

ABSTRAK

Analisis Yuridis Kebijakan Penyediaan Infrastruktur dan Layanan Telekomunikasi Seluler teknologi 4G daerah pedesaan di Indonesia, Muh Ridwan Rauf, (20200402012), Magister Ilmu Hukum.

Tujuan penelitian adalah untuk mengetahui penerapan kebijakan penyediaan infrastruktur dan layanan telekomunikasi seluler teknologi 4G di daerah pedesaan menurut Undang-Undang Nomor 36 tahun 1999 tentang telekomunikasi dan Keputusan Menteri Komunikasi dan Informatika, dan untuk mengetahui dampak kebijakan penyediaan infrastruktur dan layanan telekomunikasi seluler teknologi 4G di daerah pedesaan bagi masyarakat. Rumusan masalah adalah: a. Bagaimana penerapan kebijakan penyediaan infrastruktur dan layanan telekomunikasi seluler teknologi 4G di daerah pedesaan menurut Undang-Undang Nomor 36 tahun 1999 tentang telekomunikasi dan Keputusan Menteri Komunikasi dan Informatika?. b. bagaimana dampak kebijakan penyediaan infrastruktur dan layanan telekomunikasi seluler teknologi 4G di daerah pedesaan bagi masyarakat?. Penelitian ini adalah hukum normatif yang meneliti bahan pustaka dengan metode pendekatan yang dipergunakan dalam menganalisis rumusan masalah pada penelitian ini yaitu pendekatan perundang-undangan.. Hasil penelitian menunjukkan bahwa Keputusan Menteri Komunikasi dan Informatika terkait kewajiban penyelenggara telekomunikasi membangun infrastruktur telekomunikasi di pedesaan bertentangan dengan Undang-Undang Nomor 36 tahun 1999 tentang Telekomunikasi sehingga terjadi kekaburan hukum. Sedangkan dampak Kebijakan penyediaan infrastruktur dan layanan telekomunikasi teknologi 4G di daerah pedesaan yaitu dampak sosial untuk memenuhi kebutuhan masyarakat akan layanan telekomunikasi, sedangkan dampak ekonomi bagi penyelenggara telekomunikasi kebijakan dimaksud merugikan secara bisnis karena wilayahnya *high cost and low profit* akibatnya tidak adanya kepastian hukum. Sehingga perlu adanya insentif kepada penyelenggara telekomunikasi berupa *regulatory cost* yaitu pengaturan tarif referensi layanan data, sewa palapa ring yang murah, pengaturan infrastruktur sharing, atau pengurangan pajak. Kesimpulannya adalah kebijakan penyediaan infrastruktur dan layanan telekomunikasi seluler teknologi 4G daerah pedesaan kepada penyelenggara telekomunikasi bertentangan dengan ketentuan Undang-Undang Nomor 36 tahun 1999 tentang Telekomunikasi, sehingga terjadi kekaburan hukum, dan kebijakan dimaksud berdampak sosial untuk memenuhi kebutuhan masyarakat akan layanan telekomunikasi, namun dampak ekonomi bagi penyelenggara telekomunikasi yaitu kerugian bisnis karena wilayah dimaksud kurang menguntungkan secara bisnis.

Kata Kunci : Telekomunikasi, pedesaan, kebijakan, layanan, kewajiban.

ABSTRACT

Juridical Analysis of Policy on Provision of Infrastructure and Cellular Telecommunication Services 4G technology in rural areas in Indonesia, Muh Ridwan Rauf, (20200402012), Master of Law.

The purpose of the study was to determine the implementation of the policy for the provision of 4G technology cellular telecommunications infrastructure and services in rural areas according to Law Number 36 of 1999 concerning telecommunications and the Decree of the Minister of Communication and Information Technology, and to determine the impact of the policy on the provision of 4G technology cellular telecommunications infrastructure and services in the regions. rural areas for the community. The formulation of the problem is: a. How is the implementation of the policy for the provision of 4G technology cellular telecommunications infrastructure and services in rural areas according to Law Number 36 of 1999 concerning telecommunications and the Decree of the Minister of Communication and Information Technology?. b. What is the impact of the policy on providing infrastructure and cellular telecommunications services with 4G technology in rural areas for the community? This research is a normative law that examines library materials with the approach method used in analyzing the problem formulation in this research, namely the statutory approach. The results show that the Decree of the Minister of Communication and Information regarding the obligation of telecommunications operators to build telecommunications infrastructure in rural areas is contrary to the Act. Law Number 36 of 1999 concerning Telecommunications so that there is legal confusion. Meanwhile, the impact of the policy on the provision of 4G technology telecommunications infrastructure and services in rural areas is the social impact to meet the community's need for telecommunication services, while the economic impact for telecommunications operators is a business loss because the area is high cost and low profit as a result there is no legal certainty. So it is necessary to provide incentives to telecommunications operators in the form of regulatory costs, namely setting reference rates for data services, cheap palapa ring rentals, setting up sharing infrastructure, or reducing taxes. The conclusion is that the policy of providing cellular telecommunications infrastructure and services with 4G technology in rural areas to telecommunications operators is contrary to the provisions of Law Number 36 of 1999 concerning Telecommunications, resulting in legal confusion, and the said policy has a social impact to meet the community's need for telecommunications services, but the economic impact for telecommunications operators, namely business losses because the area in question is less profitable in business.

Keywords: Telecommunication, rural, policy, service, obligation.