



Dynamics of Law Development Broadcasting Field in Indonesia

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Abstract. Development in the field of legislation relating to broadcasting is an inseparable part of overall development in a nation-state in the world, whether carried out by former colonial countries, such as Britain and Japan, as well as those that have been colonized, such as India, Indonesia and Malaysia. Indonesia in the context of this study, especially with regard to television broadcasting. This study aims to determine the dynamics of the development of laws and regulations relating to television broadcasting in Indonesia. Starting from the colonial era until the enactment of law number 11 of 2020 concerning the Omnibus Law or the Job Creation Act. The main theories used in this study are broadcasting theory, systems and regulations. While the method used is a qualitative method with data collection techniques through documents related to changes in legislation in the field of broadcasting. The results of the study show that starting from the colonial era, namely the Dutch and Japanese colonialists, to the reign of President Joko Widodo - KH. Ma'ruf Amin, the development of legislation relating to broadcasting has its own dynamics in line with the political dynamics of each era. In the colonial era, the dynamics of the development of legislation in the field of television broadcasting followed the color of the colonial political dynamics. Likewise, in the eras that followed, both the era of President Soekarno, Suharto, BJ. Habibie, KH. Abdurrahman Wahid, Megawati Soekarno Putri, Soesilo Bambang Yudoyono, as well as the era when President Joko Widodo and KH. Ma'ruf Amin leads the republic of Indonesia, its dynamics also follow the prevailing political dynamics. In conclusion, the dynamics of the development of legislation related to broadcasting usually follow the prevailing political dynamics, both those that tend towards political dynamics called authoritarian or democratic.

Keywords: broadcasting · law · development · system

1 Introduction

The dynamics of the development of legislation in the field of broadcasting in a country is interpreted by the interaction and interdependence involving *stakeholders* in the field of broadcasting and the impact of broadcasting in achieving the aspired goals.

In the above context, a study on the dynamics of the development of legislation related to broadcasting in Indonesia was carried out, both during the colonial period, after independence, before and after the birth of the Broadcasting Law No. 32 of 2002,

as well as after the enactment of Law No. 11 of 2002. 2020 concerning Job Creation [1] or also known as the *Omnibus Law*, was implemented.

During the colonial era, the study began during the Dutch and Japanese colonial times. After independence, what is meant is the 40s so before the birth of private television. For the period before the birth of the Broadcasting Law Number 32 of 2002, what is meant is after the birth of private television until the birth of the Broadcasting Law Number 32 of 2002. 32/2002. And ends with a study related to Law Number 11 of 2020 concerning Job Creation or the Omnibus Law with all its dynamics.

1.1 The Importance of the Broadcasting Law

The famous singer Michael Jackson once complained, “*I don’t have personal life anymore*”. I don’t have a private life anymore. The star felt uncomfortable and seemed to regret his popularity. Popularity has confined or imprisoned him. He never had privacy.

The *Prince of Wales* from the *United Kingdom* (UK), Lady Day (the public greeted her as Princess Diana), felt trapped by the rigid government life. Outside the government, Diana also faced various problems [2].

The study from the point of view of media law, the two examples of cases above, namely Michael Jackson and Princess Diana, are one of the effects of not having, or not functioning as a whole and properly the law. Both in general the law relating to the press, as well as the Broadcasting law in particular. Even if there is, it has not been implemented as expected by the public. It has not been implemented purely and consistently.

In addition, it can also be seen from the aspects which other, namely from the aspect that broadcasting is not the same as other media, namely print media that does not use the *public sphere*, namely frequency. Broadcasting sources, namely frequencies that are limited in nature. Maintain *diversity of content*. Bound by international conventions, *international telecommunication conventions*, *International Telecommunication Union* (ITU) in the field of telecommunications that adheres to the principle of “*broadcasting is universal but legal mosaic*”.

For this reason, a State in order to safeguard the interests of each individual citizen and the State as a whole in various aspects, such as economic, political, and socio-cultural aspects, builds laws and regulations that can make a nation state and those who are part of the nation state, exist in a comfortable state to carry out various activities and protected from all forms of unwanted trials.

In the Indonesian context, as an example, it can be understood through the general explanation of the Law of the Republic of Indonesia Number 24 of 1997 concerning Broadcasting, which states that broadcasting through electronic mass communication with all its advantages and disadvantages that can overcome space and time in the form of hearing or audio and auditory or audio-visual viewpoints as well as graphics and texts must be able to carry out an active role in efforts to realize national development goals as the practice of Pancasila.

Therefore, together with other mass media, broadcasting capabilities in Indonesia must be improved through development directed at increasing the appreciation and practice of the values of Pancasila and the 1945 Constitution in all aspects of the nation’s life, thereby increasing people’s awareness in life. Community, nation and state in the context of realizing the Archipelago Insight, strengthening the equality and unity of the

nation, strengthening national resilience, and maintaining stable and dynamic national stability, in line with the dynamics of development and technological progress.

In addition, by referring to the basis for consideration of the Broadcasting Law and Ministerial Decree (Kepmen) of Information, there are at least 4 (four) reasons why broadcasting needs to be regulated in a legal dress.

First, broadcasting is understood as an inseparable part of national development as well as a form of practicing Pancasila and efforts to realize the ideals of Indonesian independence.

Second, broadcasting through electronic mass communication media has the ability and great influence in shaping the opinion of human personality and behaviour.

Third, broadcasting is believed to have an important role in increasing intelligence, and fourth, in order to provide the maximum benefit for human development.

In addition, the issuance of laws and regulations relating to broadcasting is also a mandate from the 1945 Constitution, particularly Article 5 paragraph (1), Article 28, Article 31 paragraph (1), Article 32, Article 33 and Article 36. Legislation concerning Broadcasting is the implementation of the 1945 Constitution, in particular the mandate in the fields of freedom of association and assembly and expression of thoughts, education, culture, economy and language.

That is to say, various problems related to broadcasting, specifically those relating to the use of broadcasting; both for the benefit of individuals and as one of the forces that can make the development of the State in various fields of life better, actually receive serious attention.

One of the developments in the broadcasting sector that must receive serious attention is the development in the field of legislation relating to broadcasting in all its aspects and dynamics.

In context Indonesia, the dynamics of the development of legislation relating to broadcasting by general can be understood in several periods.

1.2 Broadcasting System and Political System

The broadcasting system in a country follows the current political system in that country. The broadcasting system is concerned with forms larger system. In addition, the broadcasting system is also a part or sub-system of the system mass media. The mass media system is also part or sub-system of the communication system in general. Whereas communication itself is also a sub-system of the socio-political system as a whole. Therefore, for Knowing the broadcasting system in a country, in fact, first understand the form the socio-political system in which the broadcasting system is located and carries out activities.

According to Sarji [3]; Achee [4]; Rugh [5]; and Masduki [6], every country, the triangular relationship between the media system, the authorities and society cannot be separated from one system to another.

According to Hamdani [7] the broadcasting system is an interrelated and dependent element in one broadcasting organization or within a larger broadcasting system.

According to Hamdani [7], broadcasting institutions are a system produced and formed by communities that are interrelated and dependent or interact with each other. Thus, the broadcasting system is a social institution or community institution which is a

sub-system of the government in the country in which broadcasters operate. Therefore, the broadcasting system is dynamic.

In this context, broadcasting cannot escape or be independent from influences originating from the surrounding environment, whether political, economic or socio-cultural. But on the other hand, and it is very important to note that, broadcasting can also affect the surrounding environment. Precisely with its dynamic nature, broadcasters can move swiftly and carry out a meaningful adaptation process with their environment, both with the internal and external environment for the sake of the continuity of their existence or existence.

1.3 Colonial Age

Indonesia, which is one of the countries with the largest population and area in the world after India, China, and the United States of America [8], was colonized by the Netherlands and Japan.

The Netherlands is one of the Western European countries that had colonized Indonesia (at that time it was not known as Indonesia) for \pm 350 years (3.5 centuries). During the Dutch colonial period, many developments were carried out in various fields, especially with regard to legislation related to radio broadcasting.

This means that the development of legislation in the field of broadcasting in Indonesia has basically started and started since the colonial era, both Dutch and Japanese colonial. Developments in the broadcasting sector related to statutory regulations were carried out due to the increasing number of broadcasting institutions, especially radio, which were built by the Dutch colonizers themselves and those founded by Indonesian freedom fighters (Bumi Putera).

After the emergence of radio stations, both managed by the Dutch, with their broadcast content consisting of entertainment, in the form of music, tourism (tourism), religion, education and science as well as commercial broadcasts. Even those managed by Bumi Putera or native Indonesians and freedom fighters, with the content of broadcasts that are more about voicing the interests of Indonesia and inflaming the spirit of struggle to expel the Dutch colonialists from the motherland [9].

Seeing such a situation, namely that more and more radio stations were popping up, the Dutch East Indies government issued Radionet (Radio Law) which gave licenses and rights to broadcast radio broadcasts for five years to private Dutch radio organizations that were members of NIROM (Nederlandsch Indische Radio Omroep Maatschappij) [9].

After the Dutch colonialists, Indonesia was colonized by the Japanese colonizers, whose characteristics were not much different, namely they both wanted to control or control the colony and drain all the potential that existed in the colonized land and create various forms of control in all areas of national and state life. in accordance with the wishes of the invaders, as seen and can be understood in several important events as follows.

On March 9, 1942, coinciding with the surrender of the colonial government of the Dutch East Indies to the Japanese army, NIROM and PPRK were prohibited from broadcasting by the invaders of the Japanese Military Government [9].

In the context of the development of legislation in the field of broadcasting, the Japanese colonialists also did the same thing as what the Dutch colonialists had done, namely to create and control broadcasting, especially radio, in line with the wishes of the Japanese colonizers.

Control is carried out, both in terms of content or broadcast design, as well as all forms of legislation that can preserve or keep the Japanese invaders in power in Indonesia [9].

With regard to film censorship, with the entry of the Japanese colonial army into Indonesia, it also gave colour to film censorship in Indonesia. *The film Commissie* was handed over to the Japanese occupation army in 1942. The Japanese occupation army named it *Hodo-Han* and came under the Japanese Occupation Army Propaganda Line, which was called *Sendenbu*.

Its censorship policy was adapted to the interests of the Japanese Occupation Army Government, namely film as a propaganda tool. At that time there was no change in the laws/regulations on film censorship [9].

This means that during the Japanese colonial period, in addition to these functions, namely functions based on the 1940 film ordinance made by the Dutch colonialists, film censorship was also directed for the purposes of agitation and propaganda [9].

1.4 Independence Age

There is a change of government leadership in a country, namely from the colonial government to a government managed by the children of the nation in question, such as Indonesia from the Dutch and Japanese colonizers to the native Indonesian people, it seems that there are some similar questions between one another. One of the basic questions referred to is a question related to the dynamics and forms of broadcasting regulations in Indonesia.

This means that the Indonesian government during the independence period, especially during the 1946 s until the aftermath, namely before the 1980 s, in understanding and managing broadcasting did not seem much different from the Dutch and Japanese colonial times. Both place broadcasting as part of the government system and control broadcasting with various laws and regulations.

One of these laws and regulations is that the Indonesian government in Yogyakarta issued Regulation of the National Defence Council No. 16 dated August 15, 1946 concerning the making, examination, and distribution of films, which were signed by the Chairman of the National defence Council, Soekarno. Among the contents are as follows:

Article 1 of this regulation states that in implementing this regulation the Ministry of Information has the right to supervise the production and distribution of films aimed at the general public. The supervision referred to in this article, paragraph (1), is carried out by a Film Examination Board, which is appointed and dismissed by the Minister of Information. The Film Examination Board is headed by the Minister of Information and is responsible to him. Based on Article 2 of the Regulation of the National defence Council No. 16 of these, the issue of files is under the Ministry of Information [9].

Changes and developments in the government contributed to the history of film censorship in Indonesia. In 1948, film censorship was reinstated based on the 1940 Film Act (*Film Ordonantie* 1940), and the Film Regulation (*Film Verordening* 1940) which

had been adapted to the 1948 Staatsblad No. 155, that the issue of film inspection was the responsibility of the Minister of Home Affairs, due to security considerations. And public order and was named the Film Supervisory Committee [9].

Subsequent developments show that films are judged from the aspect of education and culture based on Law no. 23 of 1951, film censorship was under the Ministry of Education, Teaching and Culture, under the name of the Film Censorship Committee [9].

In 1964, Presidential Decree No. 1 of 1964 concerning Film Development. The Film Censorship Committee was transferred from the Ministry of Education, Teaching and Culture to the Ministry of Information. This is confirmed by Presidential Instruction No. 012 of 1964 dated August 5, 1964, which stated that: the Minister of Education, Teaching and Culture to hand over control, supervision and accountability over the Film Censorship Committee including all activities, personnel and other inventory to the Minister of Information [9].

Subsequently, the Decree of the Minister of Information (Kepmenpen) No. 46/SK/M/65 dated May 21, 1965 which regulates the Implementation of Film Censorship in Indonesia through an institution called the Film Censorship Board, which was later updated with Ministerial Decree No. 44/SK/M/1968 dated July 14, 1968 [9].

For the work procedure for the implementation of censorship (*censorship criteria*) is determined by the Chairman of the Film Censorship Board. The criteria for censorship were determined through the Plenary Council of the Film Censorship Board on September 16, 1968. Basically, film censorship is seen from the religious, socio-political, socio-cultural, decency, and security aspects [9].

With regard to television broadcasting in Indonesia, with the issuance of Presidential Decree Number 215 of 1963, dated October 30, 1963, concerning the Television Foundation of the Republic of Indonesia, initially it had become an inseparable part of the government, because since the beginning of the establishment and management of television broadcasting, both at the wishes of government and on the mandate of MPRS Decree Number II/MPRS/1960, Attachment A, BI, Article 18 which states that the development of television broadcasts for educational purposes in the first stage is limited to places with universities in Indonesia, integrated and always controlled by the government.

This can be understood through various laws and regulations created by the Indonesian government at that time, such as the Decree of the Minister of Information Number 20/SK/M/61 dated July 25, 1961 concerning the Establishment of the Television Preparatory Committee (P2TV), where P2TV in carrying out its duties responsible and follow the directions of the Minister of Information.

With regard to TVRI's capital as regulated in Article 6 to Article 8 of Presidential Decree No. 215 of 1963 above, consisting of all buildings and their accessories and the Gelora Bung Karno Foundation in Jakarta. It is stated that this capital is a separated state property. In addition, the Foundation's capital is also supplemented by subsidies from the government, and mandatory contributions from television receiver owners, as well as income generated from activities carried out by TVRI.

The use of TVRI funds is determined through Presidential Decree No. 27/1963. The financial year of the TVRI Foundation is the calendar year. At the latest 3 months

before the new financial year starts, the Board of Directors submits TVRI's budget to the Presidential Chief of Staff for approval. Except if the Presidential Chief of Staff raises objections or rejects projects made in TVRI's budget before entering the financial year, then the budget is fully valid. The budget or budget changes that occur in the relevant financial year must obtain prior approval from the Chief of Staff.

To carry out TVRI's mission, President Soekarno issued Presidential Decree Number 218 of 1963 dated October 20, 1963 concerning Collection of Contributions to Assist TVRI Foundation Payments as a complement to Presidential Decree Number 215 of 1963.

From the organizational aspect, in accordance with Article 10 of Presidential Decree No. 215 of 1963, TVRI has a leader consisting of the General Manager and the Board of Directors. The General Leadership of TVRI is chaired by the President of the Republic of Indonesia assisted by the Presidential Staff for TVRI Issues. The Presidential Staff for TVRI issues is tasked with administering the general police appointed by the President and is responsible for the implementation to the President. This staff also stipulates the main principles of the implementation of the general police which are determined by the President to be carried out by a Board of Directors consisting of a director and three Junior Directors for Program/Planning, Technical and Administrative Issues, Commercial and Treasury matters. This staff is also in charge of supervising the implementation of the main principles carried out by the Board of Directors. Presidential staff. TVRI matters are appointed and dismissed by the President, including service fees and other income determined by the President.

Specifically with regard to the Board of Directors, the following 3 articles are stated, namely Articles 11, 12, and 13. Members of the Board of Directors are appointed and dismissed by the President at the suggestion of the Presidential Staff for TVRI issues. The term of office for members of the Board of Directors is 5 years, and can be reappointed after the term of office ends. The Director is responsible to the Presidential Staff for TVRI Issues, while the Junior Director is responsible to the Television Director. Upon the recommendation of the Presidential Staff, the members of the Board of Directors may be dismissed even though their term of office has not ended, and at their own request, dies, from actions that are detrimental to TVRI and actions or attitudes that are contrary to the interests of the State and the nation.

1.5 Era Before Born Constitution Broadcasting 24 Year 1997 and 32 Year 2002

Broadcasting conditions before the reform or more generally before the Broadcasting Law Number 32 of 2002 was enacted can generally be understood through various aspects, namely aspects of frequency ownership, broadcasting institutions, control and financing (*ownership, control and financing*) [10].

In contrast to the years before the 1980 s and towards the end of the 80s where frequency ownership, broadcasting institutions and control and financing of broadcast institutions, especially TVRI, were under the management of the government, in the late 1980 s, the Indonesian government was under the control of the government. President Soeharto's leadership made a significant change in the field of broadcasting, namely changes relating to broadcasting that is no longer owned and operated and financed through fees, advertisements and by the government, but has allowed other stakeholders

(*stakeholders*) to participate. in broadcasting operations in various aspects, particularly regarding ownership and financing.

This means that the government is no longer the sole player or main actor in the broadcasting sector, other parties who are interested and feel they have the ability to manage broadcasting are also given the same opportunity to participate in activities and finance broadcasting, although said Ishadi, SK., in Initially, the new perpetrators were still part of the family group or cronies (close friends) of former President Suharto [11, 12].

In the late 1980 s, the Government of Indonesia granted a Principal License (IP) to private broadcasters, namely Rajawali Citra Televisi Indonesia (RCTI) and Surya Citra Televisi (SCTV) to conduct broadcast activities. RCTI in Jakarta on the last week of October 28, 1987 and SCTV in Surabaya on January 17, 1990 obtained broadcast rights from the Indonesian government [13, 14, 9, 15, 12, 16].

Among the laws and regulations made by the Indonesian government during the period prior to the promulgation of laws that specifically regulate broadcasting, namely Laws Number 24 of 1997 and Number 32 of 2002 are as follows:

First, Instructions Dir. Radio No. 262/DU/Sek/71 concerning the field of work at RRI Studio Regional which contains the organizational structure of Regional studios, basic tasks of the broadcast, general, technical and news sections of regional studios.

Second, the Decree (Decree) of the Director General of Post and Telecommunication No. 112/Dirjen/1982 concerning the Coordination and Consultation Relationship between the Indonesian Commercial Private Broadcasting Radio Association and the Directorate General of Posts and Telecommunications in order to assist the development and technical supervision of the radio for Private Commercial Broadcasting Radio.

Second, SK Minister Communication No.262/PT.307/Phb-82 about Change and Addition On Decision Minister Communication No. SK/25/T/1971.

Third, Kepmenpen No. 226/Kep/Menpen/1984 concerning Completion of Articles in Kepmenpen No. 24/Kep/Menpen/1978, the contents of which include, among other things, clarifying the mandatory relay requirements for all RSNP; To stipulate the Head of the Regional Office of the Ministry of Information as the Head of the Non-Governmental Radio Broadcasting Agency (BPRSNP) in the Region.

Fourth, Instruction of the Director General of Radio, Television and Film No. 01/Dirjen/RTF/1985 concerning Broadcasting by Non-RRI Broadcasting Radios.

Fifth, the Circular Letter of the Director General of Radio, Television and Film No. 1050/RTF/RSS/K/1987 concerning Orderly Administration and Management of Private Radio Broadcasting.

Sixth, Circular of the Director General of Radio, Television and Film No. 175/RTF/K/II/1989 concerning the Licensing Mechanism for Private Broadcasting Radio.

Seventh, Circular of the Director General of Radio, Television and Film No. 100/RTF/K/I/1992 concerning Issuance of Recommendations for Private Broadcasting Radio. And the eighth TAP MPR No. 11/1983 concerning the GBHN, the field of information and education media mass.

1.6 The Age After the Birth of the Law Broadcasting No. 32/2002

If we refer to the data and information released by the Ministry of Communication and Information (Depkominfo) and the Central Indonesian Broadcasting Commission (KPI) Jakarta, it can be stated that broadcasting in Indonesia in all its dimensions has undergone very significant changes.

Among the intended changes, in addition to changes and advances in technology used by broadcasters, both by radio and television broadcasters (for more complete data, see KPI and Depkominfo Report, 2006) there are changes related to the power possessed by the community. Represented by the Indonesian Broadcasting Commission (KPI).

Power in broadcasting is no longer solely under the government, but there are other powers, including economic power, as well as proposals from broadcasting institutions, namely radio and television in particular.

That is, from the perspective of broadcast ownership, namely who or which party has the power to own the frequency and has the right to grant permission to use the frequency for broadcasting activities to broadcasting institutions, namely television, there has been a real change.

In the previous period, both during the Dutch and Japanese colonial times or before independence, during the independence period, as well as before the enactment of the Broadcasting Law Number 32 of 2002, only the government had the right to grant broadcast permits, the absolute government, while other stakeholders, the sub-system others, namely independent institutions (such as KPI, apart from having not been trained) are not entitled and given the mandate to issue broadcast licenses.

For this reason, it is not surprising that at that time the power to issue broadcast permits was under the government.

All processes to obtain a broadcast permit must go through a government institution, namely an institution that is entrusted with all dimensions related to broadcasting. These institutions are the Ministry of Information, Transportation, Tourism, Post and Telecommunications, and the Ministry of Communication and Information. Broadcasting licenses that are intended to be both related to licenses to obtain frequency, frequency allocation; known as ISR (Radio Broadcasting Permit), as well as Broadcasting Operation Permit or IPP.

However, after the enactment of the Broadcasting Law Number 32 of 2002 [17], the landscape (map) of the Indonesian broadcasting world underwent a significant change. Especially with regard to broadcasting permits, for example, they are no longer at one door, namely through the government. The Ministry of Communication and Information Technology under President Susilo Bambang Yudoyono, as well as in previous periods, such as President Soeharto. The principle and mechanism of granting permission to broadcasters to include other institutions, namely the Indonesian Broadcasting Commission (KPI).

Initially, before the results of the *judicial review* by the Constitutional Court [18], were issued, namely an institution that was given the mandate to conduct a material review of whether a law may be enacted and amended or not, in accordance with the laws and regulations. That applies (which already exists) or not [19]. According to the Broadcasting Law Number 32, Articles 33 and 34 read that administratively the license for broadcasting operations is granted by the State through KPI (paragraph 5).

The Constitutional Court interpreted that the government has the right to issue permits through Government Regulations (PP), not KPIs. Although in the process before the permit was granted by the government, it went through several stages that included KPIs. As well as several articles and paragraphs relating to the government together with KPIs, they were changed to only the Government, because according to the 1945 Constitution the government has the right to issue PPs, not with others, such as KPIs and so on.

Likewise, the dynamics of power in the broadcasting sector, where before the enactment of the Broadcasting Law Number 32 of 2002, power was in the hands of the government. All issues related to broadcasting, whether concerning broadcasting licenses, allocation of broadcasting frequencies or channels, as well as proposals that may and may not be broadcast, are highly dependent on whether the government gives approval or not. on the contrary, that is not allowed or perfected in accordance with the perception or mission of the government.

However, after the enactment of Law Number 32 of 2002 [20] concerning Broadcasting, the atmosphere became different, underwent a change. The power in broadcasting is not only in the hands of the government but has also spread to other powers. The other powers are referred to, both market power or capital owners, capitalists, oligarchs, and the power of society as a whole.

This means that although the license to use frequency and channel allocation is still under the authority of the government, many other dimensions related to broadcasting have also been given to other *stakeholders*, such as to KPI in terms of supervising content or television programs. And the process for obtaining a broadcast license, both with regard to the Radio Broadcast License (ISR) for frequency and the Broadcasting Operation Permit (IPP), as well as the extension of the broadcast license.

If simplified, both regulations made and enforced related to broadcasting are in forms that are not laws, such as Parliamentary Decrees (DPR/ MPR), Presidential Decrees, Decrees of Ministers, Director/Foundation Principle Licenses, as well as in the form of Broadcasting Law Number 24 1997 and the Broadcasting Law No. 32/2002, it can be seen in a form that is interrelated.

That is, the form of regulations that aim to control broadcasting in order to achieve the objectives of broadcasting in particular and the objectives of the State in general, ranging from those in the form of Government Regulations (PP), Presidential Decrees (Kepres), Ministerial Decrees (Kepmen), Principle Licensing of the Directorate General of Radio, Television and Film (Directorate General of RTF), to something higher than that, namely the Act, and which is only a supplement or a small part of the Law relating to broadcasting, such as the Basic Press Law, the Telecommunications Law, the Anti-Monopoly Law and Unfair Competition, and other laws and regulations, to the Law that specifically deals with broadcasting issues in all its aspects, in particular Law Number 32 of 2002 concerning Broadcasting.

The laws and regulations made by the Indonesian government after the enactment of the Law that specifically deals with all issues related to broadcasting, in particular Law Number 32 of 2002 concerning Broadcasting, are as follows:

First, PP No. 9/2002 concerning the Transfer of TVRI's Service Company (PERJAN) to become a Limited Liability Company (PT. PERSERO).

Second, PP No. 11/2005 concerning Implementation of Broadcasting for Public Broadcasting Institutions (LPP).

Third, PP No. 12/2005 concerning the Broadcasting of the Republic of Indonesia Radio Public Broadcasting Institution (LPP RRI).

Fourth, PP No. 13/2005 concerning the Broadcasting of the Republic of Indonesia Television Public Broadcasting Institution (LPP TVRI).

Fifth, PP No. 49/2005 concerning Guidelines for Foreign Broadcasting Institutions (LPA) Coverage Activities.

Sixth, PP No. 50/2005 concerning the Implementation of Private Broadcasting Institutions (LPS).

Seventh, PP No. 51/2005 concerning the Implementation of Community Broadcasting Institutions (LPK).

Eighth, PP No. 52/2005 concerning the Organization of Broadcasting for Subscriber Broadcasting Institutions (LPB).

Ninth, Kepmenhub No.: KM. 15/2003 The master plan (masten plan) of radio frequency for telecommunications operations specifically for the need for FM (Frequency modulation) radio broadcasts.

Tenth, Kepmenhub No. KM. 76/2003 Master plan for radio frequency for telecommunications operations specifically for the purposes of Analog broadcast TV in the Ultra High Frequency (UHF) band.

Eleventh, Ministry of Transportation No. KM. 15/2004 Amendment to the decision of the Minister of Transportation KM No. 15 on the Master plan frequency.

Twelfth, Ministry of Transportation No. KM. 27/2004 Determination of data transfer procedures channel frequency radio organizer radio broadcast FM.

1.7 The Age After the Birth of the Law No. 11 of 2020 Concerning Job Creation or Omnibus Law

Law No. 11 of 2020 concerning Job Creation (UU Cipta Kerja), especially Paragraph 15, contains several articles. Specifically Article 72, with regard to several provisions or articles in Law Number 32 of 2002 concerning Broadcasting contains several important points relating to broadcasting. One of the intended points is about the licensing process. From the initial process until it is accepted or the stages that must be passed and followed so that the Broadcasting Institution obtains a Broadcasting Operation Permit (IPP) or Frequency Permit.

Broadcasting Operation Permit (Frequency Permit) is granted by the State through the Indonesian Broadcasting Commission (abbreviated as KPI) after being discussed and decided in a Joint Meeting Forum (abbreviated as FRB) which is attended by KPI and the Government and Broadcasting Institutions (Broadcasting Law Number 32 of 2002, Article 34).

This means that based on the mandate of the Broadcasting Law Number 32 of 2002, Article 34, Broadcasting Institutions may only carry out broadcasting activities after obtaining an IPP or Frequency Permit granted by the State through KPI after first being approved in the FRB, which was attended specifically by those representing the government and the Commissioner. KPIs.

Thus, it means that without going through the FRB mechanism, the IPP will not be given by the State through KPI to the manager or management of the Broadcasting Institution.

Deleted Article 34 contained in Law Number 32 of 2002 concerning Broadcasting by Law Number 11 of 2020 concerning Job Creation, Article 72, then in the context of licensing, the government again has absolute power to grant (or reject applications for) IPP or Frequency Permits. There is a reincarnation that the government has the power to issue licenses in the broadcasting sector in Indonesia.

It means, referring to the system or media control, by removing Article 34 contained in Law Number 32 of 2002 concerning Broadcasting, by Law Number 11 of 2020 concerning Job Creation, Article 72, the media in Indonesia, especially broadcast media, returns to the media system which is under government power, “*under government*”.

Thus, it means that the characteristics of the media, such as the *content* of the media in various *genres* or programs, must often be in line with or in accordance with the policies (desire) of the authorities or the government. Strictly speaking, it must be in accordance with the political system adopted by the government.

The media is again under the power of the government, *under government*. *Content* media, especially broadcast media, are in line with the wishes or policies of the government. Must be in accordance with the prevailing political system.

Even if there are differences or variations in various dimensions, such as entertainment broadcast programs adapted to their era, the era of the “Z” or millennial generation, this is caused by various factors, among others, following market tastes or trends and color givers whose contribution is not significant in order to build the broadcasting landscape expected by the public.

2 Literature Review

The dynamics of the development of legislation relating to broadcasting in Indonesia, which has been started since the colonial era, both the Dutch and the Japanese colonizers, were greatly colored by the system imposed by the colonial powers. This is evidenced by the enactment and enactment of laws that manage issues related to broadcasting, which were determined by the colonizers, especially radio, which was named the “Radionet” Law and in the field of film under the name “*Film Ordonantie*”. After Indonesia’s independence, the dynamics of the development of broadcasting laws were continued by the Indonesian government with all its changes in line with the Indonesian political system.

However, before the birth of a law that specifically manages issues related to broadcasting, namely Law no. 32 of 2002, and most recently Law no. 11 of 2020, in accordance with the prevailing political system, broadcasting is managed by laws and regulations that do not have the highest legal force, namely laws, such as Government Regulation (PP) no. 24/1991 concerning Telecommunications Operations, Presidential Decree (Kepres) No. 215/1963 concerning the Establishment of the TVRI Foundation, Ministerial Decree (Kepmen) No. 54/ B/KEP/MEN PEN/1971 concerning the implementation of television broadcasts in Indonesia, Decree of the Director General of RTF No. 11/KEP/DIRJEN/RTF/1975 concerning Provisions for TVRI advertising broadcasts, and

the Director of Television/TVRI Foundation. Even if it is managed by law, broadcasting is only made up of a small part, just a sub-system of the system it manages.

Among the recommendations that can be put forward are how the dynamics of the development of Indonesian broadcasting legislation, both related to issues of ownership (*ownership*), control (*control*), content (*content*) and financing (*financial*), between those managed through legislation specifically managing broadcasting and those that are not, such as the Basic Law on the Press, Telecommunications, PP, Presidential Decree, Kepmen, and Kepdirjen, with those that specifically manage broadcasting, namely Broadcasting Law Number 32 of 2002?

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