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Authority Of The Indonesian Broadcasting Commission (KPI) Against Youtube And Netflix According To The Law Number 32 Of 2002 Regarding Broadcasting

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Abstract. Today there are a lot of developments in broadcast technology in Indonesia, educational and quality shows are an important need for everyone. That is because quality shows will form a quality society. Broadcast technology that is currently well-known and widely discussed and widely accessed by people in Indonesia is Youtube and Netflix, people who want to access videos and films will be spoiled with the convenience provided by this platform. But what is unfortunate from the existence of Youtube and Netflix is the vastness of shows that can be accessed by everyone and also children without any screening, supervision, and mastery of the Indonesian Censorship Institution first. For now, the government still cannot do anything in filtering shows that should not be broadcast on Youtube and Netflix, because in Law Number 32 of 2002 on Broadcasting it does not explicitly explain the authority of the Indonesian Broadcasting Commission in overseeing content on both platforms like Youtube and Netflix. Therefore, in this writing the author will highlight how the Government can take a position to filter out content that should not be displayed to the public in Indonesia as well as surveillance conducted on the Youtube and Netflix platforms. The method used in this writing is Juridical Empirical in which the writer looks at the facts that exist in society and mix and match with the rules and laws that exist and apply in Indonesia. The result of this writing is that there needs to be a change in the Broadcasting Law so that there is supervision and also restrictions on the content displayed on the digital platform.

Keywords. Youtube, Netflix, Indonesian Broadcasting Commission

Introduction

Indonesia as a country that upholds the values of decency, politeness and also the value of religion is very protective of everything that will be consumed and enjoyed by its citizens. Not only food and drink, broadcast media such as radio, television, and print media in Indonesia are regulated and also monitored for their existence so that all content disseminated by the media is harmless and damaging to the private people of Indonesia and the nation's next generation,

namely children. In the present time, it cannot be denied that the technology that exists and develops in Indonesia is increasing rapidly in all respects. One of them is the development of broadcast media which is no longer limited to television and radio, but there are a lot of online broadcast media that greatly facilitate users in accessing content and also the shows they want to see, from adults to children. Online broadcasting media that are growing rapidly in Indonesia lately are Youtube and Netflix. Youtube is a video sharing site for everyone where Youtube as a video publisher community provides an opportunity for everyone to monetize their uploaded videos.¹ Which means in the Youtube platform, someone who wants to make videos and upload them on Youtube, or commonly called content creators, can make money from videos that they upload on this one platform. Because the income from YouTube is quite tempting, many people flocked to create a Youtube channel and create content that can be liked by many people ranging from adults or children. But sometimes they forget the norms that apply in Indonesian society. much we get that content creators who make pranks that are too outrageous can even hurt other people, not a few also from content creators who use abusive language in the videos uploaded.

Unlike Netflix, Netflix is a steaming service that has become a pioneer in online movie rental services. Established since 1997, Netflix accommodates the most complete film archives with the most operating areas.² Netflix is a video streaming application with very good quality, especially movies in HD format,³ which on Netflix itself is very similar to Cable TV, there are no advertisements at all and in it the audience can choose their own content or movie what they want to enjoy. The difference in Netflix itself when the user has subscribed the user must have a strong internet network and internet quota because Netflix itself has a streaming mechanism. On both platforms it is very difficult to censor the shows that will be aired and also provide a statement that the shows are not eligible to air, because the broadcasts are in cyberspace or in online coverage. Because Youtube or Netflix is a foreign company. In contrast to cinema or big screen movies, even television will go through a censorship process before airing. So it is things like this that ultimately make the shows on this digital platform many do not educate the children of the nation, most of whom are users of Youtube or Netflix, shows that are not obscene and also not quality. Because of the freedom and convenience that are served in online media up to now many children in Indonesia can access content and even films that are shown freely without any supervision from the Government, the surrounding community, and also parents. Not infrequently children who are emotionally unstable participate in practicing what they see from these shows. In this case the government cannot do much because it is hampered by empty (empty) legal rules regarding content restrictions and oversight of the two digital platforms. Therefore, in this writing the author will highlight what are the actions of the government in tackling improper impressions as well as what forms of supervision will be applied to the existence of an online platform that is very easily accessed by all ages such as Youtube and Netflix.

Method

The method used in this writing is the Juridical Empirical method or it can also be said with the type of sociological legal research in which the writer will see the facts and phenomena that occur in the community, and then the writer will study and mix those realities with the rules, laws and regulations and norms in force in Indonesia. The author looks at social conditions by mixing and matching with Law Number 32 of 2002 concerning Broadcasting,

¹ Deny Setyawan, *Rahasia Mendapat Dollar Dari Youtube* (Jakarta: Elex Media Komputindo, 2016).

² Fatimah Kartini Bohang, "Akhirnya Masuk Indonesia, Netflix Itu Apa?"

³ JUD, *iPad For Begimmer* (Yogyakarta: Jubilee Digital, 2016).

and the Law on Information and Electronic Transactions, as well as other Laws relating to broadcasting both broadcasting in conventional media or online and streaming media.

Discussion

Recognizing the importance of monitoring television and radio broadcasts and the rapid development of broadcasts in Indonesia it is deemed necessary to establish an institution that monitors these matters independently in addition to the presence of the government. In Indonesia, there are already institutions that oversee broadcasting on television or on radio, namely the Indonesian Broadcasting Commission or abbreviated as KPI. The legal basis for the establishment of KPI, namely Law Number 32 of 2002 concerning Broadcasting which regulates broadcast content, but is not intended to limit the creativity of television programs. The existence of KPI confirms community involvement in overseeing broadcasts. The rules of the broadcast content include considering copyright, human rights, film, press, consumer protection and child protection.⁴ The Indonesian Broadcasting Commission (KPI) also has the authority to view or monitor free-to-air broadcasts, content, and films that will be broadcast and will be enjoyed by the people of Indonesia. In Law Number 32 of 2002 concerning Broadcasting, the Indonesian Broadcasting Commission (KPI) has so far only been authorized to supervise conventional media content. The Indonesian Broadcasting Commission according to Law Number 32 of 2002 concerning Broadcasting has the authority to:

1. Set broadcast program standards.
2. Formulate regulations and establish guidelines for broadcasting behavior and broadcast program standards.
3. Oversee the implementation of regulations and broadcasting behavior guidelines and broadcast program standards.
4. Impose sanctions for violating regulations and broadcasting code of conduct and broadcast program standards.
5. Coordinate and cooperate with the government, broadcasters and the community.⁵

With the authority granted by Law Number 32 of 2002 concerning Broadcasting of the Indonesian Broadcasting Commission (KPI), it is expected to be able to control content that is broadcasted through television media or radio optimally. But along with the times, Indonesian people who enjoy conventional media have greatly reduced. This is caused by one of the causes, namely the existence of an online media platform that provides a variety of content that is provided and can be accessed easily and quickly by everyone, from adults to children. For example, Youtube and Netflix. Where Youtube is a video sharing site for everyone, where Youtube as a video publisher community provides an opportunity for everyone to monetize their uploaded videos. Youtube also provides a variety of content in the form of entertainment, politics, education, and various other things. So many people who leave conventional media and turn to this platform to look for information and content that they cannot get in conventional media such as television or radio. Similar to Netflix, Netflix is a steaming service that has become a pioneer in online movie rental services. In it there are various kinds of films uploaded ranging from foreign and domestic films which are certainly not shown on television. With Netflix Youtube and so on, more and more Indonesian people are difficult to watch over the viewing they see, because these two platforms are online media, whose reach is separated from

⁴ Fauzan Widyanman, "Mengenal Komisi Penyiaran Indonesia (KPI)."

⁵ Fery Widiamoko, "KPI Berpotensi Melawan Hukum, Jika Mengawasi Netflix, Youtube, Dan Facebook," last modified 2019, accessed August 16, 2019, <https://www.kompasiana.com/fery87654/5d5380f9097f3643d4343276/kpi-berpotensi-melawan-hukum-jika-mengawasi-netflix-youtube-dan-facebook?page=all>.

conventional media so that the Indonesian Broadcasting Commission (KPI) has no right to control and supervise Youtube and Netflix.

More and more people in Indonesia are accessing content and films uploaded on Youtube or Netflix because these two online media platforms can be accessed anywhere, anytime, and by anyone. Unlike the content in conventional media that has been arranged for time distribution so that it can be easily monitored by the relevant institutions. Not a few teenagers and even children who access online media such as Youtube or Netflix. This will certainly result in many negative impacts obtained by children, such as obscene things that should be censored, but there is no censorship on Youtube or Netflix. So it will affect the mindset of children. There are scenes above the age that should be intended for adults, but teenagers and even children can access them easily and quickly through these online media. This is one of the reasons why surveillance measures must be taken for online platforms such as Youtube and Netflix. In addition, supervision aims to make the broadcast in the online media truly worth watching and has educational value for the people of Indonesia. And also keep Indonesian people away from low-quality content that can damage the mindset and behavior of Indonesian people.

The establishment of the Indonesian Broadcasting Commission (KPI) institution was based on Law Number 32 of 2002 concerning Broadcasting. Until now, Law Number 32 Year 2002 regarding Broadcasting has not been revised so that in this law the Indonesian Broadcasting Commission (KPI) does not yet have the authority and obligation to monitor and limit content on online and streaming platforms, such as Youtube and Netflix. So here is needed a revision of Law Number 32 of 2002 concerning Broadcasting so that the Indonesian Broadcasting Commission (KPI) agency can exercise broad oversight of online and streaming media platforms, not just conventional media such as radio or television. The Indonesian state should take quick action to revise the relevant laws because as the times go by in this globalization era, the faster will be changes in the social environment of society.

By analogy with relevant laws and regulations, the Information and Electronic Transaction Law can be interpreted as an analogy from Law Number 32 of 2002 on Broadcasting that can monitor and limit content in online and streaming media such as YouTube and Netflix. The Minister of Law's Expert Staff for the Ministry of Communication and Information, Henri Subiakto in Kompas.com,⁶ said that the Electronic Information and Transaction Law could make the government authorized to prevent the circulation of infringing content on electronic media, including YouTube, Netflix, Facebook, and its kind. Henri added, "So if there is content that violates the law, the government must prevent and have the authority to cut off access. Terminating this access can break the platform that we stopped, like Telegram for example. But it can also be specific to certain accounts or certain YouTubers."

With no revision of Law Number 32 of 2002 concerning Broadcasting, it will be difficult for the Indonesian Broadcasting Commission (KPI) to conduct surveillance and restrictions on online and streaming media such as Youtube and Netflix. Because the basis of the Indonesian Broadcasting Commission (KPI) is Law Number 32 of 2002 concerning Broadcasting. Because in its implementation, it must be based on applicable law and must see its legal position in Indonesia. In addition to revising Act Number 32 of 2002 concerning Broadcasting, the Indonesian Broadcasting Commission (KPI) can rearrange the Broadcasting Behavior Guidelines and Broadcast Program Standards (P3SPS) to be a reference for new media surveillance. New media in this case can be said of online and streaming media such as Youtube

⁶ Sherly Puspita, "KPI Mau Awasi Netflix Dan YouTube, Kominfo: UU Penyiaran Harus Segera Direvisi," last modified 2019, accessed August 13, 2019, <https://entertainment.kompas.com/read/2019/08/12/110333310/kpi-mau-awasi-netflix-dan-youtube-kominfo-uu-penyiaran-harus-segera>.

and Netflix. And also the Indonesian Broadcasting Commission (KPI) coordinated with the Ministry of Communication and Information (Kominfo) so that new media such as Netflix, HBO TV, YouTube, Facebook TV open offices in Indonesia for ease of coordination.⁷ At present, supervision of new media and online streaming platforms is still left to consumers, namely the Indonesian people themselves. If there are consumers who object to the content, it is reported through features in the media. Youtube and Netflix are foreign companies where the Indonesian Broadcasting Commission (KPI) does not have free authority to regulate, limit, and supervise both online and streaming media. Indonesian House of Representatives Commission I member Evita Nursanty said that the Indonesian Broadcasting Commission (KPI) could still act like the general public and report to the Republic of Indonesia Ministry of Communication and Information (Kemkominfo RI) if there was digital content that was considered to be in violation. Later, the report will be followed up by the Ministry of Communication and Information Technology (Kemkominfo), and the Ministry of Communication and Information Technology (Kemkominfo) will take action. Evita Nursanty also added that the Electronic Information and Transaction (ITE) Law already exists, and the public can authorize the Ministry of Communication and Information Technology (Kemkominfo). The Ministry of Communication and Information can request Youtube or Netflix to download these contents. And this authority does not exist with the Indonesian Broadcasting Commission (KPI).⁸

The government also took part in monitoring and limiting online and streaming media, such as Youtube and Netflix. Apart from revising the Broadcasting Law, the State should also draft and even make a new Act if it does not want to revise Law Number 32 of 2002 concerning Broadcasting. Because the Indonesian Broadcasting Commission (KPI) cannot monitor and limit content and films uploaded on Youtube and Netflix, because Law Number 32 of 2002 on Broadcasting does not regulate online and streaming media which is starting to get crowded in today. Because in Law Number 32 of 2002 concerning Broadcasting, broadcasting is an activity of broadcasting broadly broadcasts by means of transmitters and/or means of transmission on land, sea or space, by using radio frequency spectrum, through air, cable and or other media, in order to be received simultaneously and simultaneously by the public with broadcast reception.⁹

If the government does not immediately revise the Broadcasting Law or does not immediately make a new Law to regulate, supervise, and limit the use of online and streaming media such as Youtube and Netflix, then the Indonesian Broadcasting Commission (KPI) which in this case KPI is an institution formed from the basis of Law Number 32 of 2002 concerning Broadcasting, the Indonesian Broadcasting Commission (KPI) acts against the law. Because in Law Number 32 of 2002 concerning Broadcasting KPI does not have the authority to regulate, supervise, and limit the use of online and streaming media such as Youtube and Netflix. This requires active action from the government to immediately take an action in supervising and limiting these online and streaming media. Because of the growing times, the more sophisticated technological tools, and the smarter the Indonesian people to access all content and films uploaded and available in the online and streaming media. This certainly has many impacts on Indonesian society. Not only the positive impact that is given, but also the negative impact especially on adolescents and children who still need parental guidance for what they see, what they hear, and what they get. The worse the content or films they consume daily, the worse their lifestyle will be by making this consumption a role model in their lives, or in other words as a role model in their daily lives. Not a few contents or films that contain negative

⁷ Tim CNN, "KPI 'Ngotot' Awasi Konten Netflix Dan YouTube."

⁸ Heru Guntoro, "Evita Nilai Tindakan KPI Berlebihan," last modified 2019, accessed August 16, 2019, <https://www.gesuri.id/pemerintahan/evita-nilai-tindakan-kpi-berlebihan-b1WkWZIKC>.

⁹ Undang-Undang Nomor 32 Tahun 2002 Tentang Penyiaran, n.d.

elements that should not be consumed by the people of Indonesia, especially teenagers and children.

Besides there must be a role from the government, related institutions, and society, also there must be a role from parents called Parental Control. Parental Control is a feature embedded in digital TV services, video games, computer applications, and mobile devices that allow parents to limit or close content access to their children. In addition, the role of Parental Control is to allow for the control, filtering, monitoring of information, such as irresponsible content contained in applications, sites, microphones, and even cameras.¹⁰ In this issue, the role of parents is very important to supervise their children by setting limits on what they see and what content they enjoy. Because basically the closest person to a child is a parent. Parents also need to provide education on what content their children should watch on YouTube or films on Netflix. Because if children are not educated about something right, then children will feel curious and want to find out everything from the outside, which is easily how to access online and streaming media such as Youtube or Netflix can make children children easily find what they want to find and it is not difficult for them to get content that contains bad content and has a negative impact on them. This is where the role of parents is needed to help and support the performance of the government in order to monitor and limit the content or any films that should not be watched and not consumed for teenagers and even for children. Parental supervision and restrictions have a big positive impact on the lives of their children and can indirectly help the government to conduct supervision and also restrictions. So, Parental Control or parental control is an important element to reduce the impact of negative content and films that are uploaded in online and streaming media such as Youtube and Netflix.

Conclusion

There are so many developments in broadcast technology in Indonesia, educational and quality shows are an important need for everyone. With the advancement in technology and information, there have been online and streaming media such as Youtube and Netflix which besides having a positive impact also have a negative impact on Indonesian society. Lot's of content or films that contain negative elements, because this needs the limitation and supervision by the government and related institutions such as the Indonesian Broadcasting Commission (KPI) formed on the basis of Law Number 32 of 2002 concerning Broadcasting. However, in Law Number 32 of 2002 concerning Broadcasting the Indonesian Broadcasting Commission (KPI) does not have the authority to conduct restrictions and supervision of online platforms such as Youtube or Netflix. The Indonesian Broadcasting Commission (KPI) will be against the law if it conducts surveillance and restrictions on online media, because in Law Number 32 of 2002 on Broadcasting, the Indonesian Broadcasting Commission (KPI) is only authorized to supervise and restrict conventional media such as television or radio.

This requires other actions from the government such as revising Law Number 32 of 2002 on Broadcasting so that the Indonesian Broadcasting Commission (KPI) can carry out surveillance and restrictions while extending to online and streaming media, not only to conventional media. In addition, if there is no revision, the government should draft and make new laws related to regulations to provide limits and supervision of online and streaming media such as Youtube and Netflix. In order to be able to provide clarity of the laws and regulations regarding the supervision. Apart from the role of the government, related institutions, as well as the community, there is a need for Parental Control or parental control which can allow the control, filtering, monitoring of information, such as irresponsible content contained in

¹⁰ Emmanouil Magnos, *Parental Control and Children's Internet Safety: The Good, the Bad and the Ugly*, n.d.

applications, sites, microphones, and even cameras. Apart from applications, sites, microphones, even cameras, also in online and streaming media such as Youtube or Netflix. Parents also need to provide education on what content their children should watch on YouTube or films on Netflix. Because if children are not educated about something right, then children will feel curious and want to find out everything from the outside, which is easily how to access online and streaming media such as Youtube or Netflix can make children easily find what they want to find and it is not difficult for them to get content that contains bad content and has a negative impact on them.

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