

THE ORDER OF BROADCASTING REGULATION IN REGULATING THE IMPLEMENTATION OF BROADCASTING MEDIA (TELEVISION AND RADIO) IN ESTABLISHING LOCAL IDENTITY AND CULTURE

Atie Rachmiatie*

Universitas Islam Bandung

Dey Ravena

Universitas Islam Bandung

Yeni Yuniati

Universitas Islam Bandung

ABSTRACT

The constellation of broadcast radio which has not contributed significantly to strengthening local identity or local culture is a problem in Indonesian broadcasting system. This is due to the weak broadcasting regulations, the low quality of human resources, and the lack of commitment of broadcasting industry owners to public rights regarding local cultural/identity information. Local identity seems to have begun to fade and abandoned by the community in West Java, even though it has the power to shape ethnic and national identity. Accordingly, it is necessary to study the constellation of broadcast radio in building a local (cultural) identity of a society. This research of qualitative method uses a case study approach with research subjects of management, practitioners, owners of mainstream private broadcast radio, and commissioners of the Regional Indonesian Broadcasting Commission (KPID) of West Java. The research yields several findings: first, management has difficulty balancing commercial and editorial interests; second, implementing local culture in broadcast programs and content through the present style presenting and packaging; third, broadcasting regulatory arrangements that have not been applied consistently; fourth, the weak quality of human resources and the lack of comprehensive regulation in broadcast radio.

Keywords: Radio broadcasting; Broadcasting regulation; Local identity

Received: 11 February 2019

Accepted: 20 August 2019

1. INTRODUCTION

Mass media including broadcast radio institutionally have two different sides: 1) commercial and profit-oriented as a company/business, and 2) social and idealism as an editorial side. The broadcasting community sees this phenomenon diametrically by viewing significant differences between market/commercially oriented private broadcasting institutions and public broadcasting institutions that serve the community. Ideally, as it stated in article 33 of the 1945 Constitution,

* Corresponding author: Fakultas Ilmu Komunikasi, Jurnalistik, Universitas Islam Bandung, Unisba Email: atierachmiatie@yahoo.com

radio and television broadcasting as a public domain that uses frequency (airwaves) must be utilized as much as possible for the benefit of people under the arrangement of the state/government. The characteristic of democratization in broadcasting is the existence of "diversity of content and ownership", which means that the diversity of content/material is only possible if the media owner is diverse. It is supported by Splichan in Gazali (2003, p.5), that stated for a democratic transition, it needs a strict rearrangement about a diversity of ownership and content, therefore the broadcasting is not only controlled by a certain group of people. The problem is, Indonesian broadcasting system is currently dominated by profit-oriented private broadcasts which neglect the function of radio and television as information media and education. Previous research has shown that broadcasting influences are quite significant in changing knowledge, public opinion, attitudes, and behavior of audiences, especially to those with low education and intense media exposure (Komisi Penyiaran Indonesia Daerah (KPID), 2019, p. 2 - 4). For that reason, if radio and television broadcasts are dominated by programs and broadcast content of music and songs, soap operas, infotainments, comedy, quizzes or other entertainment broadcasts which mass produced by media conglomerates, it would be no wonder if the community becomes "culture pop" (mass culture) with consumerism, hedonism, or lifestyle that changes the values, culture, and religion that have been long rooted in Indonesia, especially in West Java.

This is the reason why local cultural identity does not get a place and time in mainstream media; local culture has been abandoned by its owners. For example, Sundanese language speakers that have been greatly reduced. Sundanese language press has decreased from 39 publications to 3 publications (Hasandinata, 2015, p. 107). While local arts on television only aired about 1%. Researchers observations on students in urban areas of North Bandung show that younger generations now feel embarrassed to speak Sundanese because it considered "rural" (peasant). This condition is alarming since the language reflects the values and norms or philosophy of life that are authentic and in accordance with the eastern culture, such as courtesy, manners. Another fact shows that out of 10 national private television stations, 48% are broadcast sources from Jakarta and surrounding areas, 38% from outside Jakarta (divided by 33 provinces in Indonesia), and 7% of international regions, so that the average information from provincial regions is only 1.15% (Komisi Penyiaran Indonesia Daerah Jawa Barat, 2017, p. 9).

The loss of local culture means the loss of identity (national identity) or the loss of the pluralistic culture of Indonesia. It is due to the fact that mass media do not maintain a local culture in their broadcasts. Broadcasting media has a very strong position in both strengthening/preserving or, vice versa, weakening/eliminating local culture. Unfortunately, most of them now prefer to develop a mass culture which gives more benefits.

One of the causes of current media change is the non-optimal enforcement of broadcast regulation system. Media industry now supports the formation of media conglomerates or the concentration of media ownership. Private broadcasters which control media industry and loaded them with business interests or political interests or both, undergo a transformation from "state regulation" to "market regulation", where they are not based on state intervention but primarily shaped by market mechanisms and determined by market forces (Vincent, 1996, p. 201). According to Tim PR2 Media (2013, pg. 3) stated there is a broadcasting bussiness consolidation in a large scale in Indonesia. The consolidation have the implication for the concentration of broadcast media ownership by a group of legal entities. At present there are only 12 major media groups that control almost all media channels in Indonesia. Data from Media Scene in 2014 showed that advertising

spending in media, especially television, reached 60 trillion rupiah and political advertising was 6.8 trillion rupiah (The Media Scene, 2014, p.48).

This article will focus more on radio broadcast studies, although it will cover broadcasting regulations in which television is included. This research was also analyzed based on the experience of researchers as commissioners at the West Java Regional Broadcasting Commission for 8 years from 2005 to 2012.

The radio broadcast constellation compared to other mass media is still quite significant. Data obtained from AC NIELSEN (2016): radio penetration was 38%, television was 96%, and internet was 40%, with many of listeners were teenagers, young adults, and housewives (The Media Scene, 2016, p. 20 - 25). The power of radio is in its proximity or the closeness to the listener, locality, and forms a "theater of the mind" in the minds of the listeners; while the advantages of television are in the audiovisual that presents reality. Thus, it means the broadcast media can actually be used to instill values that develop in surrounding local communities.

In fact, currently, the broadcasting commission in West Java has licensed 218 radio broadcast stations and 135 television stations. Problems faced are, among others, the dominant entertainment functions, unethical broadcasters, poor quality of broadcasting, no standardization in HR recruitment patterns, ownership laden with personal, political, or business interests, even though they use limited public sphere frequency (Komisi Penyiaran Indonesia Daerah Jawa Barat, 2017, p. 9).

Economic escalation factors that influence free trade also has an impact on intense competition in the broadcasting industry and quality of standardization, including professional management of institutions. Research results of Media Scene (2014) indicated that West Java has the most broadcast radio and television in Indonesia, i.e. 468 private broadcasting institutions, public broadcasting, and community broadcasting with total 3,488,000 listeners. As for overall media penetration, television is number one that hit audience the most, and the second largest is radio which hit audiences in 9 major cities in Indonesia. Data from AC Nielsen reported in the 2014 Media Scene showed that 94.1% of audiences hit by television, 21.1% by radio, 20.3% by the internet, 13% by newspapers, 12.1% by magazines and tabloid, and 0.7% by film/cinema (The Media Scene, 2014, p. 50).

The conditions of Indonesian society are diverse in multi-ethnic, socio-economic, and politics so that the success or failure of a plan depends heavily on how far we understand the condition of that diversity. In the world of broadcasting, knowing your audience is a major consideration.

In the midst of these activities, it is necessary to "play the rules" that broadcast media people must adhere to so that the dignity and integrity of the profession are recognized and trusted by the public. The rules of the game include laws and regulations, government regulations, ministerial regulations, and professional of journalistic ethics which are known today in many versions (a version of Indonesian Journalists Association, version of the Alliance of Independent Journalism, etc). But the universal principle of this code of ethics can be enforced in a supported macro system (regulation in the economic system, legal system, political system) and micro-internal institutions. Therefore, the problem statement of this research would be **"How is the order of broadcast regulation arranging broadcast media (television and radio) to establish a national identity**

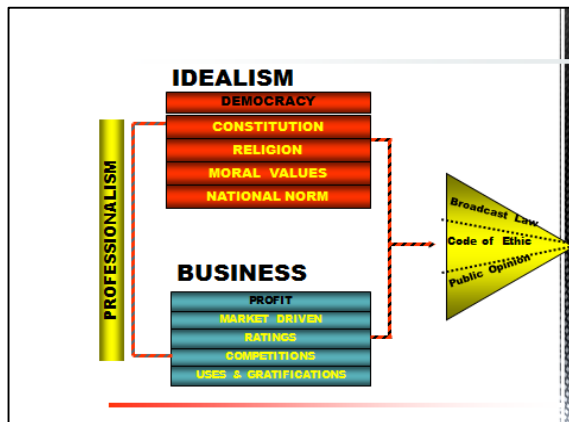
and local culture." The focus of questions are: (a). What is **the order of broadcast regulations** in regulating the function of broadcasters for local cultures and fair competition in broadcasting? (b) How is the implementation of **model of broadcast regulation order** in strengthening local culture through broadcast media?

By mapping the regulations related to broadcasting institutions, i.e. radio and television, the linkages of laws that vertically regulating communication and information in Indonesia will be discovered and analyzed. Likewise, other related rules and derivative law applied horizontally, starting from the 1945 Constitution, Laws, Government Regulations, and the Code of Ethics found in Indonesia. In addition, this study analyzes why the implementation order is not in accordance with existing regulations and examines factors that make broadcasting regulations difficult to be enforced in Indonesia, especially in carrying out cultural functions.

2. STATE OF THE ART

The implementation of broadcast radio and television is like a "double-edged knife". On the one hand, broadcast managers should consider programs and broadcasts content carrying out information, education, and entertainment functions that go with public interest orientation; But on the other hand, they must think about the institution sustainability as a company that should get profit. The following describes components in the implementation of interrelated broadcasting institutions. Conceptually and institutionally, the constellation/order on the dilemma of organizing radio and television broadcasts can be seen in the model proposed by Ishadi SK (Ishadi, 2014, p.5):

Figure 1: Model of Business and Interests of Broadcasting Institutions (Ishadi SK)



This picture states that the interests of business and idealism broadcasting institutions can run in balance and harmony if they are framed by professionalism. In addition, these opposing interest should be carried out based on broadcasting law, code of ethics and public opinion to be harmonious.

Globalization of information and communication causes changes on national, regional and local scales in various aspects of life, including in the world of broadcast media and other mass media. The contents of broadcast information from one country are easily accepted by other countries via satellite. Likewise in the presentation of information which generally converging between one media and the other. Advances in information and communication technology have led to many major changes, such as the format of content/information, technical form (hardware) of media, a form of presentation, and a shift in media consumption patterns. This change has implications for the world of broadcasting. Yet there are no regulations in the form of laws or other regulations governing media convergence so that radio or television broadcast on the internet (radio/ television streaming) has no control by the state.

Radio and television should have a commitment to creating programs and broadcast programs that highlight local identity and culture. These programs and broadcast programs can be realized if the implementation of radio broadcasts (and television) has regulations which consistently enforced by regulators and the government. By doing that, broadcasters can hold programs in fair and healthy circumstances socially and economically, which in turn can shape an intelligent audience when they use the media.

2.1. *The Broadcast Law Structure as Social Institution*

Broadcast institution media is one of the subsystems of communication, while the communication system is a subsystem of the social system. Broadcast media institution, according to the structural-functional approach, is a social institution. Therefore, the broadcast media institution must perform its function according to the demands of the social system.

The structural-functional approach assumes that society is a stable system. Social institutions exist in the community acted to instill common values and loyalty that unite the community.

Mass communication is one of the social institutions to meet the needs of the community in the field of communication. With the means and habits established through mass communication, the public does have certain expectations of the typical and familiar with the significance of the press in society (McQuail, 1987, p.63).

Private radio and television broadcasters operating in West Java, as one of the social institutions, of course, also have to carry out certain roles. It is as set out in the Broadcasting Act number 23 of 2002 section 5, which express broadcasting directions as follows:

- a. Upholding the implementation of Pancasila and the Constitution of the Republic of Indonesia Year 1945.
- b. Maintaining and improving the morality and religious values and national identity.
- c. Improving the quality of human resources.
- d. Maintaining and strengthening the unity of the nation.
- e. Raising awareness of legal compliance and national discipline.
- f. Channeling public opinion as well as to actively engage communities in national and regional development and preserving the environment.
- g. Preventing monopoly ownership and supporting fair competition in the field of broadcasting.

- h. Encouraging community economic capacity building, ensuring the equitable, and strengthening the nation's competitiveness in the globalization era.
- i. Providing the correct information, balanced, and responsible.
- j. Promoting national culture.

The contents of Law No. 32 of 2002 above imply that in addition to running the economic functions, broadcasters also have to perform the function of culture. For that, broadcasters should convey the messages which inform, educate, positively entertain, and unite the society. Such messages are the form of a contribution of broadcasters in strengthening national integration, preserving the character and national identity of faith and piety, educating the nation, promoting general welfare to build a society that is independent, democratic, just and prosperous, and fostering the industry of Indonesian broadcasting.

Complying the Law No. 32 of 2002 above, it can be interpreted that in addition to carrying out economic functions, broadcasting institutions should also perform cultural functions. For this reason, broadcasters must deliver messages that are informative, educating, entertaining (in a healthy way), and tightening the community. Such messages are a manifestation of broadcasters contribution in strengthening national integration, developing the national character and identity, educating the life of the nation, promoting general welfare to build an independent, democratic, just and prosperous society, and growing industry broadcasting in Indonesia.

In carrying out the professions and activities, media personnel or radio and television broadcasters have to face a number of restrictions' signs. These signs start from Penal Code related to a concrete criminal act to a code of conduct related to conscience. The spirit of this legislation is the principle of "all people are basically good", making it more reactive when there is a phenomenon of violation in broadcasting. Many of the violations occurred in the field, while the rules over such violations have not been set yet which make existing rules inactive. The case of film piracy or playing foreign songs on television without any permission, for example, is a new *modus operandi* which is difficult to be seized by the existing regulations due to their sophisticated new methods and techniques.

Regulation systems in Indonesia are not completed yet and overlapping both vertically and horizontally. Vertically, there are many regulations that are out of sync between the central and regional; between laws and government regulation (PP). Horizontally, there is no sync but inconsistencies between one regulation and the others, such as between laws; PP between different departments, between regulations, and etc. It is very important to respond wisely to these rules with a lot of consideration and responsibility, but still able to run the work smoothly. Even though, in practice, these signs can be dilemmas.

2.2. *Theory of Political Economy of Media*

In the perspective of the political economy of media theory, the idea that can be proven empirically is the idea of market conditions. One of the weaknesses of political economy flow is that elements in public control are not so easily explained in terms of the mechanism of free market work. Although the flow focuses on media as an economic process that produces commodities (content), but this flow then emerges a variety of interesting new streams which state that media actually

creates audiences in the sense that media directs the attention of audiences to advertisers and shapes public behavior. Media has reached certain limits.

The application of media political economy theory in the life of mass media is as follows: commodification, spatialization, and structuring (Vincent, 1996, p. 173 - 215) with the detail explanation below:

a. Commodification is the process of converting goods and services into valuable commodities for what they can produce in the market. Commodification relates to three domains, namely commodification of media content, the commodification of audiences, and commodification of labor. The domain of media content commodification is an area where contents of media messages are commodities with selling or economic value. The domain of commodification of audiences is an area where audiences are considered the main commodity of media. A media that successfully creates a large number of audience will have a high selling value and well appreciated by advertisers. In the framework of the audience as a market and content as a commodity, it is very open to the occurrence of exploitation of both. The products sold in the media industry are usually related to entertainment or pop culture content. Broadcasting of entertainment and popular culture on local private radio can be in the form of national or Western songs and interactive entertainment that carries popular cultural themes. Of course, these programs further weaken the efforts to strengthen local cultural values. Private radio audience dominated by teenagers is used as a market in accordance with the demands of media economic interests. The audience is then sold to manufacturing industry (cars, shampoo, laundry soap, food supplements, etc.) with the assumption that audiences have characteristics in line with the product segmentation advertised. The radio program, indeed, has space and time sold to advertisers which generate profit. The domain of commodification of labor refers to the use of communication and technology systems is to expand commodification by increasing flexibility and control of workers. Furthermore, workers are commodified in the production process.

b. Spatialization is the process of overcoming the obstacles of space and time in social life. The technology developed and applied by mass media has enabled the processes of delivering messages through media and overcoming the constraints of space and time. Media convergence, an integration of conventional media with internet networks, is a technology product carried out by almost all mainstream media, including radio, to improve broadcast quality and expand broadcast coverage. This also results in public dependence on media and fostering new cultures which can also be a threat to the efforts of strengthening local culture regarding media consumption by the public.

c. Structuring is the process of forming structures in a large industry. The convergence of several industries that support each other creates large profits in an efficient way. Kompas-Gramedia Group is a successful example of media industry convergence. This group owns TV 7 (television), Sanora FM Jakarta (radio), Salvatore FM Surabaya (radio), Bikima FM Yogyakarta (radio), and Kompas (newspaper). The impact of this convergence is the efficiency in news material, ad networks, and cooperation with other institutions.

3. RESEARCH METHOD AND APPROACHES

This study uses a qualitative method with a case study approach, which is a contextual study that makes humans as instruments and adapted to a reasonable situation in relation to data collection. This qualitative method uses an objective paradigm in which the object is examined and expressed as it is without adding subjective views of the researcher. Data collection techniques through in-depth observations and interviews, documents, and focus group discussions. Based on purposive sampling technique, the research informants were determined based on geographical distribution of regions representing 27 region in West Java. The owner, operational manager, and head of marketing division are determined based on a combination of regional considerations and characteristics of radio broadcast segmentation. Here's a list of mainstream radio in West Java:

Table 1: List of Informant

No.	Character of Radio	Name of Radio	Number
1	Urban/Youth radio	99ers, Ardan, shelters, I-Radio, Thomson	4
2	Ethnic radio	Ray, ABG, Flamboyan, Sadang, Pasundan	5
3	Dangdut Music radio	Dahlia, Garuda, Megaswara	3
4	Family radio	Lita FM	1
5	News radio	FM PR SindoTrijaya	2
6	Religion radio	MQ Radio	1
Total			17

4. BROADCAST REGULATION ORDER TO REGULATE LOCAL CULTURE

4.1. *Broadcast Regulation Arrangement*

The following is an illustration of legal protection associated with the position of broadcasting media institution both in technical devices that use frequency as a limited natural power source and the programs and broadcast content as a mass media /public in Indonesia according to the 1945 Constitution.

Table 2: Broadcast Regulation Media in Indonesia According to The 1945 Constitution

PUBLIC DOMAIN (Broadcast Media in Physical Presence)		PUBLIC GOODS (Broadcast media Presence by content)	
1	Article 33 (3) on the use of public domain (air frequency)	1	Article 28 C (1) on the right of the people to improve themselves
2	Article 28D (1) on the right of the people to get justice (equality rules)	2.	Article 28 C (2) on the right of the people to participate in political decision-making;
3	Article 28 H (2) on the equality rules	3.	Article 28 E (2) on the freedom of people to express their thoughts and attitudes;

PUBLIC DOMAIN (Broadcast Media in Physical Presence)		PUBLIC GOODS (Broadcast media Presence by content)	
4	Article 28 I (2) on the rules of equality	4.	Article 28 E (3) on the freedom of people to express their opinion;
		5.	Article 28 F on the right of people to communicate and obtain information to develop personal and social environment, and the right to seek, obtain, possess, store, process, and pass the information by using all channels available;
		6.	Article 28I (1) on human rights that can not be reduced under any circumstances;
		7.	Section 28 I (3) on the protection of cultural identity and traditional community rights

Source: Amendment of 1945 Constitution

Basically in the regulatory aspect, Indonesians have protection in obtaining information or expressing their opinions, but in reality, the application is far from ideal. Broadcasting institutions whose physical presence employs frequency or channels is obviously utilized state-owned natural resources (air) which are limited and should be used as much as possible for the benefit of the community. There are people's rights that must be given fairly and evenly, meaning that the monopoly in the broadcasting industry clearly violates the rules. The same opportunity must be given to anyone who wants to own and establish a broadcasting institution, provided that it meets the requirements of the state through KPI and government.

This fundamental problem seems to be at an empirical level that cannot be consistently enforced. There are many factors, including capitalist economic power that monopolizes the information industry, political/governmental power that contributes to injustice, disproportionate press freedom or cultural factors in certain ethnic groups, such as paternalistic, feudalistic which places people in "*nrimo*"; passive or reluctant to criticize officials, superiors, or leaders.

At the stage of law that directly related to aspects of broadcasting implementation are Law Number 32/2002 concerning Broadcasting and Law number 36/1999 on Telecommunications related to frequency techniques. However, there are many laws that are indirectly related to the existence of radio and television operations, among which are:

- Law Number 5/1999 concerning Prohibition of Unhealthy Monopolistic Practices and Business Competition. The legal entity of private broadcasting institution is in the form of PT or LLC (Limited Liability Company), so that in perspective of business operational, it should follow this Law.
- Law number 8/1999 concerning Consumer Protection, that broadcasting institutions present advertisements and sponsored broadcasts, so that the public as consumers get legal protection in accordance with the Law.
- Law number 39/1999 concerning Human Rights related to the content of broadcast information that does not violate human rights provisions.

- Law number 40/1999 concerning the Press, that broadcasting institutions carry out journalistic activities (electronic journalism) and broadcast factual news will be subjected to these laws.
- Law number 28/2014 concerning Copyright is applied when the content of radio and television broadcasts involves the creation of a person in making films, songs, logos, or anything that is protected by the Copyright.
- Law number 32/2003 concerning Regional Autonomy which stated that the establishment of regional institutions should be legal entities with the provisions to follow the Law in the regions.

The next stage of the legal structure related to broadcasting is Government Regulations (Peraturan Pemerintah-PP) as a kind of "Implementation Guidelines" or "Technical Guidelines" which regulate in detail the articles contained in the Law. In particular, government regulations of broadcasting system are PP number 11/2005 concerning the implementation of Public Broadcasting Institution, PP number 12/2005 concerning the implementation of Radio Republik Indonesia (Radio of Indonesian Republic), PP number 13/2005 concerning the implementation of Televisi Republik Indonesia, PP number 49/2005 concerning Activity Guidelines Coverage of Foreign Broadcasting Institutions, PP number 50/2005 concerning the Organization of Private Broadcasting Institutions, PP number 51/2005 concerning the Organization of Community Broadcasting Institutions, PP number 52/2005 concerning the Organization of Subscription Broadcasting Institutions.

The regional regulations related to broadcasting issued by governors, regents or mayors are very conditional, depending on the needs and policies of each region. However, the mechanism and process of drafting the regional regulation are the same, namely getting the DPRD's approval, signed by the regional head, and limited only to the area.

Furthermore, the rules that broadcasters must adhere to are professional ethics and journalistic code of ethics. This code of ethics is an awareness of broadcast media organizers to raise the dignity and quality of journalists' works. The code of ethics does not stipulate strict sanctions such as legislation. But if it is not obeyed, it will result in the loss of dignity of the journalist profession or public distrust against broadcast media, which is now starting to resonate in critical community groups.

Enforcement of professional code made by media actors actually relies heavily on "conscience". Because it is very possible when dealing with one particular situation, there are no witnesses, no evidence, or no law in force, but the conscience would states this may or may not. Therefore, the awareness of rights, obligations, and responsibilities is absolutely necessary to maintain public trust in their profession. Mass media play a role in shaping perceptions, thoughts, decision making, and directing people's behavior. Various demonstrations and public opinions that are built are generally reactions to information obtained from mass media.

In fact, the mass media share messages and information in the contrary to everyone's expectation. They has their own logic, including in deciding which information will be published and which one is not. Information, education, and ideology offered do not always match and represent reality in society. Facts and reality are not "pure" as they are, but will be displayed and shaped by individual/communicators who photograph them.

Radio broadcasting industry is currently in poor condition. In addition to the rapid growth of the uncontrolled radio industry, the dominance of television, inadequate advertisements, also the attack of online media has made unhealthy competition for radio broadcasting. In the beginning, along with the opening of the information age and freedom of communication, the radio industry grew rapidly with the emergence of many private radio industries in the country. However, since the radio advertising industry showed disappointing results, many radio managers were shuffling and even shutting their radios down. In fact, many of them attacked each other by using, for example, beyond the limit power of broadcast to interfere other broadcasts, or buying and selling radio stations.

4.2. Broadcast Regulation Implementation in West Java

The implementation of broadcast regulations in West Java will be presented as follow: first, an overview of the perception and understanding of broadcast managers over the regulations; second, factors supporting and hindering the exercise of these regulations; third, the position of regulatory agency "escorting" the implementation of broadcasting regulation. Owner of Purwakarta Radio, (Yoni), and the manager of Ardan Radio, Reza (2017), states that media broadcast managers are required to have an "idealism" in the form of ethical values and norms, ideals, vision, and orientation in running the radio business since it will color their everyday duties/activities. On the other side, the radio broadcast also refers to the broadcast regulation as a whole, particularly those regarding the Broadcast Act number 32/2002 which still in progress of revision, government regulations, ministerial regulations, and rules of communication and information in the form of a code of professional conduct. Kemenkominfo (Ministry of Communication and Information) regulation pointed out that regional broadcast network are required to present local content of at least 10% from their entire programs. This regulation is made since many broadcasters established concentrated ownership and formed a radio network in regions.

The intense competition and broadcast network is recognized by the manager of PRFM Radio Bandung, Wan Abbas. In an interview (2017), he said that "Broadcast program is not well developed, crowded with a homogeneous product that makes it difficult to compete. This homogeneity makes the ad goes to those considered having a high rating. In homogeneity, programs and broadcast content require creativity, which means the radio should seek what listeners' needs. Competition between media occurs in ad placement or *Advertising Expenditure* (Adex). As it is shown in Nielsen recapitulation published in April 2016 that the volume of advertising expenditure or ad placement (Adex) continues to increase, but 64 percent of them absorbed by television. Even when compared to advertising expenditure in magazines, radio ad spending is still too small to display in the data.

Some radio stations are known to be network radio in a sense that Broadcasting Act in its articles mandates the limited broadcast concept and necessity of a networked system for radio broadcasting and national television. Rules and regulations regarding broadcast system network is in Article 6 (3) of Law number 32/2002 which states that there are broadcast institutions and fairly integrated network patterns in national broadcast systems which developed by establishing a network and local stations. Article 31 of Law No.32/2002 also states that broadcasters which organize radio or TV broadcasting services consists of network broadcasting station and/or local broadcasting station. Furthermore, this rule completed with Article 70 of the Government Regulation No 50/2005 states that LPS (Private Broadcast Institution) of TV broadcasting services that already

have a relay station in provincial capital required to relinquish their ownership upon the relay station not later than December 28, 2007, with the exception of regional capital owner who has not been able to establish a regional/local of local broadcasting station or there are any particular reasons specified by the Minister or local government. Then, groups of *civil society* force the Government, KPI, and industry to consistently implemented those rules above.

Results of interviews and focus group discussions on the order of broadcast regulation revealed by Aldi, manager of Thomson Radio, who said that “We have vision and mission and our radio has also multi-segment programs. We want to work according to the mandate of the law and take 10% programs for local. But it is not easy. However, we do have program of Sundanese language and play Sundanese songs almost every day. Outside of that, we also speak Sundanese and Indonesian. That is one of our efforts to uplift and maintain local content. We just go with the flow.”

Still on the provisions related to radio implementation, radio production manager of Ardan Radio, Reza S, says that “As a media, we are required to have a desire to develop local content and culture. But on the other hand, sometimes we don’t get support from those we want to uplift for. For example, we always broadcast the activities of Bandung government and provincial government of West Java, and etc. The governments know that radio is a *stakeholder* in West Java, but we have not received proper appreciation from them. For example, at present, the economic factor becomes very important for the survival of a radio. But sometimes the government has not given significant attention yet. There is a case the government wants to advertise on our radio with a rate per running of Rp.7.000.000. But they want their ad aired with the budget of Rp. 3.000.000 for 2 times in a day, and they said we have to arrange that way. It clearly showed that they did not understand how people survived in radio business. Indeed, we are helping them to socialize, but there are fees for airing certain news and ones that need no fees at all. The recent case, there was a staff of local government who came and ordering us to bring down our radio tower in Lembang because they will build hotel or shopping center in that area. I was quite shocked since our radio is one of the spearhead/key radios for Bandung government to socialize their programs. On the one hand, we have to comply with governmental rules, but on the other hand, the governments do whatever they want to do to us. This problem needs to be addressed. We think that government has an exceed intervention to radio. For example, election ad or campaign broadcasting that hold once in 5 years should be limited to 15 days. They did not understand that the *moment of election/campaign* is the best moment for us to gain *income* because surely there were people’s representatives would do the campaign. However this did not happen. Instead, the commission chose certain radio that they want to cooperate with. Maybe the selection is subjective (based on who is closer to them), and that was my experience. Moreover, there is a new media of internet which is not monitored and tightly regulated as KPID did to the radio. Based on above cases and my experience, I hope there is a solution in the form of government policy or create a new one that is mutually beneficial for all of us. Broadcasting regulation is also related to government policy or commitment of public officials to have the same awareness of the importance of preserving local culture and local identity. Therefore, when it does not become a “political will” of the leaders, ethnic identity or the identity of our nation will fade, eroded by foreign cultures which bombard young generation like a tsunami.”

Yoni AH, a senior radio manager and chairman of ARSLI (Association of Indonesian Private Local Radio) points out that “Purwakarta is a region of rich cultures. Unfortunately, when I see the regent to discuss about local culture, he showed no meaningful response. So basically, almost all radios

in Purwakarta heralded the local culture, but when there was meeting on local culture, the government was not attended. To be honest, most of the radio in Purwakarta have local content as the potential of the region, but its sustainability is not supported by local government. "

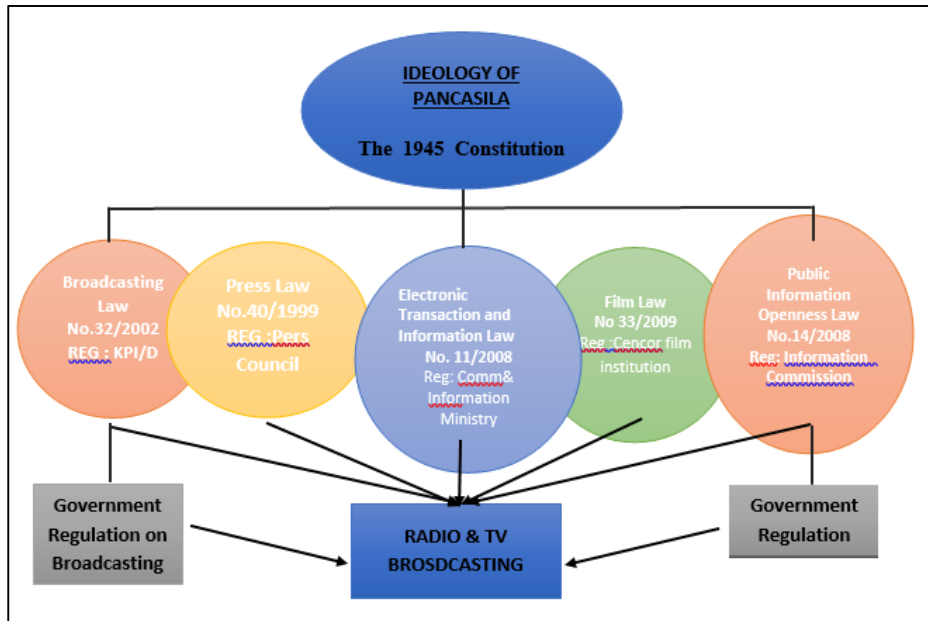
Similarly, like managers of other radio stations, manager of Cirebon shelter radio was trying to comply with laws and regulations. "Eco-Shelter-FM knows and quite understands the applicable rules and laws. We follow the rule of KPID, such as playing Indonesia Raya song at every 6:00 a.m. and at the time before radio closing. This radio always plays national anthem. We still have to comply with these rules because we are under government regulation. The point is if we violate government rules, we do useless things and that is why we maintain a good relationship with the Administrator, PRSSNI, and related agencies for sustainable of Radio Shelter. From such relationships, we know the new regulations and others."

Based on the above qualitative data, it appears that the managers are very aware and have the same perception of the law that should be adhered to as a consequence of holding a radio broadcast. But they have not received full support from local government to maintain and develop programs and events that elevates local cultural identity broadcast (as local potential). The radio managers should do more independent initiatives and being creative in packing local potentials into programs and broadcasts which oriented to the needs of the audience.

4.3. *The Implementation Model of Broadcasting Regulation*

Based on research results, it can be affirmed that Indonesian regulation of radio and television was too partial in organizing communication procedures for society, businesses, and local governments in mass media, especially those using frequency as public domain. Law No. 32/2002 on broadcasting regulates procedures for broadcasting, regulators, broadcast contents, and broadcasting infrastructure. On the other hand, Act No. 36/1999 on telecommunications set technical devices (hardware) of radio and television broadcasting in detail. To organize information broadcast (journalism), the state has Act number 40/1999 on The Press. The following illustrates the linkages between various information of media laws.

Model 1: The Relevance of Media Communication and Information Laws



The globalization era like today makes the relation between countries has no boundaries and if there is a barrier, it is just exists in our imagination. This could happen due to the increasingly sophisticated development of communications technology which resulted in the world dominated or ruled by those who master information technology. To deal with the impact of information technology advancement and information on broadcast media, an ideology as a source of philosophy and a legal source of the nation and the State of Indonesia is urgently needed, namely Pancasila ideology which has functions of :

- a. Pancasila as our nation's view of life has a meaning of noble values composition in the ongoing process of cultural and national life.
- b. Pancasila as the basis of state philosophy is consistent with the opening of 1945 Constitution in 4th paragraph, TAP (Decree) MPRS No. XX/MPRS/1966 jo TAP No. V/MPR/1973, and TAP No. IX/MPR/1978.
- c. Pancasila as an ideology and a national principle, essentially, is a spiritual principle, a source of aspiration, an expectation value, and norms that are considered good which is in line with the opening of 1945 Constitution in 4th paragraph.
- d. Pancasila as an open ideology is always able to adapt with times, including the development of science and technology.

As an illustration, regarding the policy implementation of Law No. 32 of 2002 on Broadcasting, is it already in line with the spirit of Pancasila and the 1945 Constitution as the basic rule of Indonesian people? The Broadcasting Regulatory implementation models showed in figure 1. The policy formulation of Law 32/2002 on Broadcasting has already contained the national spirit as mandated in Pancasila and the 1945 Constitution, but the problem occurred in implementing the

law. General provisions on broadcasting which consist of ideal values are in progress, but chapter 2 which contains Principles, Functions, Goals, and Directions have not been carried out properly. Facts in the field indicate that the broadcast media have not been able to implement the principles of ethics, fair and equitable, and responsibilities. Substantially, broadcast media (television and radio) have no intention and a clear direction in building national character and it strengthens by empirical facts they do not build national character. Most of them broadcast a lot of entertainment programs which has no worth values.

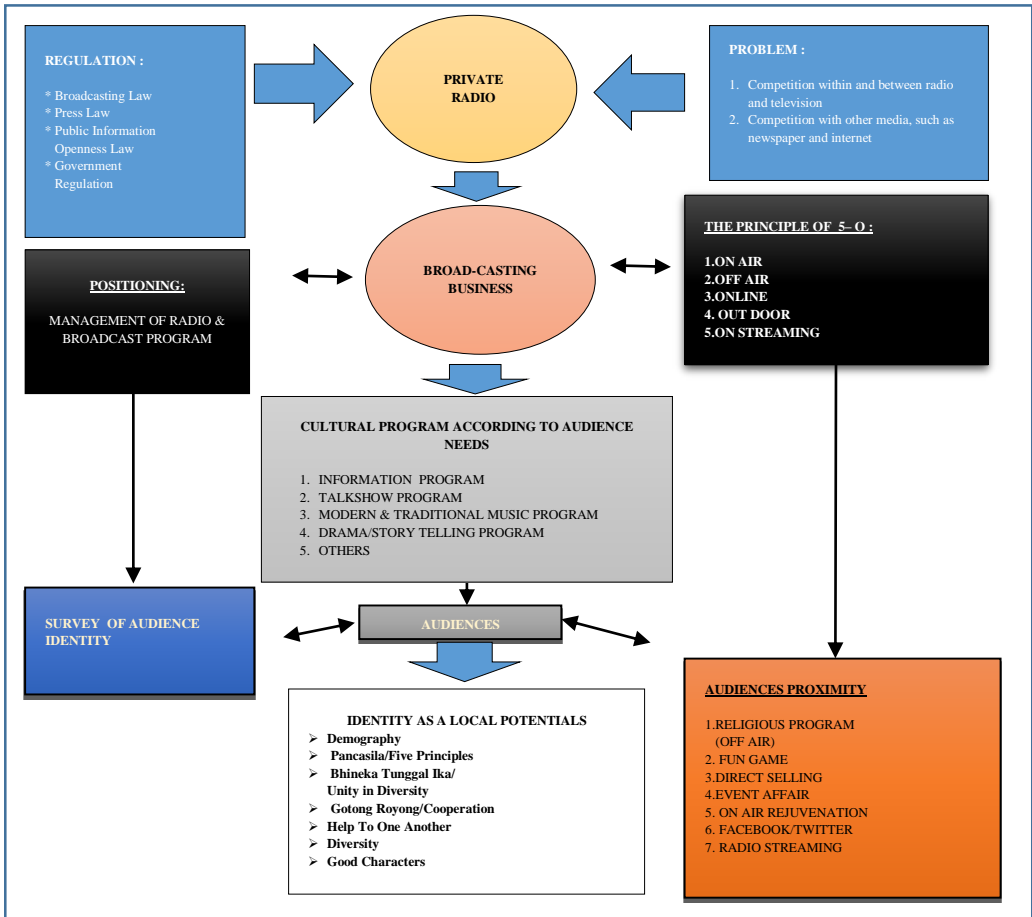
As mass communication activities, social reality of media shows they are not in line with the mandate of the law, in which television is used as a political tool, opinion formation, and industrial interests with no intention in preserving the culture of Indonesia.

Any policy measures taken by the government after went through the level of formulations will always be intertwined with various aspects. They will also systematically interconnected among aspect of a substance (the philosophy of Pancasila and 1945 Constitution), structural which include agencies and organizations inhabited by the human resources, and culture. Those three aspects will likely in conflict with one another due to the variety of interests based on the rule of law, justice, and benefit.

Based on the above description, there seem to be similarities between the legislation, particularly related to the regulation of broadcast content, such as the one that forbids pornographic, violent, offensive, and the like. Horizontal legislation, for example, Press Law number 40/1999 regulates journalistic activity in the broadcast media (journalism radio/television), print media (newspapers, magazines, tabloids), online media (Republika Online, Detik.com etc.); and the age restrictions rules for television shows and movies in the theater contained in Broadcasting Law number 32/2002 and the Film Law number 33/2009. The establishment of those laws requires coordination and synchronization from law regulators (Broadcasting Commission, the Press Council, LSF/Movie Censorship agency).

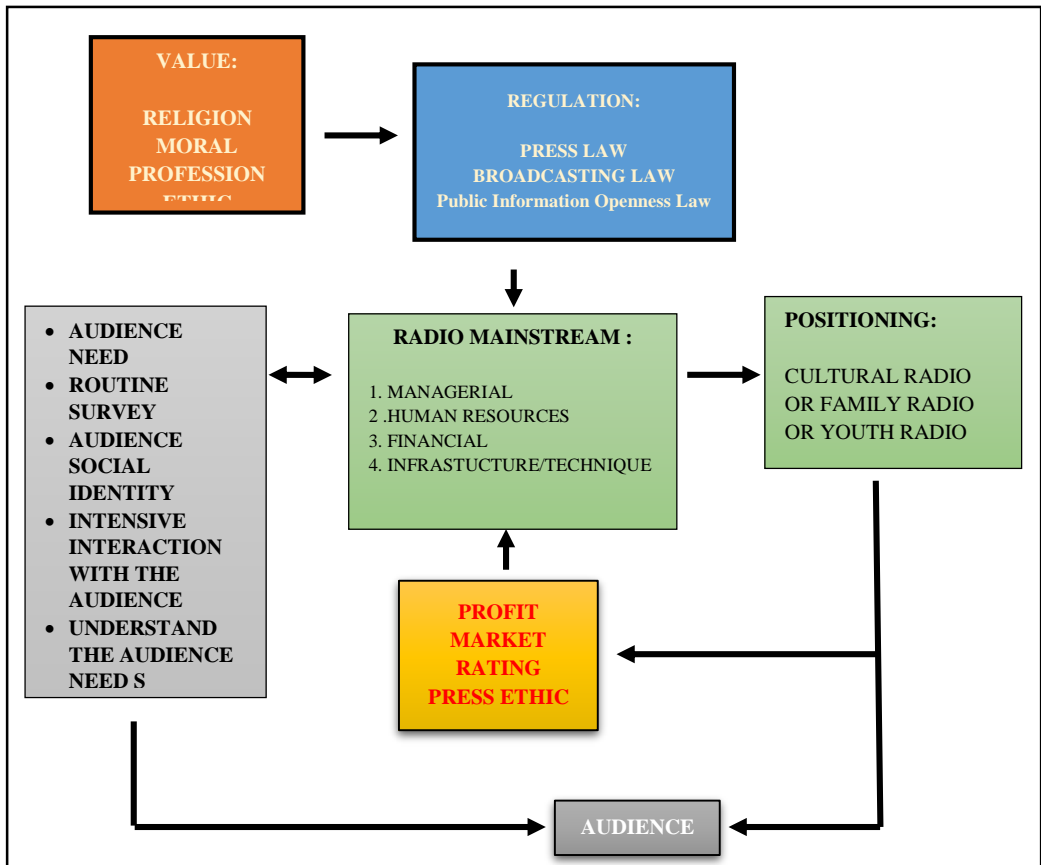
According to that, country's local identity comprises of various aspects of complex and spacious life. However, Gatot Nurmantyo (Nurmantyo, 2017) explained that the identity of Indonesian local potentials are (1) Demography, (2) Pancasila or Five Principles, (3) Bhineka Tunggal Ika or Unity in Diversity, (4) Gotong Royong or Cooperation, (5) Help to One Another, (6) Diversity, and (7) Good Characters. The following is order of broadcasting regulations implemented on the radio as the potentials of local identity:

Model 2: Radio Efforts In Implementing Local Culture



Based on the model above, radio broadcast has various attempts to run the company properly. There are five assessment aspects of considered-healthy broadcast radio medium, which are the aspect of good management, the technical aspect of appropriate devices and according to the rules, a healthy financial aspects, aspects of professional human resources, and quality of broadcasts program and contents. Of managerial aspects, the managers try to understand the laws and obey them. From the aspect of technical devices (infrastructure), although limited by the availability of frequencies, the internet helps them to find the facilities online. The financial aspect is very important for implementing the broadcast, but if it is not supported by the creativity of the practitioners, the goals would not be achieved and the quality of broadcast program content would be inefficient.

Model 3: The Constellation of Private Radio, Balance Idealism, and Commercialism



Based on the above model, it appears that the efforts made by broadcast managers, particularly radio stations, is to balance idealism with commercialism. The priority is to keep the balance by maintaining good relationships with the audience, in which the proximity with the listeners can be turned into a unique advantage compared to other mass media. As a consequence to the relatively homogeneous audience, the manager must determine whether their radio position is "cultural radio", "young radio", or "radio dangdut" and this can create fanatic listeners. This condition also requires radio broadcasts to raise local potential in accordance with the community needs.

5. CONCLUSION

Broadcasting regulation regulates radio function for local culture and fair competition in broadcast operation which considered incomplete and inconsistent in its enforcement. This is due to factors of industrial systems and the macroeconomy that does not yet support the development of equitable and pro regions radio media industry. On the other side, the political-economic factor is dominating the media broadcasting industry and gives impact on radio development, especially in obtaining

"advertising pie" in certain areas. The constellation of human resources in broadcasters face the concentration of ownership and has no bargaining power due to the poor quality of broadcast human resources involving professional broadcasters, programmers, technicians and marketers. On the other hand, the regulation of employment in media companies has no specific force. Radio and television industry alike has a uniqueness that combines idealism and commercial balance.

As a recommendation, the researcher suggests that broadcasting regulation agency (KPI/ The Commission) should be able to enforce the laws and regulations consistently and equitably, working side by side with local broadcasters and grow together positively, maintaining and even building local knowledge and cultural/ religion/national identity. In practice, they need to discuss with the manager of broadcasting, both radio and television, in order to always keep their commitment to balance the interests of ideal and commercial and oriented to the majority of audience accurately. It means that all segments of demographics should be accommodated in the presentation of the program and broadcast content.

ACKNOWLEDGEMENT

We give our gratitude to Research and Higher Education Ministry of Republic Indonesia for the fund provided for this research.

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