH TRANSLATION

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