

## Analisis hukum terhadap penyelesaian sengketa dalam pelaksanaan kewajiban interkoneksi telekomunikasi di Indonesia = The legal analysis towards the dispute resolution in the implementation of the obligation interconnection telecommunications in Indonesia

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Abstrak

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The aspect of the interconnection was one of the important aspects in the implementation of the telecommunications. Not only because the interconnection was the important point in the expansion of the service of the telecommunications service, but the interconnection also had the role that was important in creating the business competition that were effective in the telecommunications sector. Therefore, in the rule that in connection with the interconnection in many countries (including in Indonesia), the interconnection already embedded as one of the obligations that must be carried out by the organizer of the telecommunications. The interconnection of the telecommunications could be technically interpreted as the linkage between one telecommunications operator and the other telecommunications operator. In the context of this linkage, it is emerged various aspects that is in connection with the technical aspect, operational aspect and the business aspect that touch on with the interests of the regulator, the operator and the community. Therefore, in the context of the interconnection law had the dimension that in connection with the regulator's relations with the operator in the context of the specific law of the telecommunications sector, the operator's relations with the operator in the dimension of the competition law and civil (the agreement) law as well as the operator's relations with the community in the context of the consumer protection law. In these relations, often emerged the inappropriateness of the interests that finally had caused the dispute between the parties. The available interconnection rule was enabled to complete this dispute as the shape of the search and the discovery of justice for the parties. Referred in this process, there were two main issues that must get attention that is in connection with the forum (the agency) in the dispute resolution and the procedure that was passed through in the dispute resolution. As the agency that played a role as the regulator and at the same time as the agency of the dispute resolution, BRTI (Badan Regulasi Telekomunikasi Indonesia 1 Indonesian Telecommunication Regulation Agency) had the authority to join in as well as complete the dispute. In the context like this, the forum and the procedure of the dispute resolution in and by BRTI must get special attention for the sake of the effectiveness of the dispute resolution and its compatibility with the current legislation regulation.