

Juridical Review of Indonesia Broadcasting Commission Supervision on Broadcasting Services in Indonesia

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Abstract. The world of broadcasting in Indonesia, which has so far been dominated by radio and television broadcasts, provides information and entertainment to all Indonesian people. Of course, in its journey, broadcasting has also experienced various variations and innovations in various broadcasts. It is feared that this will take broadcasting in a negative direction. Supervision is needed so that this worry does not happen. The need to know the various authorities possessed by the Indonesian Broadcasting Commission (KPI) is very important so the public can know the authority in the field of supervision of broadcasting activities in Indonesia. This study aims to determine the authority possessed by KPI in supervising broadcasting in Indonesia and the sanctions when violations occur. The method used in this study is normative legal research. KPI, which was formed based on Law Number 32 of 2002 concerning broadcasting has the authority regulated in Article 8 paragraph (2).

Keywords: Indonesian Broadcasting Commission, Authority, Broadcasting Services

1. Introduction

The world of broadcasting in Indonesia, which has so far been dominated by radio and television broadcasts, provides information and entertainment to all Indonesians. Technological developments were not spared in the worlds of radio and television. Of course, in its journey, broadcasting has also experienced various variations and innovations in various broadcasts. The world of television is also growing rapidly in Indonesia, along with the development of globalization of information technology and guarantees for the implementation of television management activities in Indonesia by the government, thus making capital owners choose to invest in the television business, This is marked by the emergence of television broadcasts on both national and local scales that are privately owned.[1]

It is feared that this will take broadcasting in a negative direction. Supervision is needed so that this worry does not happen. One of the restrictions that can be imposed is censorship. If we talk about television censorship by wearing open clothes for adult women, then this is based on the

values of Indonesian society. Television operators must comply with the guidelines set by the state. Therefore, the formation of the Indonesian Broadcasting Commission by the government is very important so that broadcasting activities have a body that can supervise broadcasting activities in Indonesia. The Indonesian Broadcasting Commission (KPI) was formed with the spirit that the management of broadcast systems owned by the public must be managed by an independent body that is free from interference by investors or the interests of power.[2]

Broadcasting is a very important thing to be supervised by KPI and KPID because if broadcasting is not good, then the impact will be big on the surrounding community and also on underage children because broadcasting is not good or not in accordance with program standards. Broadcasts eat people's and children's minds, and children's minds will be indoctrinated with negative broadcasts that shouldn't be seen, moreover, children are the future of the nation and country that must be watched over so that in the future they will become good children for their parents and others as well as the nation and country. In addition to praise for the growing role of social control that encourages information disclosure, and the emergence of more creative programs, post-reform Indonesian television has been flooded with criticism from the public.[3] The problem that often occurs is that many broadcast programs commit violations in their broadcasts. Monitoring by the Regional Indonesian Broadcasting Commission (KPID) for Central Java Province shows that the results of monitoring from January to March 2023 found as many as 507 alleged violations.[4]

The need to know the various authorities possessed by KPI is very important so that the public can know the authorities in the field of supervision of broadcasting activities in Indonesia. The public can also participate in surveillance activities based on the authority possessed by KPI and can report to KPI if they find broadcasting that violates the rules previously set by KPI.

This study aims to determine the authority possessed by KPI in supervising broadcasting in Indonesia and the sanctions when violations occur.

2. Method

Normative legal research is used in this study. The approach used is the statutory approach. The purpose of this research is to determine if laws are vertically compatible or horizontally compatible when it comes to equal legislation in the same subject. If what is being done is research on the level of vertical synchronization, then what becomes the scope are various laws of different degrees that regulate certain (same) lives.[5]

3. Results and Discussion

KPI, as a form of community participation in activities that fulfill aspirations and represent the interests of the community in broadcasting, must build a work program until the end of the work, always taking into account the objectives authorized under Law No. 32 of 2002 concerning Broadcasting Article 3. :

” broadcasting is organized with the aim of strengthening national integration, fostering the character and identity of a faithful and pious nation, educating the nation's life, and promoting public welfare, in the framework of building an independent, democratic, just, and prosperous society and growing the Indonesian broadcasting industry.”

To achieve this goal, the KPI organization is divided into three areas: the institutional sector, distribution structure, and broadcast content monitoring. The authority possessed by KPI based on Law No. 32 of 2002 concerning broadcasting is regulated in Article 8 paragraph (2). The first authority possessed by KPI is to determine the broadcast program. In carrying out its functions, KPI has the ability to develop and oversee numerous broadcasting rules that connect broadcasters, the government, and the general public. [6]. Setting broadcast programs by the central KPI is regulated by Indonesian Broadcasting Commission Regulation Number 03 of 2007 concerning Broadcast Program Standards. The purpose of establishing this regulation is regulated in Article 3, which reads: Broadcast Program Standards are set for:

1. enhancing national integration, fostering the character and identity of a loyal and pious people, teaching the nation's life, and promoting public welfare in the context of establishing an independent, democratic, just, and prosperous society;
2. regulate broadcast content programs from broadcasting institutions so that their utilization must always be aimed at the benefit of society as much as possible;
3. regulate programs and broadcast content made by broadcasting institutions so that they do not conflict with the values of living in society.

It can be seen that in Article 3, the basis is that, in general, the purpose of establishing the broadcast standard program is to maintain unity both nationally and within the community itself.

Article 5 in Indonesian Broadcasting Commission Regulation Number 03 of 2007 concerning Broadcast Program Standards regulates that Broadcast Program Standards are directed so that:

- a. Broadcasting institutions are law-abiding and obedient to all applicable laws and regulations in Indonesia;
- b. Broadcasting institutions maintain the States of Republic of Indonesia idea of unity and integrity;
- c. Broadcasting institutions support religious and cultural norms and values in a multicultural society.;
- d. Broadcasting institutions uphold Human Rights;
- e. Broadcasting institutions uphold journalistic principles;
- f. Broadcasting institutions protect the lives of children, youth, and women;
- g. Broadcasting institutions protect the marginalized;
- h. Broadcasting institutions protect the public from duping and crime; And

- i. Broadcasting institutions foster democratization.

Regarding the contents of a separate broadcast program standard that requires broadcasters to adhere to the things that have been regulated, The regulation is in Indonesian Commission of Broadcasting Regulation Number 03 of 2007 concerning Broadcast Program Standards, contained in Article 6, which reads:

Standards Broadcasting Program determine that standards of broadcast content relate to:

- a. The religion value respect;
- b. The Decency Norms;
- c. Protection to children, woman, and youth;
- d. Limitation and Prohibition of Sexual, Sadism, and Violence Scene;
- e. The Age Classification for broadcasting programs
- f. Personal Rights Respect;
- g. Foreign Language Broadcast Programs;
- h. News Programs Neutrality and Accuracy;
- i. Broadcast Live; and
- j. Advertising Broadcast.

It can be seen that there are 10 standards set by KPI that all broadcasters in Indonesia must comply with in order to create good broadcasting, educate the public, and keep them away from divisions caused by broadcasting.

In addition to the authority to set broadcast program standards, the next authority is to formulate and determine broadcasting behavior guidelines. The follow-up of this authority possessed by KPI is the formation of broadcasting guidelines, which were issued by KPI in 2012 under Indonesian Broadcasting Commission Regulation Number 01/P/KPI/03/2012 Concerning Broadcasting Conduct Guidelines. The direction and objectives set forth in this regulation are regulated in Article 4, which reads as follows:

The Broadcasting Code of Conduct provides direction and objectives so that broadcasting institutions:

- a. maintain and strengthen the Unitary State of the Republic of Indonesia's sense of unity and oneness;
- b. raise knowledge of the law and all applicable rules and regulations in Indonesia;
- c. in a heterogeneous society, respect and maintain religious and cultural traditions and values;
- d. respect and uphold professional ethics recognized by laws and regulations;
- e. respect and maintain democratic values;
- f. protect and respect human rights;
- g. respect and protect the public's rights and interests;

- h. respect and protect children's and youth's rights;
- i. respect and uphold the rights of certain people and/or community groups; And
- j. uphold journalistic principles.

It is the same as in the behavior of broadcasting guidelines and broadcast program standards, both of which aim to maintain the unity of the whole community and prevent divisions in society caused by broadcasting. So that the community can avoid the various conflicts over broadcasting that occur and still maintain unity.

In order to provide limitations on the scope of broadcast standards in carrying out broadcast programs in Indonesia, KPI, through the broadcasting behavior guidelines that have been previously determined, determines the scope of broadcast programs regulated in Article 5,

When there is a violation committed by a broadcasting institution in Indonesia, KPI through the authority stipulated in Law 32 of 2002, can impose sanctions on the violation. The sanctions that can be given are regulated in Article 55 paragraph (2) the sanctions given are in the form of administrative sanctions in the form of:

- a. warning in written form;
- b. the temporary postponement of troublesome agenda items after they have passed a certain level;
- c. broadcast length and time limits;
- d. administrative fines;
- e. temporarily halting broadcast activity;
- f. not being given a license extension for broadcasting operations;
- g. revocation of the broadcasting operation license.

Violations that occur in practice have been carried out continuously by KPI in maintaining broadcasting conditions in Indonesia and have been announced openly on the KPI website. In addition to administrative sanctions owned by KPI which have been regulated in Law 32 of 2002, criminal sanctions cannot be separated from violations committed by broadcasting institutions. The criminal sanctions are regulated in Articles 57-59.

In imposing sanctions on broadcasting institutions that commit violations in broadcasting, as previously explained, KPI has very strict sanctions, ranging from mild sanctions to even criminal sanctions. Broadcasting institutions must comply with various existing regulations so that they can provide quality broadcast programs and advance society in the future.

Viewed as a whole, the authority possessed by KPI based on Law No. 32 of 2002 concerning broadcasting is analyzed using the theory of authority, in which Indroharto puts forward three kinds of authority originating from laws and regulations. That authority includes:

1. Attribution;
2. Delegation; and

3. Mandate.[7]

Regarding this attribution, delegation and mandate, H.D. van Wijk/Willem Konijnenbelt defines it as follows:

- a. *Attributie* (Attribution): Lawmakers gave delegation of government authority to the government institution;
- b. *Delegatie* (Delegation) :, The transfer of authority from one government to another government;
- c. *Mandaat* (Mandate): An instruction that arises when a government organ enables another organ to execute its authority on its behalf [8].

Referring to the theory of authority, the authority possessed by KPI stems from Law no. 32 of 2002 concerning Broadcasting is an authority that is owned or obtained by attribution, namely authority that comes from the legislators, in this case, the DPR together with the government. As a follow-up to the authority possessed by KPI the implementation of the KPI has issued various guiding regulations as the implementation of the authority it has.

4. Conclusion

With the existence of various arrangements regarding existing broadcast programs by KPI through its authority as stipulated in Law No. 32 of 2002 concerning Broadcasting, which is analyzed based on the theory of authority, the authority that belongs to attribution Various guiding regulations have been stipulated by KPI as well as sanctions that are not spared in it, from administrative sanctions to criminal sanctions. It is expected that the various authorities of KPI as well as the various broadcasting guidelines that have been set by KPI will be able to provide quality broadcasts and educate the public, and in exercising their authority, KPI should do so optimally and not discriminate between broadcasting institutions in Indonesia.

References

- [1] I. Rachmat, "Analisa Penerapan Pedoman Perilaku Penyiaran Dan Standar Program Siaran (Studi Kasus Perspektif Antara Kpi Dan Antv Pada Program Acara Pesbukers, Eps 20, 22, 23, 24, 25 Juli 2013)," *J. Komunikasi*, vol. 12, p. 1, 2015.
- [2] M. H. Muhtar, Z. A. A. Hadju, Z. Abdussamad, and R. T. S. Gobel, "Perluasan Kewenangan Komisi Penyiaran Indonesia Terhadap Pengawasan Media Digital," *J. Konstitusi*, vol. 19, no. 1, p. 126, 2022, doi: 10.31078/jk1916.
- [3] A. Subhan, "Tayangan Bermasalah dalam Program Acara Televisi di Indonesia," no. 2, pp. 246–262, [Online]. Available: www.kpi.go.id/?etats=detail&nid=1715.
- [4] K. J. Tengah, "Dugaan Pelanggaran awal tahun 2023: Sebanyak 507 Temuan Didominasi Muatan Kekerasan pada Tayangan Televisi," *Komisi Penyiaran Indonesia Daerah Jawa Tengah*, Semarang, May 23, 2023.
- [5] S. Soekanto, *Penelitian Hukum Normatif Suatu Tinjauan Singkat*. Jakarta: Rajagrafindo Persada, 2001.
- [6] M. Ridwan, "Peran KPI dalam Proses Pengawasan Siaran TV," vol. 9, no. 2, pp. 21–28, 2021,

- [Online]. Available: <https://ojs2.polimedia.ac.id/index.php/JIP/article/view/429>.
- [7] H. Salim, *Penerapan Teori Hukum Pada Penelitian Tesis dan Disertasi*. Jakarta: Rajawali Press, 2017.
- [8] R. HR, *Hukum Administrasi Negara*. Jakarta: Rajagrafindo Persada, 2016.

Regulations

Statute No. 32 of 2002 concerning Broadcasting (State Gazette of the Republic of Indonesia of 2002, Number 139)

Indonesian Broadcasting Commission Regulation Number 03 of 2007 Concerning Broadcast Program Standards

Indonesian Broadcasting Commission Regulation Number 01/P/KPI/03/2012 Concerning Broadcasting Conduct Guidelines