**DECREE OF THE MINISTER OF COMMUNICATION AND INFORMATION TECHNOLOGY OF THE REPUBLIC OF IND0NESIA**

**NUMBER: 31 YEAR 2012**

**ON**

**SECOND AMENDMENT TO THE DECREE OF THE MINISTER OF COMMUNICATION AND INFORMATION TEHNOLOGY NUMBER 01/PER/M.KOMINFO/1/2006 ON STRUCTURING OF RADIO FREQUENCY BAND OF**

 **2.1 GHz FOR THE PROVISION OF IMT-2000 CELLULAR MOBILE NETWORK**

**BY THE GRACE OF GOD THE ALMIGHTY**

**MINISTER OF COMMUNICATION AND INFORMATION TECHNOLOGY OF THE REPUBLIC OF INDONESIA,**

Considering: a. that in accordance with the provision of Article 4 points b, c, and d

 of the Government Regulation Number 53 Year 2000 on Use of Radio Frequency Spectrum and Satellite Orbit, the planning of radio frequency spectrum usage, must take into consideration the aspect of efficiency and economy, technological development, and the future need of radio frequency spectrum;

b. that the radio frequency band of 2.1 GHz for UMTS system determined for the respective providers of IMT-2000 cellular mobile network prior to the issuance of this Ministerial Decree, has achieved the width of 2 x 10 MHz so that in all exists at radio frequency band of 1920-1970 MHz in pair with 2110 – 2160 MHz;

c. that in the allocation of radio frequency band of 2.1 GHz for UMTS system there exist two (2) radio frequency canals which have not been used, namely at the span of 1970 – 1980 MHz in pair with 2160 – 2170 MHz which on the basis of technical study may be used for the provision of IMT-2000 cellular mobile network;

d. that in order that the two (2) radio frequency canals at the span of 1970 – 1980 MHz in pair with 2160 – 2170 MHz may be defined of their usage, the provision of maximum limit of the use of radio frequency band of 2.1 GHz for one provider of IMT-2000 cellular mobile network having the width of 2 x 10 MHz must be abolished;

e. that based on considerations referred to in points a, b, c, and d, it is considered necessary to issue a Decree of the Minister of Communication and Information Technology on Second Amendment to the Decree of the Minister of Communication and Information Technology Number 01/PER/M.KOMINFO/1/2006 on Structuring of Radio Frequency Band of 2.1 GHz for the Provision of IMT-2000 Cellular Mobile Network.

Bearing in mind: 1. Law of the Republic of Indonesia Number 36 Year 1999

 on Telecommunication (State Gazette of the Republic of

 Indonesia Number 154 Year 1999, Supplement to the State

 Gazette of the Republic of Indonesia Number 3881);

2. Government Regulation of the Republic of Indonesia Number 52 Year 2000 on Provision of Telecommunication (State Gazette of the Republic of Indonesia Number 107 Year 2000, Supplement

 to the State Gazette of the Republic of Indonesia Number 3980);

3. Government Regulation of the Republic of Indonesia Number 53 Year 2000 on Use of Radio Frequency Spectrum and Satellite Orbit (State Gazette of the Republic of Indonesia Number 108 Year 2000, Supplement to the State Gazette of the Republic of Indonesia Number 3981);

4. Decree of the President of the Republic of Indonesia Number 47 Year 2009 on Formation and Organization of State Ministries of the Republic of Indonesia as amended several times, the latest by the Decree of the President of the Republic of Indonesia Number 91 Year 2011 on Third Amendment to the Decree of the President of the Republic of Indonesia Number 47 Year 2009 on Formation and Organization of State Ministries of the Republic of Indonesia;

5. Decree of the President of the Republic of Indonesia Number 24 Year 2010 on Positions, Duties, Functions of State Ministries of the Republic of Indonesia and Organizational Structure, Duties, and Functions of Echelon I of State Ministries of the Republic of Indonesia , as amended several times, the latest by the Decree of the President of the Republic of Indonesia Number 92 Year 2011 on Second Amendment to the Decree of the President of the Republic of Indonesia Number 24 Year 2010 on Positions, Duties, and Functions of State Ministries of the Republic of Indonesia and Organizational Structure, Duties, and Functions of Echelon I of State Ministries of the Republic of Indonesia;

6. Decree of the Minister of Communication and Information Technology Number 01/PER/M.KOMINFO/1/2006 on Structuring of Radio Frequency Band of 2.1 GHz for the Provision of IMT-2000 Cellular Mobile network as amended by the Decree of the Minister of Communication and Information Technology Number 42/PER/M.KOMINFO/12/2006 on Amendment to the Decree of the Minister of Communication and Information Technology Number 01/PER/M.KOMINFO/1/2006 on Structuring of Radio Frequency Band of 2.1 GHz for the Provision of IMT-2000 Cellular Mobile Network;

7. Decree of the Minister of Communication and Information Technology Number 17/PER/M.KOMINFO/10/2010 on Organization and Work Method of the Ministry of Communication and Information Technology.

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**DECIDES**

**To issue**: **DECREE OF THE MINISTER OF COMMUNICATION AND**

 **INFORMATION TECHNOLOGY ON** **SECOND AMENDMENT TO THE DECREE OF THE MINISTER OF COMMUNICATION AND INFORMATION TECHNOLOGY NUMBER 01/PER/M.KOMINFO/1/2006 ON STRUCTURING OF RADIO FREQUENCY BAND OF 2.1 GHz FOR THE PROVISION OF IMT-2000 CELLULAR MOBILE NETWORK**

**Article I**

Some of the provisions in the Decree of the Minister of Communication and Information Technology Number 01/PER/M.KOMINFO/1/2006 on Structuring of Radio Frequency Band of 2.1 GHz for the Provision of IMT-2000 Cellular Mobile Network as amended by the Decree of the Minister of Communication and Information Number 42/PER/M.KOMINFO/12/2006 are amended as follows:

1. The provision of Article 2 paragraph (1) is amended and paragraph (3) is deleted, so that Article 2 reads as follows:

Article 2

(1) Radio frequency band allocated for the need of the provision of cellular mobile network at radio frequency band of 2.1 GHz is defined as follows:

a. IMT-2000 terrestrial system of TDD mode: 1880 – 1920 MHz and 2010 -2025 MHz; and

b.. IMT-2000 terrestrial system of FDD mode: 1920 – 1980 MHz in pair with 2110 – 2170 MHz.

(2) The use of frequency band mentioned in paragraph (1) refers to arrangement of frequency band of B1 Recommendation of 1TU-R M.1036-2.

(3) Deleted.

2. Between Article 4 and Article 5, insert one (1) article, i.e. Article 4A which reads as follows :

Article 4A

(1) After structuring referred to in Article 4 and the whole radio frequency band of 2.1 GHz for UMTS system is determined for providers of IMT-2000 cellular mobile network, a restructuring is overall done.

(2) The overall restructuring referred to in paragraph (1) is done by shifting the allocation of radio frequency band that has been determined for providers of IMT-2000 cellular mobile network at radio frequency band of 2.1 GHz so that every provider of IMT-2000 cellular mobile network obtains contiguous allocation of radio frequency band.

(3). All expenses and risks which emerge as a consequence of an overall restructuring be borne by the respective providers of IMT-2000 cellular mobile network.

(4). The result of the overall restructuring does not alter the validity period of the License for Radio Frequency Spectrum Band that has been awarded to each provider of IMT-2000 cellular mobile network including but not limited to the obligation for the payment of radio frequency License Fee (BHP).

(5) The process of overall restructuring referred to in paragraph (1) is done at the latest six (6) months since the determination of mechanism and stages of shifting the allocation of radio frequency band that has been defined for providers of IMT-2000 cellular mobile network at radio frequency band of 2.1 GHz.

3. Between Article 9 and Article 10, insert one (1) article, i.e. Article 9A which reads as follows :

 Article 9A

(1) The mechanism and stages of the shifting of allocation of radio frequency band in the overall structuring referred to in Article 4A are stipulated in a separate regulation.

(2) The mechanism and stages of the shifting of allocation of radio frequency band referred to in paragraph (1) is done by the principle of application of the least steps of shifting of allocation of radio frequency band.

4. Between Article 14 and Article 15, insert one (1) article, i.e. Article 14A which reads as follows :

Article 14A

Granting of license for radio frequency band of 2.1 GHz for radio frequency band other than that referred to in Article 14 paragraph (1) is stipulated in a separate regulation.

**Article II**

This Ministerial Decree shall come into force on the date of its issuance.

In order to make known to every body, instruct the promulgation of this Ministerial Decree by placing it in the State Announcement of the Republic of Indonesia.

 Done at: JAKARTA

 On : September 12, 2012

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**MINISTER OF COMMUNICATION AND INFORMATION TECHNOLOGY OF THE REPUBLIC OF INDONESIA**

Signed

**TIFATUL SEMBIRING**

Promulgated at Jakarta

On October 17, 2012

MINISTER OF LAW AND HUMAN RIGHTS

OF THE REPUBLIC OF INDONESIA

 Signed

 AMIR SYAMSUDIN

STATE ANNOUNCEMENT OF THE REPUBLIC OF INDONESIA YEAR 2012 NUMBER 1015

For copy conform to the original,

Ministry of Communication and Information Technology,

 Head of Bureau of Legal Affairs,

 Signed

 D. Susilo Hartono