

**House of Representative Dubious Authority  
Study of Selection Committee Existence for the Central Indonesian Broadcasting  
Commission Member**

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**Abstract**

*Selection for commission member of Central Indonesian Broadcasting is administered by house of representative; nonetheless, the implementation is managed by the selection committee formed by the ministry of Communication and Information. The house of representative will conduct proper test to selection committee in order to examine the element of community and academic capacity within broadcasting field. Indonesian Ministry of Communication and information as the official has unjustly determined lists of Central Indonesian Broadcasting Commission Member candidates that has passed proper test selection by the house of representative. As a result, it harms those who do not qualify. The non-transparent determination violates the applicable laws and general principles of good governance so that it has harmed the rights and interests of some prospective members of the Central Indonesian Broadcasting Commission who have spent their energy, thoughts and time, as well as costs to participate in the selection.*

**Keywords:** *Selection committee, Indonesian Broadcasting Commission, Transparency*

**A. Introduction**

Philosophically, broadcasting institution has been formulated in the dictum of the broadcasting laws formation by laying philosophical foundations as follows; a) freedom to express and obtain information through broadcasting as the embodiment of human rights in the life of society, nation and state, carried out responsibly, in harmony and balance between freedom and equality using rights based on Pancasila and the 1945 Constitution of the Republic of Indonesia; b) radio frequency spectrum is a limited natural resource and also a national asset that must be maintained and

protected by the state and used for the maximum prosperity of the people in accordance with the ideals of the Proclamation of August 17, 1945.<sup>1</sup>

Philosophical thinking framework as mentioned earlier is elaborated further pertaining to the purpose and objective of broadcasting institution establishment in which to maintain national integration, the Indonesian people plurality,<sup>2</sup> and the implementation of regional autonomy. Therefore, a national broadcasting system needs to be created to guarantee the creation of a fair, equitable and balanced national information order to realize social justice for all Indonesians.

The development of communication and information has given birth to people who demand the right to obtain information that has become a basic need for them. The development of communication and information technology has brought about implications for the broadcasting world in Indonesia so that it requires adequate legal aspects.<sup>3</sup> The very strategic role of broadcasting as channeling information and forming public opinion is a means of communication for the community, broadcasting institutions, the business world and the government in developing democratization in all aspects of people's lives.

The principal thoughts underlying the birth of the broadcasting law are as follows: a) to guarantee and protect freedom to express or speak thoughts verbally and in writing; b) to balance between the rights and obligations of the community or government in a fair and democratic manner; c) to make broadcasting an important and strategic economic institution, both on a national and international scale; d) to anticipate the development of communication and information technology in broadcasting; e) to empower people to exercise social control and participate in advancing national broadcasting; f) to regulate the utilization of radio frequency spectrum and geostationary satellite orbit effectively and efficiently; g) to create quality and dignified broadcasts to accommodate the aspirations of diverse communities.

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<sup>1</sup> Bagir Manan. 2003. *Teori dan Politik Konstitusi*. Yogyakarta: Fakultas Hukum Univ. Islam Indonesia. hal. 51.

<sup>2</sup> The administrative and financial autonomy of parliamentary assemblies, Report prepared by Mr Michel Couderc (France), adopted at the Moscow Session (September 1998)

<sup>3</sup> Bagir Manan. 2003. *DPR, DPD, dan MPR dalam UUD 1945 Baru*. Yogyakarta; FH UII Press. hal. 38.

The provision of Article 6 of Law Number 32 Year 2003 concerning Broadcasting regulates the broadcasting system implemented in one national broadcasting system so that the radio frequency spectrum used must be controlled by the State for broadcasting in order to maximize the prosperity of the people. Therefore, in the national broadcasting system, there is a broadcasting institution with a broadcast commission formed at the national and provincial levels.

In relation with the end of the office term for the Central Indonesia broadcasting commission members for the 2017-2019 period, the mechanism for filling the position of the Central broadcasting commission members for the 2019-2011 period has been determined by legislation as the legal umbrella; namely Regulation of the Indonesian Broadcasting Commission Number 01 / P / KPI / 07/2014 concerning the Institution of the Indonesian Broadcasting Commission. The regulation was made in order to empower the institution of the Central Indonesian broadcasting commission in carrying out its functions, duties, authorities and obligations optimally, effectively, efficiently and credibly.<sup>4</sup>

However, the Regulation of the Central Indonesian Broadcasting Commission in filling the position the Central Indonesian Broadcasting Commission member in the 2019-2022 period was not fully implemented by the House of Representatives and the Minister of Communication and Information.<sup>5</sup> This is because the filling is done in non-transparent manner and violates the law. It is also contradictory with the general principles of good governance; the decision of the Minister of Communication and Information has harmed the rights and interests of some prospective members of the Central Indonesian Broadcasting Commission.

## B. Research Method

This is a library research from which the source of data are obtained through research on various relevant literature to the object of research. As a study that traces the principle and legal concept regarding the filling of member position for the Indonesian broadcasting commission, methodically, this study will examine the legal concept of

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<sup>4</sup> Mengenai macam-macam bicameralism, lihat "*Parliament and Congresses, Concentration Versus Division of Legislative Power*" dalam Arend Lijphart, 1999, "Patterns of Democracy", Chapter 11, Yale University Press.

<sup>5</sup> Patrialis Akbar. 2012. *Lembaga-Lembaga Negara Menurut UUD NRI Tahun 1945*. Jakarta: PT. Sinar Grafika. hal. 62.

filling position and its implementation in filling the position in the Central Indonesia broadcasting commission. This is of the importance because the concept of law is the only way to reveal meaning of the legal norms that are found in the context of practice.

The type of this research is descriptive analytical qualitative, which means that the research is carried out by describing, analyzing qualitatively on data relating to the object of research both in positive law to draw conclusions in accordance with the subject matter.<sup>6</sup>

## C. Discussions

### 1. House of Representative Dubious Authority on CIB (KPI)

Broadcasting institution is mass communication media that has an important role in social, cultural, political, and economic life, has freedom and responsibility in accomplishing its functions as media of information, education, entertainment, as well as control and social unifier. Broadcasts that are emitted and received simultaneously and freely, have a great influence in the formation of opinions, attitudes, and audience behavior. Therefore, the broadcasters must be responsible for maintaining moral values, moral conduct, culture, personality and national unity based on the Supreme Being, The Almighty and Just and Civilized Humanity.<sup>7</sup>

The existence of broadcasting institution and broadcaster is a very important element in various broadcasting activities, so that the relationship between the two elements is very crucial in realizing the objectives and principles of broadcasting. Consequently, it is important to know deeply the various stages in determining the members of the broadcast commission so that the chosen is the best son of the nation who has the competence and capacity in the broadcasting field.

Institutionally, the Indonesian Broadcasting Commission has a position as an independent State institution whose authority is to regulate broadcasting matters. The Indonesian Broadcasting Commission as a State institution consists of the Central Indonesian Broadcasting Commission which is situated in the National Capital and the Regional Indonesian Broadcasting Commission in which domiciled in the Provincial Capital.

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<sup>6</sup> Amal, Ichlasul & Panggabean, Samsurizal. 2012. *Reformasi Sistem Multi Partai Dan Peningkatan Peran DPR Dalam Proses Legislatif*. dalam Ichlasul Amal, Dkk, Editor, *TeoriTeori Mutakhir Partai Politik*. Yogyakarta: Tiara Wacana. hlm. 177.

<sup>7</sup> Huda, Ni'matul. 2016. *Sengketa Kewenangan Lembaga Negara dalam Teori dan Praktek di Mahkamah Konstitusi*. Yogyakarta: FH UII Press. hal. 76.

The Broadcasting Law provision of article 53 stipulates that the Central KPI in carrying out its functions and authorities, duties and obligations is responsible to the President and reports to the Indonesian Republic of the House of Representatives. Whereas regional KPIs in carrying out their functions, authorities, duties and responsibilities are responsible to the Governor and submit reports to the Provincial Regional House of Representatives.

The legal provision concerning institution, the Central KPI has set the principle of filling the Central KPI member position. It is elected by the Indonesian Republic of the House of Representatives (DPR RI) at the suggestion of the public through openness and suitability test.<sup>8</sup> The result of the fit and proper test conducted by the Indonesian Parliament is submitted to the President to be determined administratively by a Presidential Decree.<sup>9</sup>

## **2. Existence of Central Indonesian Broadcasting (KPI) Selection Committee**

The Indonesian Broadcasting Commission is an independent State institution consisting of a Central KPI formed at the Central level and domiciled in the National Capital, and a Regional KPI formed at the Provincial level and domiciled at the Provincial Capital whose duties and authority are regulated in Law Number 32 of 2002 about broadcasting. Therefore, if institutionally the KPI must be independent, then the mechanism for filling its position must be carried out transparently at each stage of the selection. The principle of transparency in announcements.

Specifically, the underlying rationale for the birth of Indonesian broadcasting commission is directed to accommodate aspiration of community and represents the public interest in the broadcasting sector so that the community is empowered to exercise social control while participating in advancing national broadcasting. Thus, members of the Indonesian broadcasting commission must be free from all interests which obstruct the role and function of realizing the broadcasting objectives.

The stages and procedures for the Central KPI election member 2019-2022 include: a) the formation of the selection committee by the Parliament, b) the announcement of the Central KPI member selection registration, c) the administrative

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<sup>8</sup> Institute For Local Government. 2006. *Mengenal DPD-RI Sebuah Gambaran Awal*. Jakarta: ILG. hal 11.

<sup>9</sup> Budiharjo, Miriam. 2008. *Dasar-Dasar Ilmu Politik*. Jakarta: Gramedia. hal. 105.

selection of the Central Indonesia broadcasting commission members, d) the competency test for the selection of the Central KPI members, e) fit and proper test.<sup>10</sup> Chronologically, the sequences and stages that have been carried out by the selection committee formed by the Indonesian Minister of Communication and Information are as follows:

On October 15, 2018, the decision of the Minister of Communication and Information Technology of the Republic of Indonesia Number 798 of 2018 was issued as amended by the Decree of the Minister of Communication and Information of the Republic of Indonesia Number 115 of 2019 concerning Amendment to the Selection Committee for Candidates of the Central Indonesian Broadcasting Commission Member Period 2019-2022. The number of members of the Central Committee for the Selection Period 2019-2022 KPI Selection Committee is 16 (sixteen) people.

The Selection Committee for Candidates of the Central Indonesian Broadcasting Commission for the 2019-2022 period publishes the opening of registration for prospective Central KPI Members for the 2019-2022 period starting from 5-25 November 2018 and provides the widest possible opportunity for all citizens of the Republic of Indonesia by fulfilling administrative requirements as stipulated in announcement letter issued in Jakarta, 5 November 2018. All requirements and announcements regarding the 2019-2022 Central KPI selection process can be accessed through the website, namely: <https://seleksi.kominfo.go.id/seleksi-kpi-2018> and published through the Republic of Indonesia's Ministry of Communication and Information page, namely: <https://www.kominfo.go.id>.

Selection Committee for Prospective Central KPI Members Period 2019-2022 publishes the results of prospective Central KPI member administrative selection of 2019-2022 dated on November 30, 2018, in which there were 207 people who passed the administrative selection. The results can also be accessed via the website namely: <https://seleksi.kominfo.go.id/seleksi-kpi-2018> and published through the pages of the Ministry of Communication and Information Republic of Indonesia through: <https://www.kominfo.go.id>. All participants who passed the administrative

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<sup>10</sup> Manan, Bagir. 2017. *Konstruksi Dewan Perwakilan Daerah Di Dalam UUD 1945*, disampaikan dalam diskusi pakar Tim RUU MD2.

selection are entitled to take the next selection stage, namely writing a paper held on Friday, December 7, 2018 at 08.30-11.00 a.m. (phase I) and 02.00-04.30 p.m. (phase II) at the Center for Information and Communication Technology on Kertamukti National Road No. 10 Ciputat Timur, Kota Tangerang Selatan, Banten.

The Selection Committee for Central KPI prospective members 2019-2022 then publishes the results of the writing selection paper for the prospective Members of the Central KPI 2019-2022 dated on December 17, 2018 through the page <https://seleksi.kominfo.go.id/seleksi-kpi-2018> and published through the Republic of Indonesia's Ministry of Communication and Information website, namely: <https://www.kominfo.go.id>. Inside there were 54 (fifty four) people who passed the paper writing selection and were entitled to take the next selection stage; Psychological Assessment and Minnesota Multiphasic Personality Inventory (MMPI) Test.

Selection Committee for Prospective Central KPI members of 2019-2022 publishes Announcement on the Implementation of Psychological Assessment and Minnesota Multiphasic Personality Inventory Test (MMPI) for Prospective Central KPI Members period 2019-2022 dated on January 7, 2019. Psychological Assessment Test is held on Monday-Tuesday, 14- January 15, 2019 at the Ashley Hotel Jalan KH. Wahid Hasyim No. 73-75 Menteng, Jakarta Pusat 08.00 a.m. – until finished. While the MMPI test was held on Wednesday, January 16, 2019 at 08.00 a.m. – until finished at the Department of Mental Health RSPAD Gatot Subroto Hospital Abdul Rahman Saleh Raya No. 24 Senen Jakarta Pusat. Announcements related to the above can be accessed through the page; <https://seleksi.kominfo.go.id/seleksi-kpi-2018> and published through the Ministry of Communication and Information Republic of Indonesia website; <https://www.kominfo.go.id>.

Selection Committee for Prospective Central KPI Members 2019-2022 publishes the Announcement of Interview Selection for prospective Central KPI Members Period 2019-2022 dated on February 12, 2019. There are 49 (forty nine) people who are declared entitled to participate in interview selection on Monday-Tuesday, 4 -5 March 2019 at 08.00-12.00 p.m. (Session I) and at 01.00-05.00 p.m. at the Aryaduta Hotel, Jalan Usman and Harun KKO Warrior No. 44-48 Gambir, Central Jakarta. Announcements related to the above can be accessed through the page

<https://seleksi.kominfo.go.id/seleksi-kpi-2018> and published through the Ministry of Communication and Information Republic of Indonesia website <https://www.kominfo.go.id>.

Then, the Minister of Communication and Information of the Republic of Indonesia issued a Letter with Number: R-476 / M.KOMINFO / KP.03.01 / 06/2019 dated on June 19, 2019 containing 34 (thirty four) candidates for the Central KPI Period 2019-2022 and continued by the parliament who issued Decree on 34 (thirty four) candidates for Central KPI 2019-2022 Period on 20 June 2019. According to information circulating in a limited circle, 34 (thirty four) names above is a result of input from a small team consisting of 5 (five) people formed by the Minister of Communication and Information after hearing input from the broadcasting industry. Even though the Minister of Communication and Information of the Republic of Indonesia has issued Letter Number R / Komimfo / DJPPI / KP 0301/04/2019, April 2019 regarding to 27 (twenty seven) names that have been determined by the Selection Committee for prospective members of 2019-2022 on March 5th 2019, it has been changed to 34 (thirty four) names. This means that the independence of the Selection Committee for Prospective Members of the Central KPI 2019-2022 Period is dictated by the decision of the team 5 (five) and input from the broadcasting industry.

The series of stages in the member selection of Central KPI, from the candidate registration to the interview stage can be considered an open and transparent process.<sup>11</sup> However, when the candidate name list is going to be sent to the Indonesian Parliament, there was confusion in information and lack of transparency in providing information to the public and prospective KPI members who was participating in the selection. Although some candidates have submitted written requests for this information, through the Coordinating Minister for Information and Information, the selection committee considered it as excluded information.

The Minister of Communication and Information decision concerning the list of prospective member names for the Central Indonesian Broadcasting Commission made by the selection committee violates or at least exceeds the authority of the

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<sup>11</sup> Sekretariat DPR GR. 1970. *Seperempat Abad Dewan Perwakilan Rakyat Republik Indonesia*. Jakarta: Sekretariat DPR-GR. hal. 30.

Republic of Indonesia Parliament in determining the list of candidates for the Central Indonesian Broadcasting Commission for the 2019-2022 period or, in other words, at least it has eliminated the opportunity for other candidates to take the fit and proper test in the RI house of representative.

#### **D. Conclusions**

- a. The filling of Indonesian Central Broadcasting Commission member position in 2019-2022 is the authority of the Indonesian Parliament; however, the existence of the opaque Minister of Communication and Information authority to form a selection committee and to write a decree violates the laws and regulations and is contrary to the general principles of good governance, has harmed some of the interests of prospective members of the Central KPI.
  - b. The recommendation existence of selection committee that has been submitted to the Minister of Communication and Technology on the name lists of those who passed the fit and proper test selection has violated the principle of transparency and broken the applicable laws. As a result, unjust decision happened to the candidates who failed in the fit and proper test selection.
1. Suggestions
    - a. Parliament authority to select and determine central KPI member for 2019-2022 period must not be given to Minister of Communication and Information as part of parties who have a direct partnership with central KPI member 2019-2022.
    - b. The future committee selection of the Central KPI must not have equal authority to the members of Central KPI that has been given by Minister of Communication and Information.

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