

EXPLANATION  
OF  
REGIONAL REGULATION OF THE MUNICIPALITY OF METRO  
NUMBER 3 OF 2023  
ON  
IMPLEMENTATION OF TELECOMMUNICATIONS PASSIVE INFRASTRUCTURE

1. GENERAL

One aspect of basic services that is a priority in the management of information and communication technology today is fulfilling citizens' rights to obtain information, information and disseminate it in order to improve personality and the social environment in accordance with the mandate of Article 28 F of the 1945 Constitution of the Republic of Indonesia. This mandate is then clearly stated in Article 34 A of Law Number 11 of 2020 on Job Creation. In section (1) of Article 34 A, it is stated that the Central Government and Local Governments provide facilitation and/or convenience to telecommunications operators to carry out telecommunications infrastructure development in a transparent, accountable and efficient manner. As for section (2), it is explained that in providing telecommunications, the Central Government and Local Governments can participate in providing joint telecommunications passive infrastructure facilities to be used by telecommunications operators together at affordable costs.

The effective and efficient communications require many facilities, one of the vital needed facilities are towers and fiber optics. As a vital communication technology, telecommunications towers are needed to receive, amplify, direct and transmit signals. Along with the development of technology in the telecommunications sector, Local Governments are trying to regulate development, arrangement, supervision and control, so that telecommunications operations and services can run well.

This Regional Regulation aims to create an orderly arrangement of Passive Infrastructure that guarantees the technical reliability of Passive Infrastructure in terms of safety, health and comfort; realizing Passive Infrastructure arrangements that are functional, effective, efficient and in harmony with the environment; and realizing Passive Infrastructure that has information, clear identity, and its operational feasibility is monitored.

II. ARTICLE BY ARTICLE.

Article 1  
Sufficiently clear

Article 2  
Sufficiently clear

Article 3  
Sufficiently clear

Article 4  
Sufficiently clear

Article 5  
Section (1)  
Sufficiently clear  
Section (2)  
Point A  
Sufficiently clear  
Point b  
The term "regional thematic" means an area whose nature and designation has certain characteristics.  
Point c  
Sufficiently clear  
Section (3)  
Sufficiently clear

Article 6  
Sufficiently clear

Article 7  
Section (1)  
Point A  
Sufficiently clear  
Point b  
The term "special" means a part of a region within a region determined by the central government to carry out special government functions for the national interest  
The point c  
Sufficiently clear  
Section (3)  
Sufficiently clear

Article 8  
Sufficiently clear

Article 9  
Sufficiently clear

Article 10  
Sufficiently clear

Article 11  
Sufficiently clear

Article 12  
Section (1)  
The term "Building Approval" means a license granted to the Owner of Buildings or building infrastructure and facilities to

build new, change, expand, reduce, and/or maintain buildings and building infrastructure and facilities in accordance with building technical standards.

The term "Levies for the Issuance of Passive Infrastructure Building Approvals in the form of towers and microcell poles" is the Building Approval levy or other equivalent designation based on legislation concerning regional taxes and local levies

Section (2)

The term " Levies for Control of Passive Infrastructure Buildings in the form of towers and microcell poles" means a levy for control of towers or other equivalent terms based on legislation concerning local taxes and local levies.

Section (3)

Sufficiently clear

Section (4)

Sufficiently clear

Article 13

Sufficiently clear

Article 14

Sufficiently clear

Article 15

Section (1)

Sufficiently clear

Section (2)

Point A

Sufficiently clear

Point b

The term "business entity or experts who have competence" means a business entity that has a construction service business license or experts who have competence in the construction sector and have a certificate of expertise in the construction sector issued by a professional organization in the construction sector, including the Institute Development of Construction Services.

Article 16

Sufficiently clear

Article 17

Section (1)

Sufficiently clear

Section (2)

Sufficiently clear

Section (3)

Sufficiently clear

Section (4)

Point A

The term "granting the right of *right of way*" means the granting of license to telecommunications operators to cross road shoulders and/or special areas in accordance with the provisions of legislation.

Point b  
Sufficiently clear

Point c  
Sufficiently clear

Point d  
Sufficiently clear

Point e  
Sufficiently clear

Section (5)  
Sufficiently clear

Article 18  
Sufficiently clear

Article 19  
Sufficiently clear

Article 20  
Sufficiently clear

Article 21  
Section (1)  
Sufficiently clear

Section (2)  
The term "business entity or experts who have competence" means a business entity that has a construction service business license or experts who have competence in the construction sector and have a certificate of expertise in the construction sector issued by a professional organization in the construction sector, including the Institute Development of Construction Services.

Article 22  
Sufficiently clear

Article 23  
Sufficiently clear

Article 24  
Section (1)  
Sufficiently clear

Section (2)  
Point a  
The term "public street lighting poles" means supports made of metal and/or non-metallic materials used to anchor luminaires, which are installed in open spaces or outside buildings to illuminate national roads, provincial roads and city roads, signal road traffic. public, and illuminate certain public facilities.

Point b  
Sufficiently clear

Section (3)  
Sufficiently clear

Section (4)

The term "other utilities" include, among others *Close Circuit Television* (CCTV), *Wireless Local Area Network* (WLAN), or public street lighting.

Article 25

Sufficiently clear

Article 26

Sufficiently clear

Article 27

Sufficiently clear

Article 28

Sufficiently clear

Article 29

Sufficiently clear

Article 30

Sufficiently clear

Article 31

Sufficiently clear

Article 32

Sufficiently clear

Article 33

Sufficiently clear

Article 34

Sufficiently clear

Article 35

Sufficiently clear