

REGULATION OF THE MUNICIPALITY OF METRO
NUMBER 3 OF 2023
ON
IMPLEMENTATION OF TELECOMMUNICATIONS PASSIVE INFRASTRUCTURE
BY THE BLESSINGS OF ALMIGHTY GOD
MAYOR OF METRO

- Considering : a. that one of the basic rights of the public is to have adequate communication service needs so that they can obtain and convey information using all types of available communication channels safely and comfortably;
- b. that the development and distribution of telecommunications passive infrastructure is an integral part of the digital transformation program aimed at increasing the coverage of telecommunications services and minimizing the presence of overhead cables so that they are in harmony with aesthetic principles and urban spatial patterns;
- c. that based on the considerations as referred to in point a and point b, it is necessary to issue a Regional Regulation on Implementation of Telecommunications Passive Infrastructure ;
- Observing : 1. Article 18 section (6) of the 1945 Constitution of the Republic of Indonesia;
2. Law Number 12 of 1999 on the Establishment of II Regency of Way Kanan, Regency of II East Lampung, Regional Municipality of Metro (State Gazette of the Republic of Indonesia of 1999 Number 46, Supplement to the State Gazette of the Republic of Indonesia Number 3825);
3. Law Number 36 of 1999 on Telecommunications (State Gazette of the Republic of Indonesia of 1999 Number 154, Supplement to the State Gazette of the Republic of Indonesia Number 3881);
4. Law Number 28 of 2002 on Buildings (State Gazette of the Republic of Indonesia of 2002 Number 134, Supplement to the State Gazette of the Republic of Indonesia Number 4247) as amended by Law Number 11 of 2020 (State Gazette of the Republic of Indonesia of 2020 Number 245, Supplement to the State Gazette of the Republic of Indonesia Number 6573);

5. Law Number 25 of 2009 on Public Services (State Gazette of the Republic of Indonesia of 2009 Number 112, Supplement to the State Gazette of the Republic of Indonesia Number 5038);
6. Law Number 38 of 2004 on Roads (State Gazette of the Republic of Indonesia of 2004 Number: 132, Supplement to the State Gazette of the Republic of Indonesia Number 4444); amended by Law Number 2 of 2022 (State Gazette of the Republic of Indonesia of 2022 Number: 12, Supplement to the State Gazette of the Republic of Indonesia Number 6760);
7. Law Number 23 of 2014 on Local Government (State Gazette of the Republic of Indonesia of 2014 Number 244, Supplement to the State Gazette of the Republic of Indonesia Number 5587) as amended several times, last by Law Number 1 of 2022 (State Gazette of the Republic of Indonesia of 2022 Number 4, Supplement to the State Gazette of the Republic of Indonesia Number 6757)
8. Law Number 11 of 2020 on Job Creation (State Gazette of the Republic of Indonesia of 2020 Number 245, Supplement to the State Gazette of the Republic of Indonesia Number 6573);
9. Government Regulation Number 52 of 2000 on Telecommunication Operations (State Gazette of the Republic of Indonesia of 2000 Number 107, Supplement to the State Gazette of the Republic of Indonesia Number 3980);
10. Government Regulation Number 34 of 2006 on Roads (State Gazette of the Republic of Indonesia of 2006 Number 86, Supplement to the State Gazette of the Republic of Indonesia Number 4655) as amended by Law Number 2 of 2022 (State Gazette of the Republic of Indonesia of 2022 Number 12 Supplement to the State Gazette of the Republic Indonesia Number 6760);
11. Government Regulation Number 26 of 2008 on National Regional Spatial Plan (State Gazette of the Republic of Indonesia of 2008 Number 48, Supplement to the State Gazette of the Republic of Indonesia Number 4833), as amended by Government Regulation Number 13 of 2017 on Amendment to Government Regulation Number 26 of 2008 on National Regional Spatial Plan (State Gazette of the Republic of Indonesia of 2017 Number 77, Supplement to the State Gazette of the Republic of Indonesia Number 6042);
12. Government Regulation Number 34 of 2009 on Guidelines for Management of Urban Areas (State Gazette of the Republic of Indonesia of 2009 Number 68, Supplement to the State Gazette of the Republic of Indonesia Number 5004);
13. Government Regulation Number 28 of 2018 on Regional Cooperation (State Gazette of the Republic of Indonesia of 2018 Number 97, Supplement to the State Gazette of the Republic of Indonesia Number 6219);
14. Government Regulation Number 46 of 2021 on Post, Telecommunications and Broadcasting (State Gazette of

- the Republic of Indonesia of 2021 Number 56, Supplement to the State Gazette of the Republic of Indonesia Number 6658);
15. Joint Regulation of the Minister of Home Affairs, Minister of Public Works, Minister of Communication and Informatics and Head of the Investment Coordinating Board Number 18 of 2009, Number 7/PRT/M/2009, Number 19/PER/M.KOMINFO/03/2009, Number 3/P/2009 on Guidelines for the Construction and Shared Use of Telecommunication Towers;
 16. Regulation of the Minister of Communication and Informatics Number 13 of 2019 on the Operations of Telecommunications Services (State Bulletin of the Republic of Indonesia of 2019 Number 1329) as amended by Regulation of the Minister of Communication and Informatics of the Republic of Indonesia Number 1 of 2021;
 17. Regulation of the Municipality of Metro Number 24 of 2016 on Formation and Structure of Municipality of Metro Regional Apparatus (Regional Gazette of the Municipality of Metro of 2016 Number 24, Supplement to Regional Gazette Number 24) as amended by Regulation of the Municipality of Metro Number 9 of 2019 (Regional Gazette of the Municipality of Metro of 2019 Number 9, Supplement to the Regional Gazette Number 9);
 18. Regulation of the Municipality of Metro Number 14 of 2018 on Management of Local-Owned Assets (Regional Gazette of the Municipality of Metro 2018 Number 4, Supplement to the Regional Gazette Number 4) as amended by Regulation of the Municipality of Metro Number 9 of 2021 (Regional Gazette of the Municipality of Metro 2021 Number 9, Supplement to the Regional Gazette Number 9);
 19. Regulation of the Municipality of Metro Number 1 of 2022 on Building Approval Levies (Regional Gazette of the Municipality of Metro of 2022 Number 1, Supplement to the Regional Gazette Number 1);
 20. Regulation of the Municipality of Metro Number 5 of 2022 on Municipality of Metro Regional Spatial Plan for 2022-2041 (Regional Gazette of the Municipality of Metro of 2022 Number 5, Supplement to the Regional Gazette Number 5);

With the Joint Approval of

REGIONAL HOUSE OF REPRESENTATIVES OF THE
MUNICIPALITY OF METRO

and

MAYOR OF METRO

HAS DECIDED:

Issue : REGIONAL REGULATION ON IMPLEMENTATION OF
TELECOMUNICATIONS PASSIVE INFRASTRUCTURE.

CHAPTER I
GENERAL PROVISIONS

Article 1

In this Regional Regulation,

1. Region means the Municipality of Metro.
2. Local Government means Mayor as the organizing element of Local Government who leads the implementation of government affairs which are the authority of the autonomous region.
2. Mayor means the Mayor of Metro.
3. The Regional House of Representatives (*Dewan Perwakilan Rakyat Daerah*), hereinafter abbreviated to DPRD, means a regional house of representative institution whose position is as an organizing element of Local Government.
3. Regional Apparatus means supporting elements for the Mayor and the Regional House of Representatives in administering government affairs which fall under the authority of region.
4. Implementation of Telecommunications Passive Infrastructure means an activity carried out by the Local Government to organize, direct and place Passive Infrastructure according to the available space.
4. Telecommunications Passive Infrastructure, hereinafter referred to Passive Infrastructure, means the infrastructure and buildings or structures for the common interest which are on and/or underground or buildings which are a single construction unit with certain buildings or structures which are used for the common interest as a means of support for placing telecommunications equipment.
5. Building means a physical form resulted from the construction work integrated with its location, partly or wholly on and/or in the ground and/or water, which functions as a place for humans to carry out their activities, whether for housing or residence, religious, business, social, cultural and special activities.
5. Telecommunication Tower, hereinafter referred to Tower, means a special building that functions as a supporting facility for placing telecommunication equipment whose design or form of construction adapted to the needs of telecommunication operations.
10. Microcell Pole means a tower building and its equipment for placing telecommunications equipment that has a narrower service range which is used to cover areas that are not covered by Telecommunications Towers or aims to increase capacity and quality in areas with dense traffic.
11. Optical Fiber means a type of media with special characteristics that is capable of transmitting data via frequency waves with a very large capacity.
12. Fiber Optic Network means a communication network that uses fiber optic cables which can be placed underground or above ground.

13. Underground Channels (duct) means a building or structure for public purposes that is upheld underground which is used to place and protect telecommunication network cables that are underground, including access to buildings/customer locations.
14. Passive Infrastructure Building Approval means a license granted by the Local Government to the owner of Telecommunications Passive Infrastructure to establish, build and/or change Telecommunications Passive Infrastructure in accordance with applicable administrative requirements and technical requirements.
15. Telecommunication operation means the activities of providing and serving telecommunication services to enable the operation of telecommunications.
16. Telecommunication Operator means Cooperative, Local-Owned Enterprises, State-Owned Enterprises, private business entities, government institutions and state defense and security institutions.
17. Telecommunications Passive Infrastructure Provider means a party that owns Telecommunications passive infrastructure for joint use by Telecommunications Operators.
18. Telecommunications Passive Infrastructure Manager means a party that manages Telecommunications passive infrastructure for joint use by Telecommunications Operators.

Article 2

The purpose of the issuance of this Regional Regulation is to:

- a. provide guidelines for developing Passive Infrastructure in the Region; and
- b. provide certainty and legal order in the arrangement and control of Passive Infrastructure in the Region.

Article 3

The purpose of the issuance of this Regional Regulation is to:

- a. realize an orderly arrangement of Passive Infrastructure that guarantees the technical reliability of Passive Infrastructure in terms of safety, health, aesthetics and comfort;
- b. realize Passive Infrastructure arrangements that are functional, effective, efficient and in harmony with the environment; and
- c. realize Passive Infrastructure that has information, clear identity, and being monitored its operational feasibility .

Article 4

The scope of the Telecommunications Passive Infrastructure Operations regulated in this Regional Regulation includes:

- a. implementation of Telecommunications Passive Infrastructure;
- b. facilitation;
- c. passive infrastructure type;
- d. licensing;
- e. utilization of local-owned assets;

- f. obligation;
- g. guidance and supervision; and
- h. criminal provisions.

CHAPTER II IMPLEMENTATION

Part One General

Article 5

- (1) The Local Government undertakes the implementation of Telecommunications Passive Infrastructure through :
 - a. arrangement; and
 - b. control.
- (2) The Passive Infrastructure arrangement as referred to in section (1) point (a) is carried out through:
 - a. location determination;
 - b. alignment with regional thematic; and
 - c. joint use.
- (3) The Passive Infrastructure control as referred to in section (1) point (b) is carried out through:
 - a. licensing for the establishment or construction of Passive Infrastructure; and
 - b. guidance and supervision.

Part Two Passive Infrastructure Arrangement

Article 6

- (1) Determination of the location of Passive Infrastructure as referred to in Article 5 section (2) point a follows:
 - a. spatial plans; and/or
 - b. detailed city spatial plan.
- (2) Determining the location of Passive Infrastructure as referred to in section (1) is carried out by considering:
 - a. building arrangement regulations;
 - b. land availability;
 - c. telecommunications network needs;
 - d. density of use of telecommunications services;
 - e. technological developments; and
 - f. city aesthetics.

Article 7

- (1) The Alignment with the regional thematic as referred to in Article 5 section (2) point b is adjusted to the region of:
 - a. cultural heritage or similar in the City area;
 - b. protected areas;
 - c. special; and/or
 - d. locations that, due to their function, have or require a high level of security and confidentiality.
- (2) Further provisions regarding to the alignment of Passive Infrastructure with regional thematic regulated in a Mayor Regulation.

Article 8

- (1) Joint use of Passive Infrastructure as referred to in Article 5 section (2) point c is carried out by providing Telecommunications Operators with equal opportunities to use Passive Infrastructure.
- (2) Shared use of Passive Infrastructure is carried out by considering the capacity and technical capabilities of Passive Infrastructure.
- (3) Further provisions regarding the capacity and technical capability of Passive Infrastructure as referred to in section (2) are regulated in a Mayor Regulation.

Article 9

Passive Infrastructure Manager consists of:

- a. Local Government;
- b. cooperative;
- c. state-owned enterprises;
- d. local-owned enterprises;
- e. regional public service agencies;
- f. privately owned business entities; and/or
- g. Telecommunication Operators who carry out Passive Infrastructure development.

Article 10

- (1) Provisions for Passive Infrastructure Management for shared use of Passive Infrastructure include:
 - a. complying with legislation relating to the prohibition of monopolistic practices and unfair business competition;
 - b. providing information regarding the availability of infrastructure capacity to Telecommunications Operators in a transparent manner; and
 - c. granting the same access rights to Telecommunication Operators to build, maintain and repair telecommunication equipment in Passive Infrastructures.
- (2) Provisions regarding the shared use of Passive Infrastructure are regulated in a Mayor Regulation.

Part Three

Passive Infrastructure Control

Article 11

- (1) Every Passive Infrastructure Provider establishes or constructs Passive Infrastructure is obligated to have a Building Approval or Passive Infrastructure Building Approval or other equivalent designation.
- (2) Passive Infrastructure Building Approval as referred to in section (1) is issued by the Regional Apparatus which carries out government affairs in the field of investment.

Article 12

- (1) Issuance of Approval for Passive Infrastructure Buildings or other equivalent names in the form of Towers and Microcell Poles subject to levy.

- (2) Control of Passive Infrastructure Buildings in the form of Towers and *Microcell* Poles subject to levy.
- (3) Issuance of Approval for Passive Infrastructure Buildings or other equivalent names in the form of Fiber Optic Networks and Underground Channels (duct) not subject to levy.
- (4) In the event that the establishment or construction of Passive Infrastructure is in Local-owned assets, rent is subject to Local-owned assets.

Article 13

- (1) Passive Infrastructure Providers who apply for the issuance of a Building Approval or Passive Infrastructure Building Approval or other equivalent designation as referred to in Article 11 section (2) must meet building technical standards.
- (2) Further provisions regarding building technical standard requirements are regulated in a Mayor Regulation.

Article 14

- (1) In the event that Passive Infrastructure Providers in the form of Towers and Microcell Poles that would make changes to the Passive Infrastructure that has been established or built proposal of changes to the Passive Infrastructure Building Approval is required to be submitted.
- (2) Passive Infrastructure Providers who violate the provisions as referred to in section (1) will be subject to administrative sanctions in the form of:
 - a. written warning;
 - b. imposition of administrative fines;
 - c. temporary suspension of business activities;
 - d. termination of access; and/or
- (3) The administrative fine as referred to in section (2) point b is 5 (five) times the amount of the levy.
- (4) Further provisions regarding the criteria, types and procedures for imposing sanctions are regulated in a Mayor Regulation.

Article 15

- (1) Installation of antennas on towers and/or attached to other buildings is excluded from the Passive Infrastructure Building Approval.
- (2) The antenna installation as referred to in section (1) can be carried out with the following conditions:
 - a. report to the Regional Apparatus that carries out Government affairs in the field of communication and information; and
 - b. building construction can support the antenna load stated by the business entity or competent experts.

Article 16

- (1) In the event that Passive Infrastructure in the form of Towers and Microcell Poles which has been established or constructed and does not yet have licensing documents,

- Passive Infrastructure Providers are obligated to submit its proposal Passive Infrastructure Building Approval.
- (2) The provider of Passive Infrastructure Building Approval as referred to in section (1) is subject to a maximum levy of 10 (ten) times the levy amount.
 - (3) Passive Infrastructure Providers who violate the provisions as referred to in section (1) will be subject to administrative sanctions in the forms of:
 - a. written warning;
 - b. imposition administrative fines;
 - c. temporal suspension of business activities;
 - d. termination of access; and/or
 - e. police coercion.
 - (4) Further provisions regarding procedures for imposing sanctions are regulated in a Mayor Regulations.

CHAPTER III FACILITATION

Article 17

- (1) In Telecommunication Operations, Local Government can play a role and provide facilities used by Telecommunications operators at reasonable costs in the forms of:
 - a. land;
 - b. building; and/or
 - c. Telecommunications Passive Infrastructure.
- (2) The implementation of the provision of facilities as referred to in section (1) may use:
 - a. state budget;
 - b. local budget; and/or
 - c. other sources of financing in accordance with the provisions of legislation.
- (3) Local Governments provide facilitation and/or convenience to Telecommunications Operators to construct telecommunications infrastructure development in transparent, accountable and efficient manners in accordance with the provisions of legislation.
- (4) The facilitation and/or convenience as referred to in section (3) include:
 - a. granting the *right of way*;
 - b. access to buildings and areas;
 - c. levies and/or levies based on reasonable costs and ensuring business certainty;
 - d. rental rates and/or use or exploitation of assets/goods belonging to the Local Government; and
 - e. Telecommunications technical and technological standardization.
- (5) In providing facilitation and/or convenience as referred to in section (4) point a, the Local Government and/or authorized institutions can coordinate with the ministry in charge of communications and informatics affairs.

Article 18

- (1) Telecommunication Operators in organizing Telecommunication Networks can collaborate with Passive Infrastructure Providers.
- (2) Provision of Passive Infrastructure can be carried out by:
 - a. central government and/or Local Government;
 - b. state-owned enterprises and/or local-owned enterprises;
 - c. privately owned business entities; and/or
 - d. other legal entities.
- (3) The cooperation as referred to in section (1) is carried out at a reasonable and cost-based utilization price.
- (4) Passive Infrastructure Providers determine rates for the use of Passive Infrastructure by considering efficiency, market conditions, positive economic impact and public interests.

CHAPTER IV
TYPES OF PASSIVE INFRASTRUCTURE

Part One
General

Article 19

Passive Infrastructure includes:

- a. Tower;
- b. Microcell Pole;
- c. Fiber Optic Network;
- d. Underground Channels (*duct*); and
- e. Other Passive Infrastructure.

Part Two
Tower

Article 20

- (1) The tower as referred to in Article 19 point a consists of:
 - a. Standalone tower;
 - b. The tower stretches; and
 - c. Single tower.
- (2) The standalone tower as referred to in section (1) point a is a tower:
 - a. with a steel frame structure that stands alone and is sturdy, so that it is able to accommodate telecommunications equipment optimally;
 - b. can be upheld on buildings and on the ground; and
 - c. can be a 4 (four) legged tower (*rectangular tower*) and 3-legged tower (three)(*triangular tower*).
- (3) The stretched tower as referred to in section (1) point b is a Tower:
 - a. with a steel frame structure that has a smaller cross-section than an standalone tower;
 - b. standing with the help of cable reinforcement anchored to the ground and on top of the building; and
 - c. can be a 4 (four) legged tower (*rectangular tower*) and 3 (three) legged towers(*triangular tower*).

- (4) The single tower as referred to in section (1) point c is the tower:
 - a. consists of 1 (one) truss or pole which is upheld or stuck directly into the ground and cannot be upheld on top of a building.
 - b. Based on its cross-section, single towers (monopoles) are divided into towers with cross-sections:
 - 1) circle (*circular pole*); and
 - 2) rectangle (*tapered pole*).

Article 21

- (1) The Towers as referred to in Article 20 section (1) point a and point b can be upheld on buildings provided that the building construction can support the Tower's load.
- (2) Building construction support the tower load as referred to in section (1) is stated by a point of recommendation issued by a business entity or competent expert.

Article 22

- (1) The Tower must be equipped with supporting facilities and clear legal identity in accordance with the provisions of legislation.
- (2) Tower supporting facilities as referred to in section (1), include:
 - a. grounding;
 - b. lightning rod;
 - c. power supply;
 - d. flight obstruction lights;
 - e. flight obstruction marks; and
 - f. safety fence
- (3) The legal identity of the Tower as referred to in section (1) includes:
 - a. name of the Tower owner;
 - b. location and coordinates of the Tower;
 - c. tower height;
 - d. the year of manufacture/installation of the Tower;
 - e. Construction service providers; and
 - f. maximum load of the Tower.
- (4) Towers can be used with other utilities by considering safety and aesthetic aspects.
- (5) Further provisions regarding the technical implementation of tower construction are regulated in a Mayor Regulation.

Part Three Microcell Pole

Article 23

- (1) Microcell Pole as referred to in Article 19 point b in the form of a single pole used to place telecommunications equipment.
- (2) Microcell Pole as referred to in section (1) can be camouflaged and/or functioned as, among other:
 - a. public street lighting poles; or
 - b. garden lights.

- (3) Microcell Pole as referred to in section (1) is a maximum of 20 (twenty) meters from the ground surface.
- (4) Microcell Pole can be used with other utilities by considering safety and aesthetic aspects.
- (5) Further provisions regarding the technical implementation of the construction of Microcell Poles are regulated in a Mayor Regulation.

Part Four
Fiber Optic Network

Article 24

- (1) Fiber Optic Network Deployment as referred to in Article 19 point c must meet:
 - a. deployment procedures; and
 - b. location conditions
- (2) Fiber Optic Network supporting facilities can be in the form of telecommunications poles.
- (3) Telecommunication pole as referred to in section (2) can be in the forms of:
 - a. steel pole; and/or
 - b. concrete pillars.
- (4) Further provisions regarding procedures for deploying a Fiber Optic network are regulated in a Mayor Regulation

Part Five
Underground Channels (*Duct*)

Article 25

- (1) Underground Channels (*Duct*) as referred to in Article 19 point d, includes:
 - a. pipe; or
 - b. water tunnel.
- (2) Underground Channels (*Duct*) as referred to in section (1) must be able to accommodate at least 2 (two) Telecommunications Operators taking into account the maximum capacity of the pipes or culverts.
- (3) Underground Channels (*Duct*) equipped with :
 - a. standing room (*manhole*);
 - b. squatting space (*handhole*); and
 - c. cabinet
- (4) Further provisions regarding the technical implementation of Underground Channel construction (*Duct*) regulated in a Mayor Regulation.

CHAPTER V
LICENSING

Article 26

- (1) Every telecommunication network operator who carries out the development of Telecommunications Passive Infrastructure is obligated to have license from Local Government.
- (2) The issuance of license as referred to in section (1) is carried out by local apparatuses who handle licensing matters.

- (3) Telecommunications passive infrastructure development can be carried out on regional assets.
- (4) Violations of the provisions as referred to in section (1) are subjected to administrative sanctions:
 - a. written warning; and/or
 - b. final warning.
- (5) The Administrative sanctions as referred to in section (4) are carried out in the following stages:
 - a. written warning 1(one);
 - b. 2 (two) written warnings, if after 3 (three) work days after the 1 (one) warning is received the violation is still committed; and
 - c. cable cutting/dismantling, if after 7 (seven) days after the 2 (two) written warnings are received the violation is still committed.
 - d. 3 (three) written Warnings if after 3 (three) work days;
 - e. final warning.
- (6) The written warning as referred to in section (4) point a, is carried out by regional apparatuses in charge of telecommunications affairs.
- (7) Cable cutting/dismantling as referred to in section (5) point c, is carried out by regional apparatuses in charge of telecommunications affairs together with the Municipality of Metro Civil Service Police Unit.

Article 27

- (1) To obtain a license as referred to in Article 26 section (1), a proposal related to licensing standards and technical procedures must be submitted to the Mayor through the regional apparatus that handles government affairs in the licensing sector.
- (2) Proposal, standards and technical licensing procedures as referred to in section (1) are regulated in a Mayor Regulation.

CHAPTER VI UTILIZATION OF LOCAL-OWNED ASSETS

Article 28

- (1) Implementation of Passive Infrastructure can utilize Local-owned assets.
- (2) The utilization of the Local-owned assets as referred to in section (1) is carried out in the form of rental.
- (3) Proposal for the implementation of Passive Infrastructure on Local-owned assets as referred to in section (2) are submitted in written to the manager or user of Local-owned assets in accordance with the provisions of legislation.
- (4) The implementation of Telecommunications Passive Infrastructure placed on assets belonging to the Local Government in accordance with issued licenses, is carried out using a mechanism for utilizing Local-owned assets in accordance with legislation.

- (5) In the event that the installation of passive telecommunication infrastructure must be carried out through dismantling the road/sidewalk must be restored to its original condition.

Article 29

Further provisions regarding the procedures for the proposals of using Local-owned assets for the Implementation of Passive Infrastructure are regulated in a Mayor Regulation.

CHAPTER VII
OBLIGATION

Article 30

- (1) Passive Infrastructure Providers, Passive Infrastructure Managers and/or Telecommunications Operators are obligated to:
 - a. organize Passive Infrastructure based on the Passive Infrastructure Building Approval issued;
 - b. implement safety and security principles when establish or build, manage and operate Passive Infrastructure;
 - c. responsible for all losses caused in establishing or building, managing and operate Passive Infrastructure;
 - d. deploy Passive Infrastructure in the form of a Fiber Optic Network in a zone equipped with Underground Channel (*Duct*) facilities into the Underground Channel(*Duct*); and
 - e. report the condition of Passive Infrastructure for maintenance and control purposes, 1 (one) time in 1 (one) year.
- (2) Further provisions regarding to the procedures of reporting the condition of Passive Infrastructure as referred to in section (1) point e are regulated in a Mayor Regulation.
- (3) Passive Infrastructure Providers, Passive Infrastructure Managers and/or telecommunications operators who do not comply with the provisions as referred to in section (1) will be subject to administrative sanctions in the form of:
 - a. written warning;
 - b. temporary suspension of all activities; or
 - c. demolition.
- (4) Further provisions regarding the procedures for imposing administrative sanctions as referred to in section (3) are regulated in a Mayor Regulation.

CHAPTER VIII
CRIMINAL PROVISIONS

Article 31

- (1) Telecommunication operator and Passive Infrastructure Provider who violates the provisions as referred to in Article 11, Article 14 section (1), Article 16 section (1) and

Article 30 section (1) point a, point b, point c and point d will be sentenced to a maximum imprisonment of 3 (three) months or a maximum fine of Rp 50,000,000.00 (fifty million rupiah).

- (2) The criminal law as referred to in section (1) is a violation.

CHAPTER IX TRANSITIONAL PROVISIONS

Article 32

- (1) Passive Infrastructure Operation license documents obtained before this Regional Regulation comes into force will still remain valid until the term of the license document expires.
- (2) Proposal for the issuance of Passive Infrastructure Operation license documents that have been received before the issuance of this Regional Regulation and have not yet been issued, will be processed further based on this Regional Regulation.
- (3) At the time of this Regional Regulation comes into force, Passive Infrastructure that has been established or built and does not yet have licensing documents is required to comply with the provisions for Passive Infrastructure Building Approval regulated in this Regional Regulation not later than 2 (two) years after this Regional Regulation is promulgated.

CHAPTER X CLOSING PROVISIONS

Article 33

At the time this Regional Regulation is issued, all regulations regulating Passive Infrastructure and are not contrary to this Regional Regulation are declared to remain effective until the implementing regulations of this Regional Regulation are issued.

Article 34

Implementating regulations of this Regional Regulation are not later than 6 (six) months after this Regional Regulation is promulgated.

Article 35

This Regional Regulation comes into forces on the date of its promulgation.

In order that every person may know hereof, it is ordered to promulgate this Regional Regulation by its placemen in the Regional Gazette of Municipality of Metro.

Issued in Metro
on 7 August 2023

MAYOR OF METRO,

signed

WAHDI

Promulgated in Metro
on 7 August 2023

SECRETARY OF THE MUNICIPALITY OF METRO,

signed

BANGKIT HARYO UTOMO

REGIONAL GAZETTE OF THE MUNICIPALITY OF METRO OF 2023 NUMBER 3

NOREG REGIONAL REGULATIONS METRO CITY LAMPUNG
PROVINCE:02/1394/MTR/2023

Jakarta, 5 April 2024

Has been translated as an Official Translation
on behalf of Minister of Law and Human Rights
of the Republic of Indonesia

DIRECTOR GENERAL OF LEGISLATION,



ELUDATION
OF
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