SUPERVISION OF VIDEO ON DEMAND BROADCAST SERVICES
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Abstract
Video on Demand (VoD) broadcast services utilize subscribed internet channel and provide broadcast material list that have become the interest of their user. Supervision of transmission services and content services of VoD has not been able to be conducted until now. This article intends to give constructive solution for issues related to VoD service supervision. Supervision synergy between KPI (Indonesian Broadcasting Commission) as broadcasting supervision regulator, Government and telecommunication organizer is needed. Addition of supervision authority needs to be given to KPI. If the materials presented are indicated to violate the regulations applicable in Indonesia, KPI can report the said violation to the government. The government can instruct the telecommunication organizer to block the internet channel which will be used to provide VoD service materials indicated to violate the rules. DPR (The House of Representatives) through legislative function can make an amendment to Broadcasting Law by adding KPI’s authority and amending the Telecommunications Law by giving authority to the government to block the internet channel which provides VoD service materials that violate the regulations applicable in Indonesia.

Introduction
Video on Demand (VoD) services have been operated in Indonesia. Some of popular VoDs are iflix, HOOQ, Catchplay, Genfix, Netflix, and Viu. However, recently many opinions about blockade of one of VoD services, i.e. Netflix, have been discussed. This is because, since started operating in Indonesia in 2016, Netflix always becomes controversy. One of the reasons is the contents which are presented in the VoD services contain ethnic, religion, race, fraction, lesbian, gay, bisexual and transgender contents (alinea.id, January 16th 2020).

KPI (Indonesian Broadcasting Commission) evaluates that supervision of Netflix contents and other VoD service providers will be easier if they become BUT (Permanent Business Entity), so that negative contents such as pornography can be minimalized (katadata.co.id, January 16th 2020). KPI evaluates that supervision of VoD service materials is similar to supervision of subscribed television (koran-jakarta.com, January 16th...
Meanwhile, Commission I of DPR in implementation of legislative function related to Broadcasting Bill and supervision function held in January 28th 2020, January 29th 2020 and February 5th 2020 has asked the government to anticipate dissemination and supervision of channel through VoD services which is very fast and without limit.

Broadcasting Director, General Directorate of Posts and Informatics, Ministry of Communications and Informatics (Kemkominfo), Geryantika Kurnia, suggests that KPI can revoke broadcast program permit which is proven to violate P3SPS (Broadcasting Behaviour Guidelines and Broadcasting Program Standard) and this will be included in revision of Broadcasting Law. Revision of the regulation will prevent broadcasting programs which contain pornography or violence (katadata.co.id, November 26th 2019).

In Netflix case, DPR Commission I member, Bobby Adhityo Rizaldi evaluates that there is a need in country’s inter-institution synergy to supervise Netflix contents. It cannot be denied that Netflix contents are sometimes still not appropriate to Indonesian’s norms (merdeka.com, Januari 16th 2020). Daily Caretaker of YLKI, Sudaryatmo, says that Kemkominfo has to do monitoring and if the material has an issue, can rebuke or block Netflix (merdeka.com, January 16th 2020). Therefore, this article intends to seek a constructive solution for VoD broadcast service supervision issues, and the result is expected to be applied by DPR in discussion of broadcasting regulation.

VoD Broadcast Services
VoD is a term of video presentation which can be accessed online through network, where the viewers can see videos whenever and can reply the desired videos. Videos can be presented directly by streaming or downloading. VoD function is similar to video rent, where the customers can choose the desired program or show to be presented. However, one of desired achievements from communication industry is to give full control of users (Susmini, 2013:13-14). In VoD system, video file has been firstly saved in server. Client asks the desired video file, then the streaming process can be done. One of the VoD weaknesses is that there is no authentication system to the client. Every client can stream video, even though access right is not given (Priyambudi, Hadi P., and Ambarwati, 2013:1).

VoD services are done by subscribed payment mechanism or based on the desired video. At present, in Indonesia there are some VoD services that cooperate with telecommunication organizer, for example HOOQ and Viu with Telkomsel, iflix with Indosat Ooredoo. Based on results of survey done by DailySocial and JakPat towards 1037 cell phone users in Indonesia, it is known that the most popular paid VoD services in Indonesia by percentage are HOOQ (48.30%); Netflix (24.35%); Viu (25.02%); iflix (24.35%); Google Play Movies & TV (21.05%); iTunes (11.83%); viki (7.27%); Tribe (6.60%); and CATCHPLAY (4.85%). Most
respondents like watching VoD services through cell phone or computer. Citing statistics data, by year 2019 total estimation of Netflix active customers in Indonesia is around 418 thousand people, which is predicted to increase into 906 thousand in 2020 (dailysocial.id, January 17th 2020). Meanwhile, HOOQ service users in 2017 already reached 10 million customers.

**Supervision System**

VoD transmission services are not similar to broadcasting, telecommunication or movie transmission services. Broadcasting as regulated in Law Number 32 of 2002 concerning Broadcasting (Broadcasting Law) is interpreted as broadcast transmission activity through transmitting devices and/or transmission devices in land, sea, or space using radio frequency spectrum via air, cable, and/or other media to be received simultaneously and concurrently by the community using broadcast receiving devices. The main matter in broadcasting activity is broadcast transmission activity through transmitting or transmission devices which use radio frequency spectrum via cable, parabola or terrestrial media. Broadcasting is received by user only through broadcast receiving devices (radio or television) simultaneously and concurrently.

Based on broadcasting meaning, VoD transmission services cannot be categorized as broadcasting transmission services. VoD does not utilize transmission activity using radio frequency spectrum via cable, parabola or terrestrial media, but it utilizes transmission medium through internet. VoD is received by users (paid) through receiving media such as cell phone or computer according to user desire to watch the show. This has an impact on VoD services which cannot be included in broadcasting institution permit provisions as set out in Broadcasting Law.

Though in the Government Regulation Number 52 of 2005 concerning Broadcasting Implementation of Subscribed Broadcasting Institution it is stated that broadcasting service receipt can be done by other receiver media, but VoD is not included in the category of broadcasting institutions (including LPB), which are required to be Indonesia legal entities. Likewise, supervision of VoD service contents, KPI has not been able to supervise VoD service contents which are video contents. In present KPI as regulated in Broadcasting Law only has audio content and audio visual content supervision authority from broadcasting institution. In Broadcasting Behaviour Guidelines and Broadcasting Program Standard (P3SPS), currently there is no rule to new media. KPI only supervises conventional TV program, while VoD broadcast services do not have any regulations yet.

This condition confirms that the amendment to Broadcasting Law is needed to control KPI’s authority to supervise broadcast contents from broadcasting institutions which organize broadcasting digitalization in terrestrial. The amendment to Broadcasting Bill has to give authority to KPI to supervise
VoD service materials. Addition of authority to KPI is needed to supervise the contents of VoD services. This is because all contents in VoD services have broadcast material list that can be chosen by the user beforehand. Supervision by KPI can be carried out when VoD service organizer will issue material list that will be chosen by the user. Therefore, video material which is indicated to have pornography, SARA, LGBT, or violence content can be supervised from the beginning so that it will not be circulated in the community. This is because VoD services will always provide video material list that really becomes its users’ interest.

Contents which are inappropriate to Indonesian norms should be under supervision. Thus, supervision synergy is needed through telecommunication organization supervision system. This is because VoD service transmission is carried out by utilizing internet network, which is part of telecommunication organization as regulated in Law number 36 of 1999 concerning Telecommunications (Telecommunication Law). Based on Telecommunication Law, telecommunication organization supervision is the government authority. Accordingly, synergy of content supervision system which is KPI’s authority and the government that has telecommunication organization supervision authority is required.

Results of KPI supervision to VoD service materials that are included in broadcast material list and indicated to have pornography, SARA, LGBT or violence content must be recommended to the government. Furthermore, the amendment to Telecommunication Bill needs to give authority to the government to prohibit circulation of the materials. The government can block internet services that will be used to present the materials based on recommendation of VoD service content supervision from KPI. Blocking can be opened again if the VoD material organizer has adjusted the materials in question to the regulation applicable in Indonesia.

Besides through KPI and government synergy in supervising VoD services, supervision system to VoD services can be improved if the government is able to establish an obligation for the VoD material organizer to have representative office in Indonesia which is in the form of Indonesia legal entity. The amendment to Telecommunication Law material needs to be done to accommodate VoD service development. This has been conducted by the government in supervising the social media operators of which owner is abroad. This method becomes effective if the government communicates the supervision results to VoD service representative office in Indonesia.

Closing
VoD service materials can be received by the users without through broadcast material supervision so far. VoD service broadcast supervision cannot be carried out by KPI though the content is indicated to violate the provisions of laws and regulations in Indonesia. The absence of
supervision to broadcast list presented by VoD service organizer corresponding to the users’ interest causes a lot of materials to be indicated to have pornography, SARA, LGBT and violence content.

Consequently, supervision system synergy between KPI which supervises broadcast materials and government which supervises telecommunication organization is needed. This supervision synergy is intended to prevent negative contents from freely entering Indonesia and block internet network which is used to transmit VoD service materials as well.

DPR through legislative function needs to amendment Broadcasting Law to give additional authority to KPI in supervising broadcast materials which are included in broadcast material list that will be received by VoD service users. DPR also needs to amendment Telecommunication Law mentioning the government’s authority to block VoD service broadcast materials upon recommendation of KPI, which materials are considered to violate the regulations applicable in Indonesia. The amendment to Telecommunication Law also needs to include provision that VoD services can only be presented through cellular network if it has representative office in Indonesia, as it is also applied to the use of social media.

References


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