



Arah Hukum Dan Regulasi Bidang Telekomunikasi Dalam Mendukung Masyarakat Informasi

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Sumber :

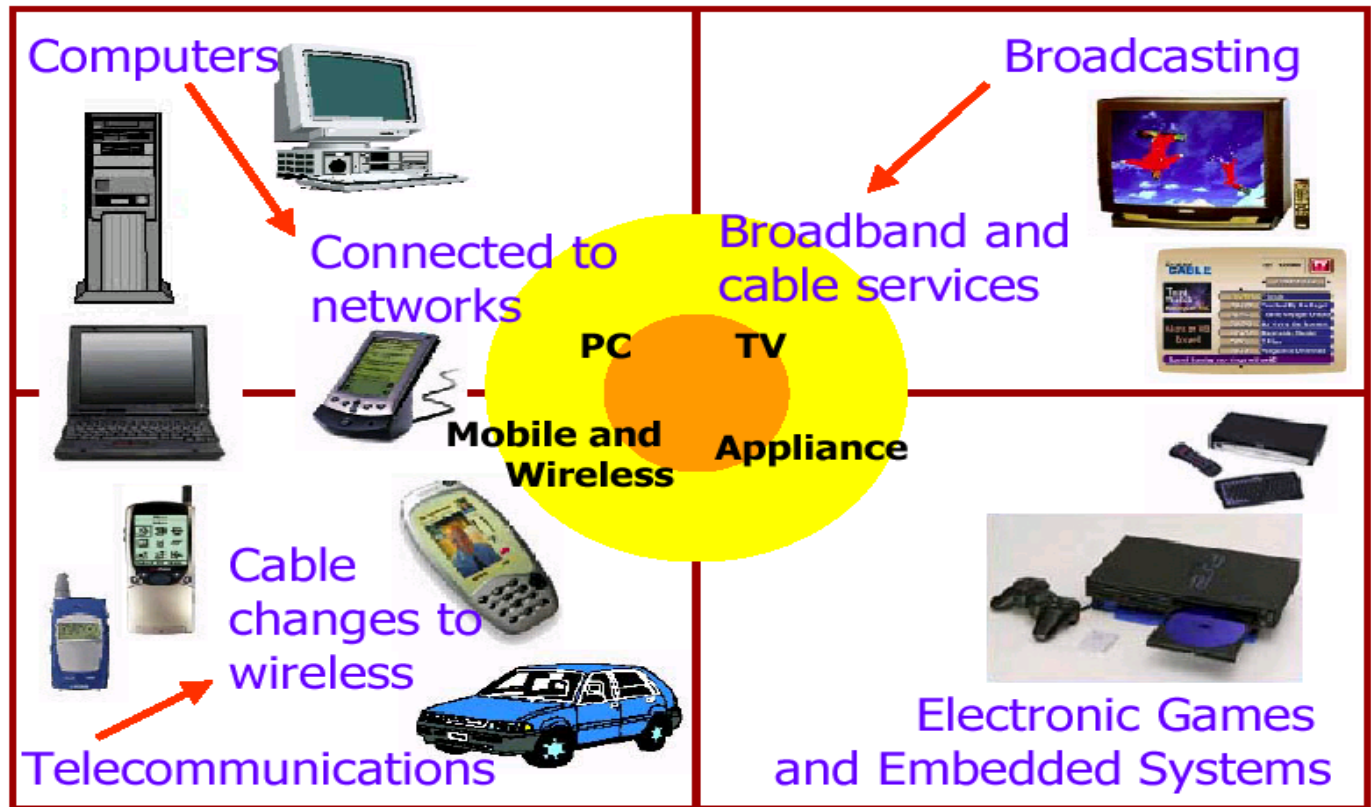
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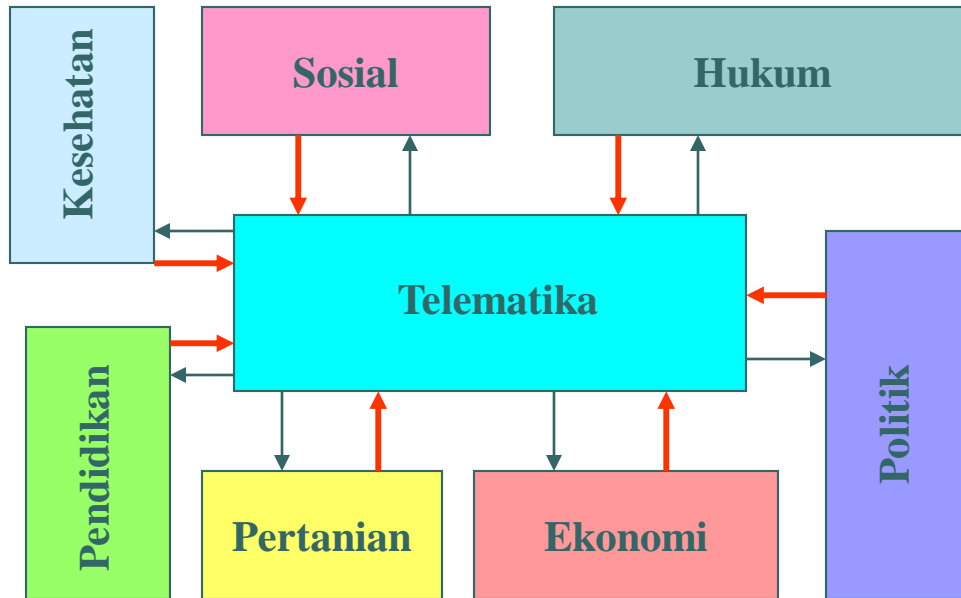
Masyarakat Informasi????

Pendekatan Ketersediaan Teknologi



Masyarakat Informasi?????

Fasilitasi Telematika kepada Sektor lain



→ Aplikasi Telematika Untuk Bidang Terkait.

Contoh:

Sistem Informasi Pertanian
Sistem Informasi Pendidikan
Sisminbakum
e-Health
e-Government
e-Commerce
e-Education
Dll.



Kajian Bidang tertentu yang berhubungan dengan dampak Telematika

Contoh:

- Kajian Ekonomi Telematika (Economic of ICT)
- Hukum Telematika

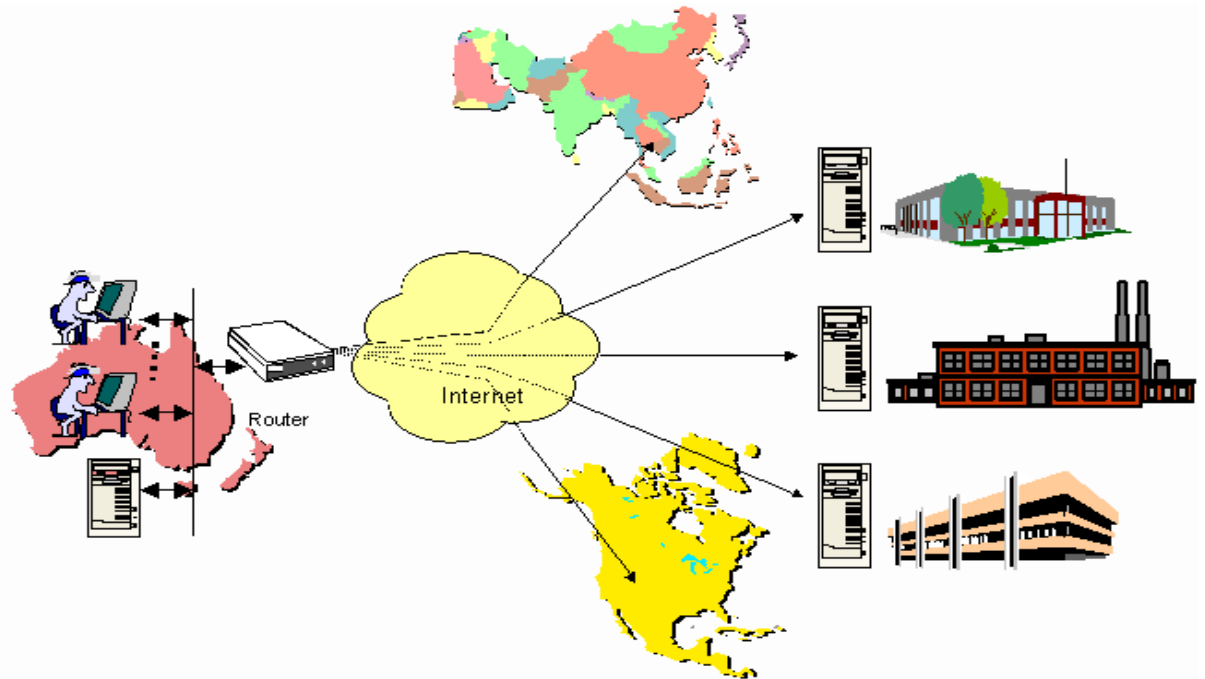
- Dampak Sosial Telematika
- Kebijakan Pendidikan Telematika
- Politik Telematika

Masyarakat Informasi?????

Konektivitas Universal dari pemanfaatan Internet

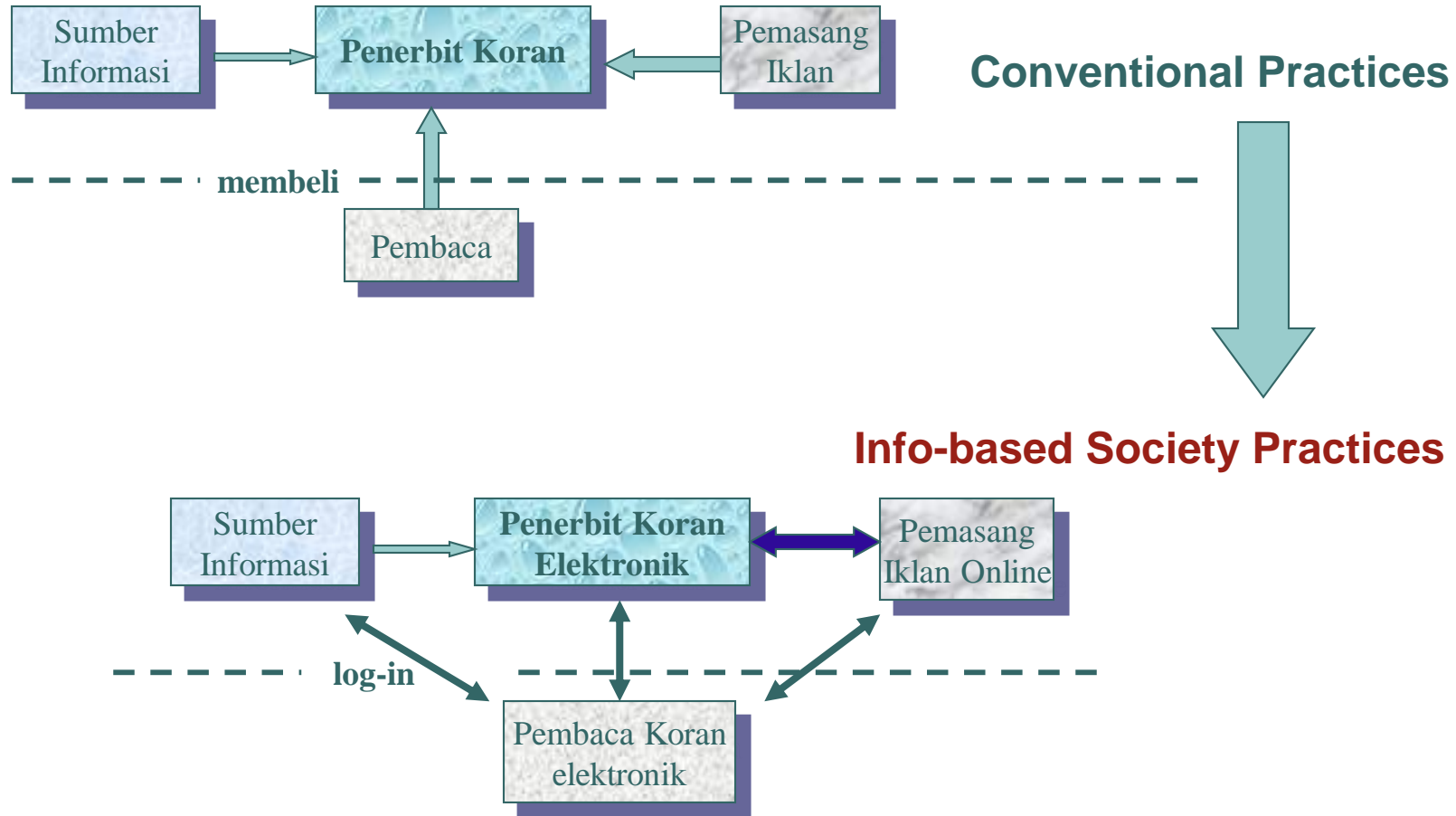


Smaller World

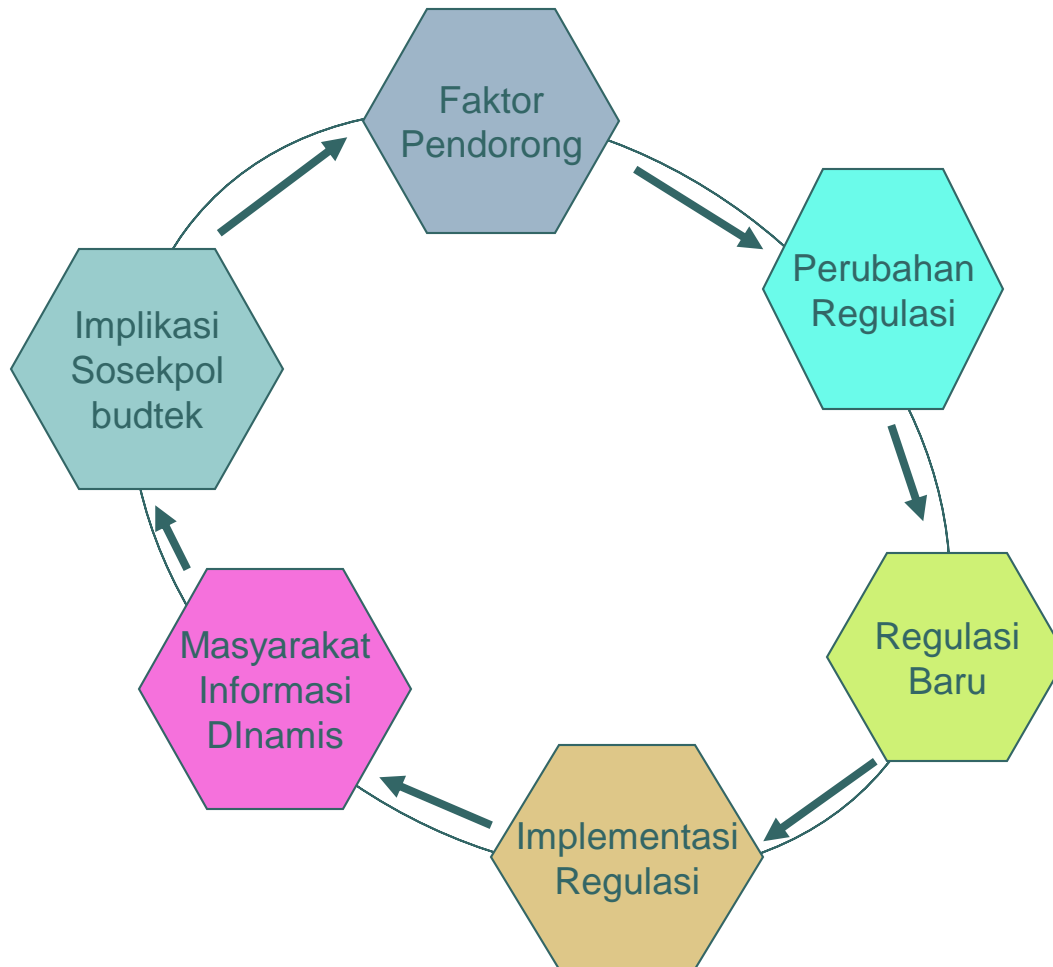


Masyarakat Informasi?????

Transformasi independensi sumber informasi



Model Analisis





Faktor Pendorong

- Perkembangan dan konvergensi TI dan Telekomunikasi
- Munculnya berbagai Layanan Baru
- Permintaan terhadap Lingkungan Kompetitif
- Tuntutan efisiensi pengolahan sumber daya
- Perubahan paradigma politik



Technological Driving Forces

- The generic impact of microelectronics, due to the rapidly changing price/performance ratio of Very Large Scale Integrated (VLSI) circuits, both on the common network infrastructure and on customer equipment;
- The role of optical techniques in *bulk* information transmission over long distances;
- The increasing role of radio technologies in reaching *individual* users over shorter distances ('wireless local loop', cellular systems); and
- The intrusion of special computer platforms and networks into the infrastructure for the plain old telephone service (POTS), in order to create and manage more advanced services ('intelligent networking').

Melody, eds (2002)



Perkembangan Aplikasi Teknologi

- Circuit Switch → IP Switch
- Narrow Band → Broadband
- Cellular → Wideband Cellular
- OSOC → MSOC
- Open protocol → Adaptive protocol
- New standard in wireless technology



Layanan Baru

- Facility-based
 - Penyedia jaringan
- Service-based
 - MVNO
 - Content providers
 - IP-based communication services



Overlap of Services

- Cable operators will be able to offer telephone service;
- Broadband video, High Definition Television and multimedia services can be offered over a broadband (e.g. optical fibre) switched network, over upgraded cable television networks, and over broadband wireless networks;
- Broadcast distribution can be provided by cable operators, public broadcast networks and satellite broadcasters; and
- Point-to-multipoint data downloading (data casting) can be provided by broadcasters, satellite broadcasters and the PTO.



Persoalan Penyelenggaraan Telekomunikasi*)

- Perizinan
- Interkoneksi
- Kode Akses
- Konflik Pengaturan Pusat –Daerah
- Kompetensi Regulator

****) yang dirasakan oleh sebagian besar operator pada saat ini***



Kode Akses

- Merupakan konsekuensi pelaksanaan UU 36 tahun 1999 yang mendorong berlakunya pasar persaingan
- Sebagian besar jajaran TLKM di daerah menolak kebijakan Kode Akses
- ISAT menuntut pemberlakuan Kode Akses di seluruh Indonesia
- **Memerlukan kebijakan Pemerintah (dan implementasinya) yang adil (*fair*) terhadap TLKM, ISAT, dan Masyarakat**



Konflik Pengaturan Pusat - Daerah

- Pro – kontra Pembinaan Telekomunikasi
- Beberapa Pemda membuat Perda yang memberatkan operator



Kompetensi Regulator

- Peran BRTI dianggap masih belum optimal dalam pembinaan Telekomunikasi
- Masih muncul keraguan di kalangan pelaku Telekomunikasi mengenai independensi BRTI
- Personalia BRTI dianggap belum mencerminkan kompetensi yang dibutuhkan dalam pembinaan Telekomunikasi yang semakin kompleks.
- Keberadaan BRTI sebagai lembaga publik yang keberadaannya didasarkan SK Menhub dianggap kurang memiliki legitimasi dalam pembinaan Telekomunikasi



Perubahan Regulasi????

- Perijinan
- Interkoneksi
- Competitive Safe Guard
- Resource Management
- Universal Service Obligation
- Standardization



The New Telecommunications: Policy and Regulatory Challenges

Full Competition Scenario (Idealist)	The Dominant Player(s) Scenario (Strategic)
Permeable seamless networks	Fragmented networks
Universal services	Reduced universality of services
Demand-led telecommunication industry	Supply-led industry, multinational user pressure
Open Systems, common interface standards	Weak stimuli for competition
Co-operative partnerships, transparent network access	Rivalry, non-transparent network access
Minimal regulation	Increasing regulation



Regulasi Yang Baik?

- Forward looking
- Proactive
- Fair (non-discriminatory)
- Technology neutral
- Efficient
- Effective (Implementable)



Considerations for Framing National Telecom Reforms

- The International Framework
- Related National Policies
- Structural Reform of Telecom Sector
- Defining the Process of Regulation
- Substantive Regulatory Issues



Sasaran Regulasi

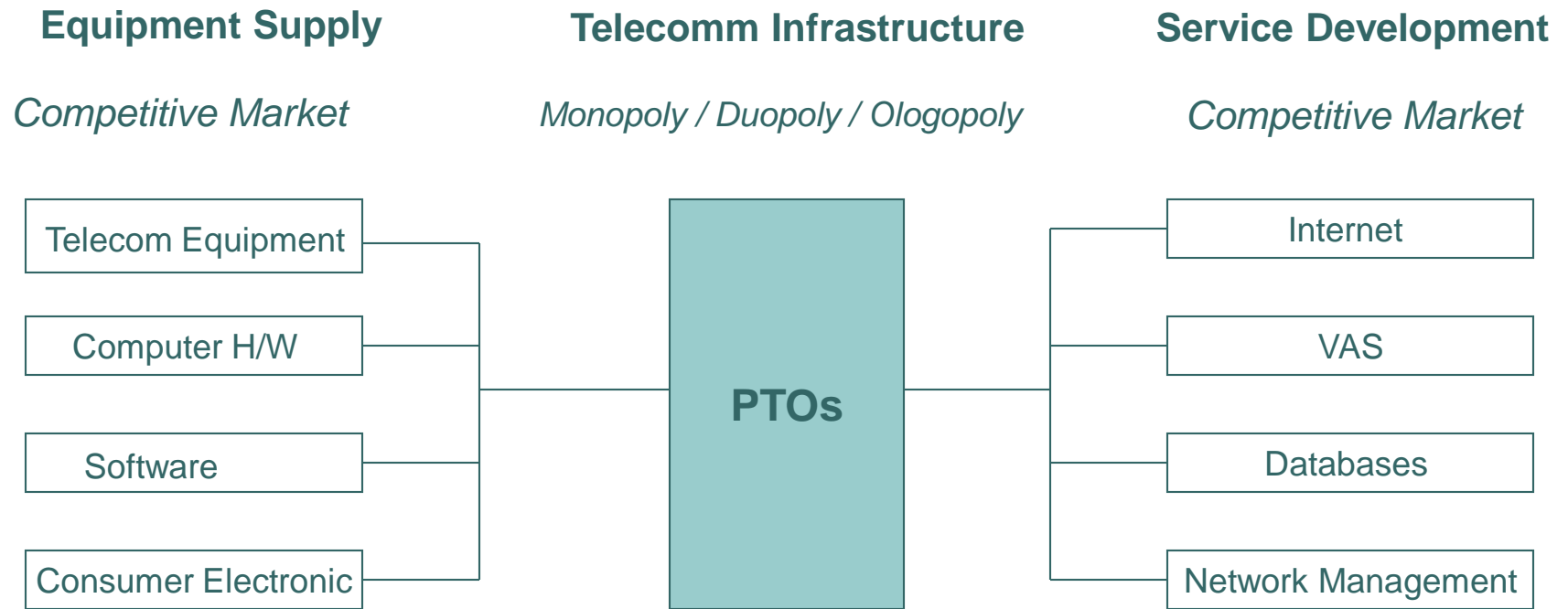
- To ensure everyone has access to reasonable service at reasonable prices.
- Universal accessibility to basic telephone service at affordable prices;
- Opportunity for telephone company shareholders to earn a reasonable return on their investment;
- Equitable treatment of subscribers in terms of service and price;
- Assurance that telephone companies do not unfairly take advantage of their monopoly dealings with competitors; and
- Encouragement of the development and widespread availability of new technology and innovative services to respond to the needs of business and residence customers.



The International Framework

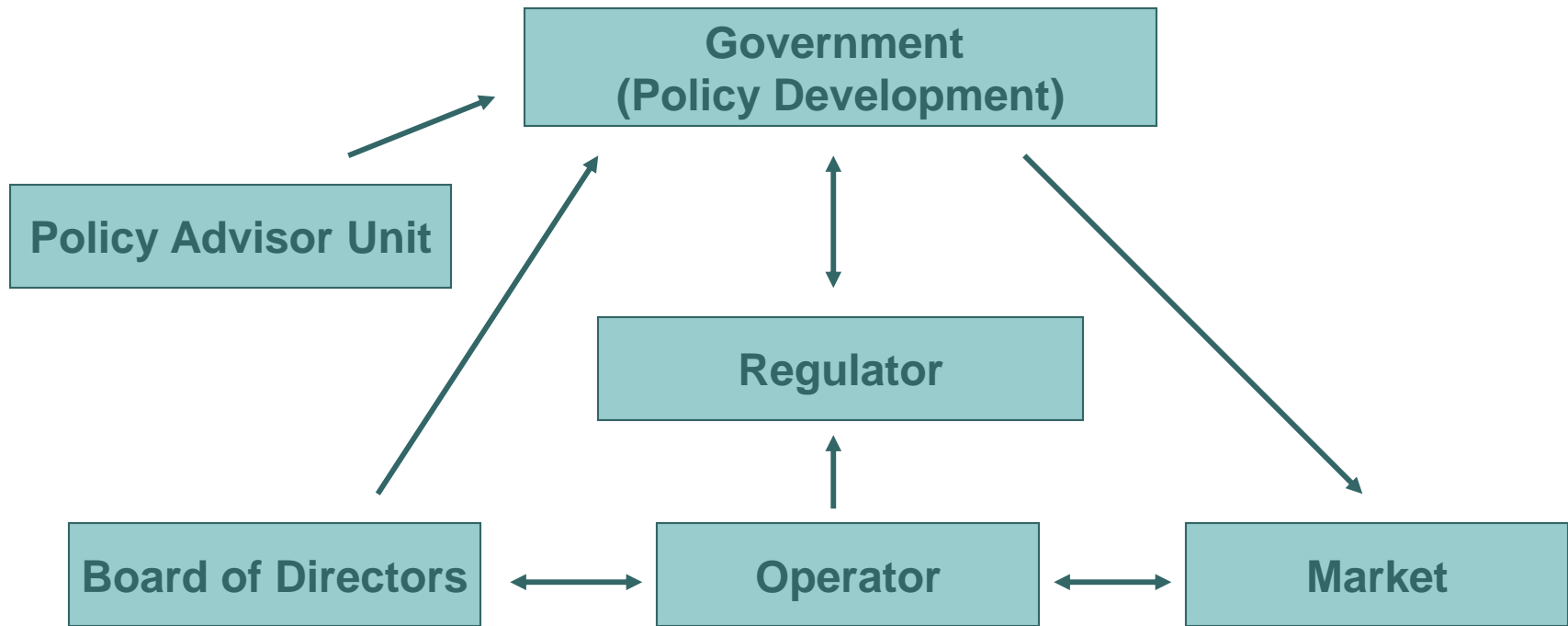
- International Telecommunication Union (ITU)
- World Trade Organisation (WTO)
- OECD Common Trends
- Regional Compatibility (e.g. European Union, APEC-Tel, Others)

Rantai Nilai Sektor Telekomunikasi



regulators will need to monitor the extent and significance of competition in telecom markets, and take positive steps to reduce barriers to entry wherever possible

Struktur Desentralisasi – Reformasi Telekomunikasi



—→ Pengaruh tidak langsung jangka panjang

↔ Pengaruh Langsung



Independent Regulator

- It does not mean independence from government policy, or the power to make policy
- Independence to implement policy without undue interference from politicians or industry lobbyists.
- The PTO must be publicly seen to be independent from government
- Stronger regulation can minimise the risks of industry capture and political favouritism.



Related National Policies

- Competition and Anti-monopoly Policy
- Consumer Protection Policy
- Information Society Policies



Structural Reform of Telecommunication Sector

- Objectives of Telecommunication Policy Development
- Role for an Independent PTO
- Communication or Competition Ministry?
- Role for Independent Telecommunication Regulation



Defining the Process of Regulation

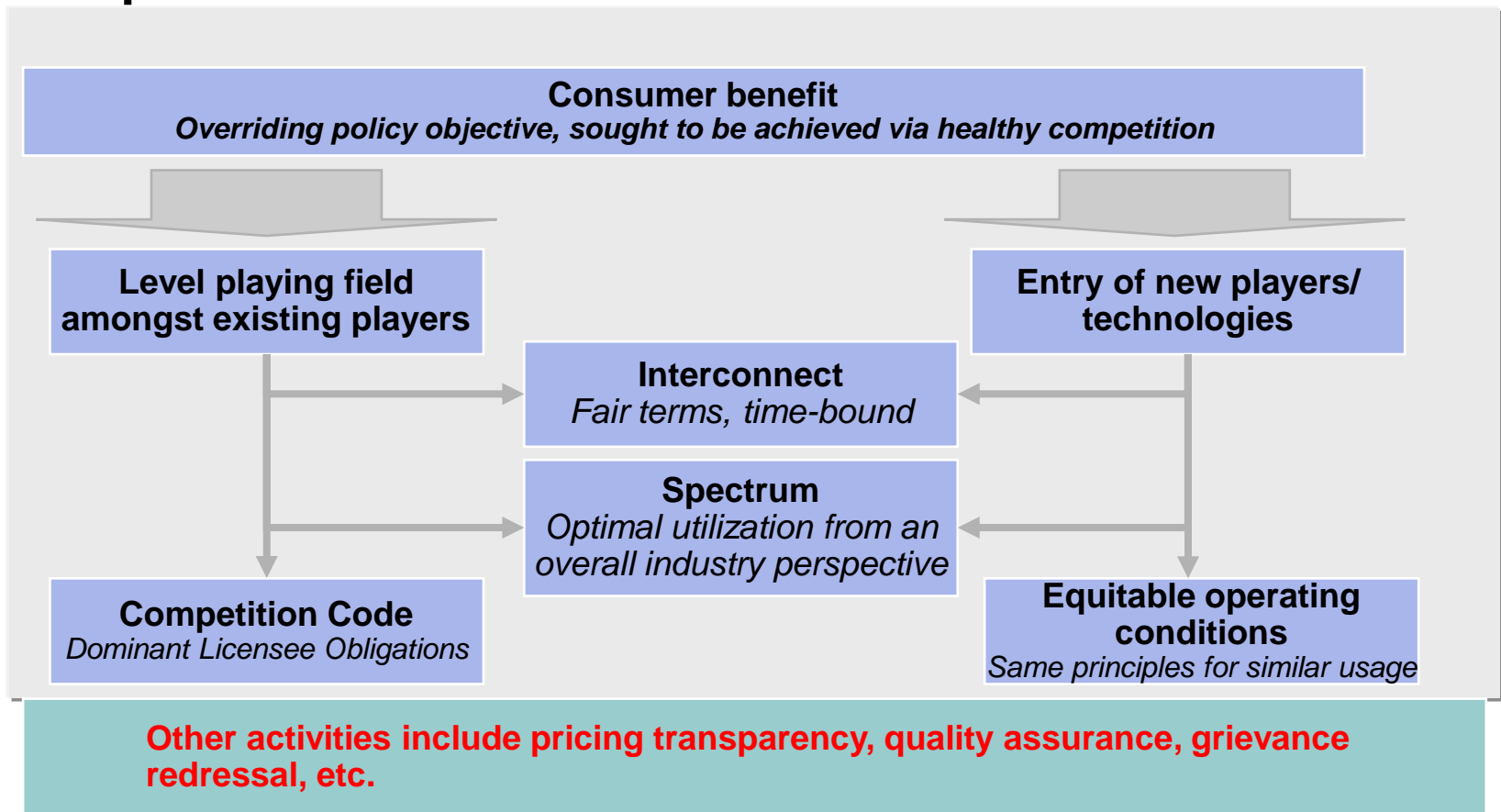
- Independence and Relation to Ministry for Policy Development
- Scope for Pro-active Industry Monitoring and Inquiry
- Information Gathering Powers
- Procedures for Participation in the Regulatory Process
- Scope for Public Access to Information
- Accountability of the Regulator



Substantive Regulatory Issues

- Licensing Competition
- Radio Spectrum
- Access to Rights of Way
- Numbering and Portability
- Standards and Protocols
- Interconnection (Carrier and Subscriber)
- Preventing Anti-competitive Behaviour
- Price Regulation
- Quality of Service Regulation
- Universal Service
- Consumer Protection
- Privacy, Security, Content
- Compatibility for Trade
- Information Society Development

Prioritas Regulasi Telekomunikasi



* Recent trend amongst regulators

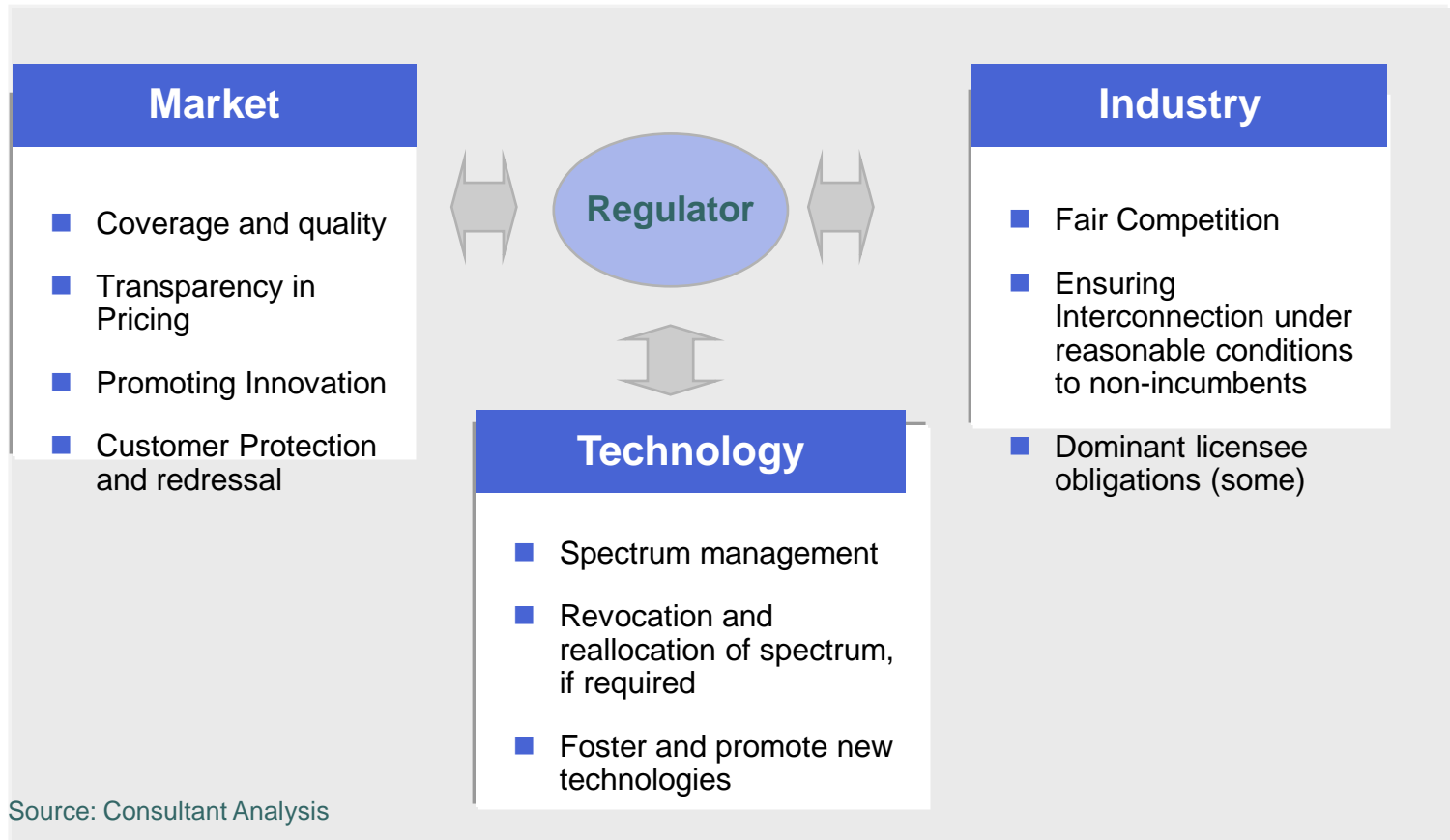
Prioritas Regulasi Telekomunikasi

Country	Consumer protection	Technical Standards	Dominant Licensee Regulation	Spectrum Management
Hong Kong	✓	✓	✓	✓
United States	✓	✓	✓	✓
Singapore	✓	✓	✓	✓
Malaysia	✓	✓		✓
Australia	✓	✓	✓	✓
UK	✓	✓	✓	✓
Philippines	✓	✓		✓
Germany	✓	✓	✓	✓

Source: Consultant Analysis

Regulators focus on ensuring effective competition for sustained consumer benefit, balanced with the need for overall industry development.

Prioritas Regulasi Telekomunikasi



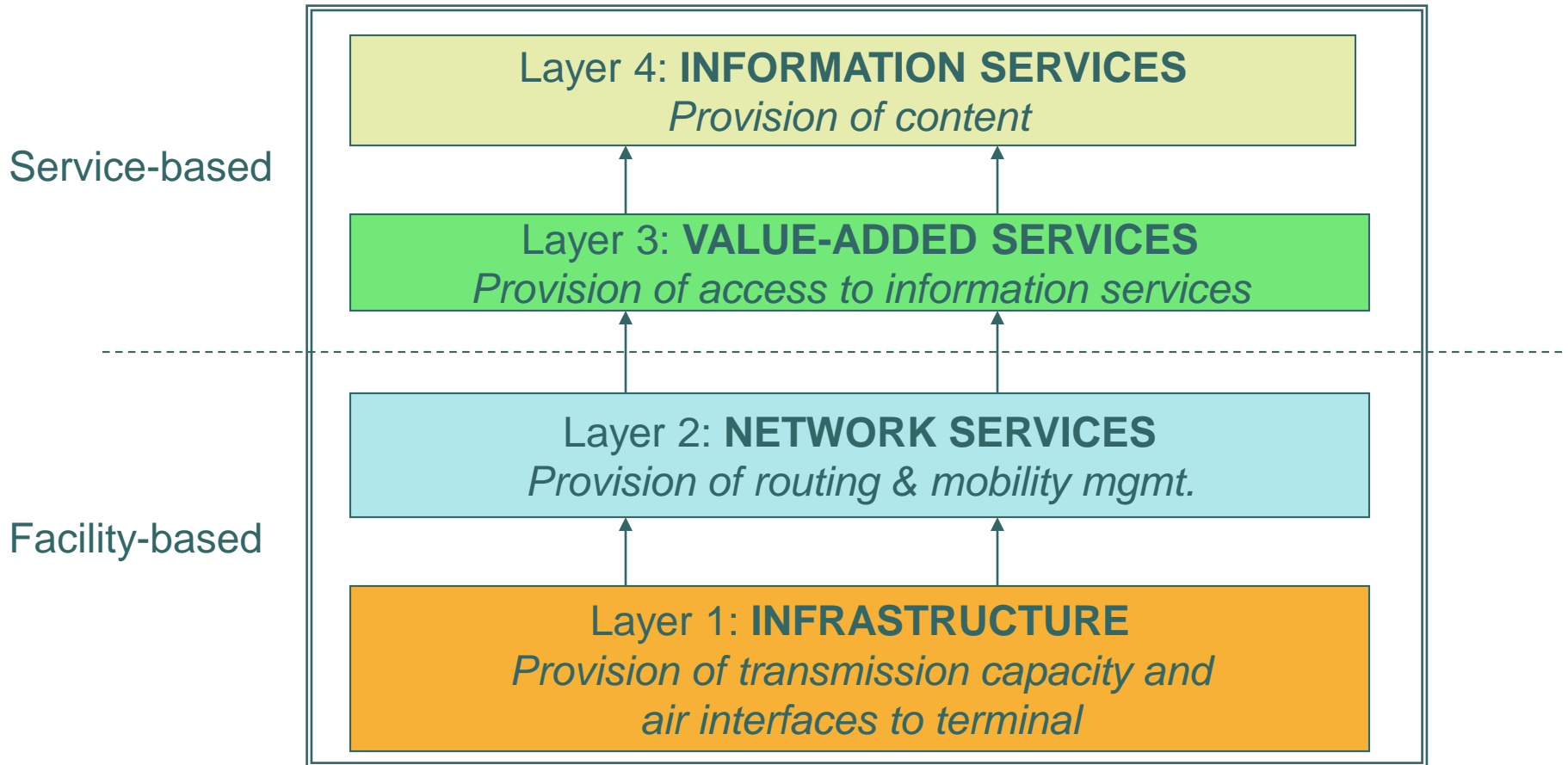
Driven by this objective, their activities fall largely within three main domains: market, industry and technology.



Regulasi Perijinan

- Perizinan yang diterbitkan oleh Pemerintah di masa lalu dipersoalkan kembali oleh Pemerintah sekarang
- Prosedur perizinan yang ditayangkan di website resmi Ditjen Postel tidak sesuai dengan kenyataan di lapangan
- Belum ada transparansi informasi tentang peluang bisnis telekomunikasi yang memerlukan perizinan
- **Sebagian besar aplikasi perizinan diproses menggunakan ketentuan first come first served, muncul *license squatters*.**

Klasifikasi Perijinan





Regulasi Interkoneksi

- Interkoneksi adalah keterhubungan fisik antara jaringan satu operator dengan jaringan milik operator yang lain sehingga memungkinkan pelanggan satu operator menghubungi pelanggan operator lain
- Interkoneksi didorong oleh sifat dasar dari telekomunikasi yaitu *end-to-end* dan *any-to-any connectivity*
- Semua operator memerlukan interkoneksi dalam penyelenggaraan jasanya, hanya tingkat kebutuhan akan interkoneksi tersebut bervariasi antara satu operator dengan operator yang lain
- Dalam lingkungan industri telekomunikasi yang multi-operator, kebijakan interkoneksi akan sangat mempengaruhi tingkat persaingan antar operator
- **Kondisi regulasi pada saat ini belum dapat meng-cover berbagai permasalahan Interkoneksi yang ada**



Isu Utama Interkonkesi

Technical

Standard setting; technical compatibility; signal quality; Open Network Provisioning (ONP)/Open Network Architecture (ONA)

Service

Co-operative network expansion; compatible practices; uniform service definitions and conditions; shared responsibilities, costs, and revenues

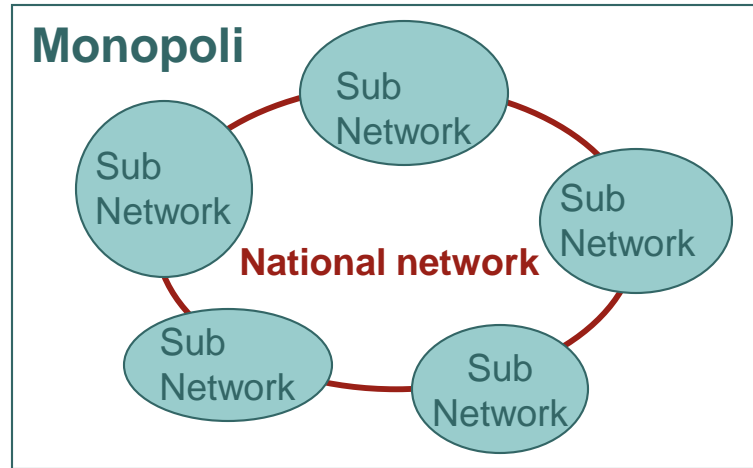
Competitive

Terms of access to and use of essential facilities; negotiated locations; service levels, capacities, quality; negotiated prices and risks; supplemental services for the second carrier.

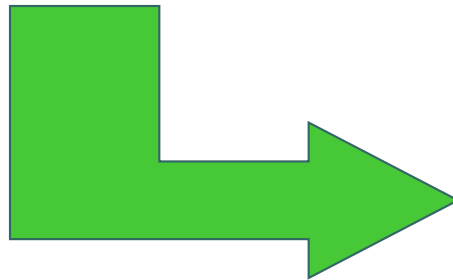
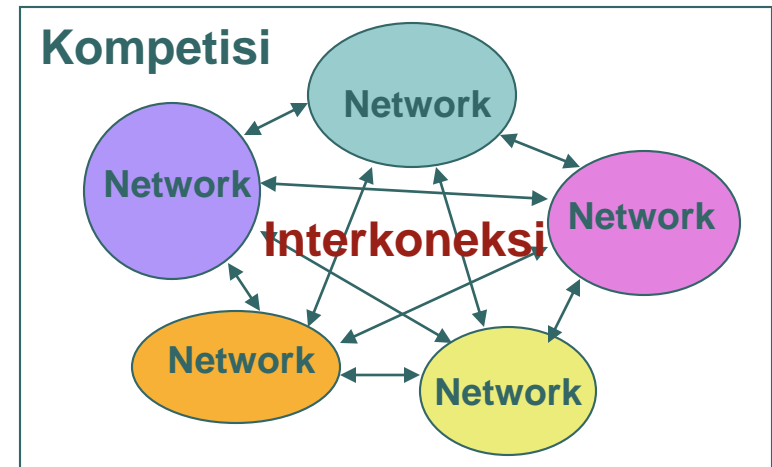
Regulated

Criteria for determining equal and equivalent access; assessment of reasonable costs and prices; incorporation of USO and industrial policy objectives; establishing a process for ongoing problem resolution.

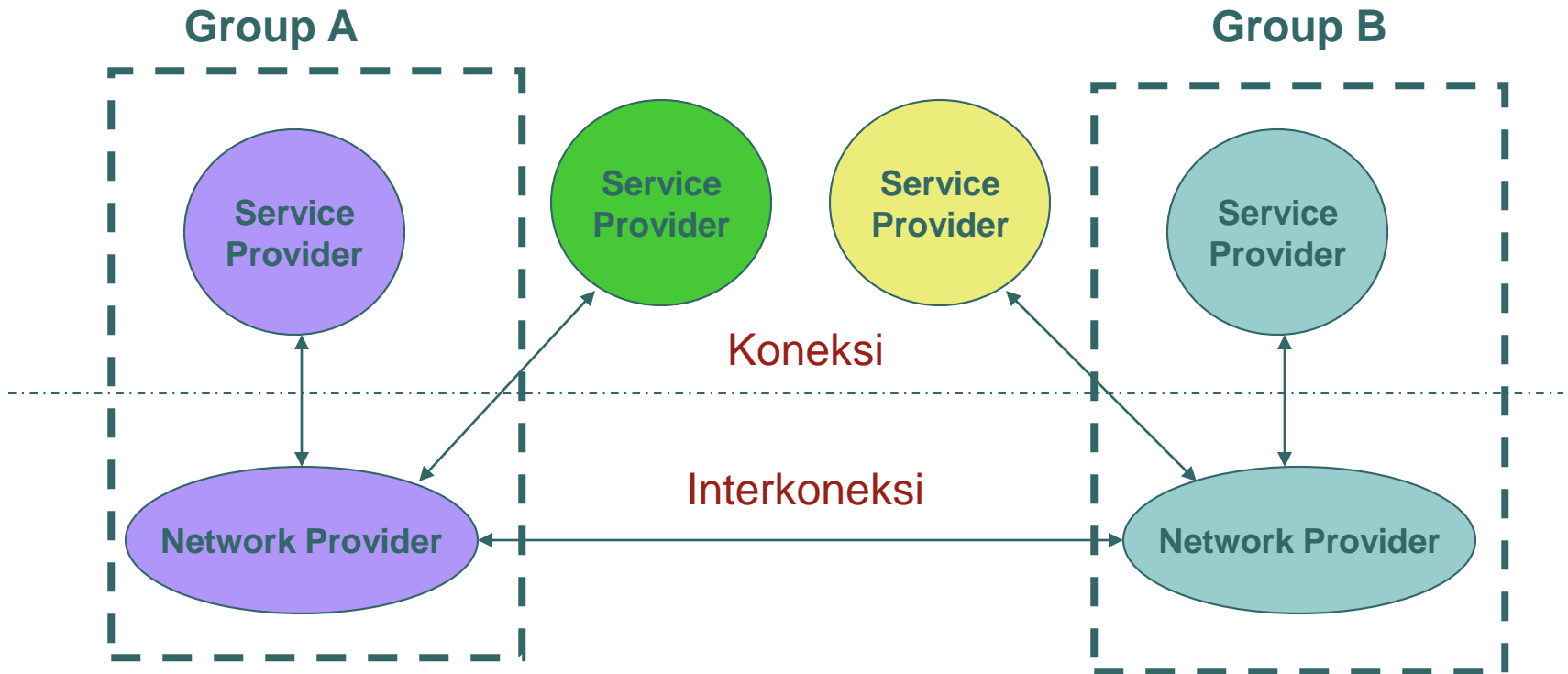
Reasons for Interconnection



Transformation market
from monopoli to
competition



Struktur Interkoneksi





Perubahan Legal Frameworks

- Amandemen UU 36/1999
- Cyber Laws
- Cybercrime Law
- Kebebasan Memperoleh Informasi Publik
- Penyiaran
- KUH Pidana & Perdata
- KUHAP
- DII.

Terima Kasih

