

Indonesia		
[Please introduce here the name of your country]		
Competition Framework		
Competition Law	<p>Law No. 5/1999 Concerning the Prohibition of Monopolistic Practices and Unfair Business Competition.</p> <p>Presidential Decree No. 75/1999 Establishing the Business Competition Supervisory Commission</p> <p><i>[Please Introduce the name of the laws constituting the National Competition Law Regime. Include the year of enactment and the corresponding amendments as well]</i></p>	
Competition Authority	<p>The Indonesia Competition Commission/Komisi Pengawas Persaingan Usaha (KPPU). Established in 2000 by Law No. 5/1999 Concerning the Prohibition of Monopolistic Practices and Unfair Business Competition. https://eng.kppu.go.id</p> <p><i>[Please introduce here the name of the competition authorities that are part of the enforcement process of the laws mentioned in the previous question. In that regard, please specify the norms that established those agencies, the year in which they started operation, and their website. Include tribunals only if they have a role in the process of founding guilt and imposing sanctions. This point specifically excludes judicial authorities that only have judicial review powers]</i></p>	
Policy-Making Agents		
-DIVERSIFICATION-		
How many agencies are responsible for competition enforcement?	<p>The KPPU is the sole institution dealing with competition law in Indonesia. It has the authority to investigate and enforce violations on antitrust laws covering prohibited agreements, interlocking directorate positions and anticompetitive executive conflicts of interest, anticompetitive activities, abuse of dominant position, and merger review. The KPPU has the authority to impose administrative penalties and refer cases for criminal prosecution. (See Law No. 5/1999 Chapters II-VIII).</p> <p><i>[Please mention how many authorities have a general mandate to enforce competition in your jurisdiction. Include a brief reference on their duties e.g.: if they impose criminal, civil or administrative liability. The purpose is that readers can quickly understand, which are the agencies charged with competition enforcement in the jurisdiction, the difference between them, and if they have concurrent, overlapping, or exclusionary authority. Include the relevant provisions on which their powers are based. Exclude in this point sector regulators or enforcers]</i></p>	
Do sector regulators have a competition policy enforcement mandate?	<p>No</p> <p><i>[Please introduce the name agencies that have powers to enforce any aspect of competition law, including merger control, in specific sectors. Introduce the relevant provisions on which their powers are based]</i></p>	
Have the Competition Authority and other agencies signed protocols or memoranda of understanding with sector regulators?	<p>Yes. KPPU has substantial cooperation agreements with other ministries and agencies. (link).</p> <p><i>[Please mention here any provision or interinstitutional agreement that allows the competition authorities to coordinate behavior to effectively enforce competition law]</i></p>	
Disaggregated Functions—Prosecutorial Model		
Are there different authorities or agencies that make the decision to investigate and the final ruling in the cases?	Yes, for Criminal Sanctions	<p>While the KPPU has the authority to unilaterally conduct investigations and impose administrative sanctions, criminal sanctions where applicable are referred to the Public Prosecution Service. A KPPU decision on an antitrust matter “shall serve as sufficient initial evidence for a criminal investigator to conduct [an] investigation.” (Law No. 5/1999 Art. 44(5)).</p>

		<i>[If the answer is yes, please explain briefly the enforcement process, and include the relevant provisions. The purpose of this question is to understand the enforcement model of the jurisdiction and establish how many independent authorities are involved in the enforcement process and what are their functions]</i>
Are disputes presented for decision to judiciary authorities?	Yes, for Criminal Sanctions	Criminal sanctions are pursued by the Public Prosecution Service in front of the District Court. (Law No. 5/1999 Art. 44(5)). <i>[If the answer to your question is "yes", please introduce the name of the judiciary authorities that are involved and their role until the final decision in the process is achieved; exclude from this question judiciary authorities whose role in the process is the judicial review of administrative decisions]</i>
Do private rights of action to challenge competition law infringements exist in your jurisdiction	No	Law No. 5/1999 does not establish a private right of action. Additionally, class action suits are permitted only under Consumer Protection Law, Environmental Law, Forestry Law, and Construction Services Law. Consumer protection law does not provide overlapping rights relating to competition. (See Law No. 8/1999). <i>[If the answer is "yes", please explain briefly the process and who are the persons entitled to exercise those rights; mention the relevant provisions]</i>

*** Please fill the next sections for each of the authorities mentioned in the prior sections excluding sector regulators**

**The Commission for the Supervision of
Business Competition/Komisi Pengawas
Persaingan Usaha
(KPPU)**

STATUS OF THE COMPETITION AUTHORITY

Accountability	Please, answer "Yes" in the boxes of this line if any of the duties on the right column apply to the authority, and "No" if they do not.	Answer with X/√ as it applies		Please, in the boxes of this line mention the relevant provisions in which the obligations are based.
Does the Competition Authority have obligations before the executive?	Yes	X	Obligations to report to the executive on on-going investigations upon request.	<i>[Introduce the relevant provisions]</i>
		X	The decisions of the Competition Authority may be vetoed by a ministry or by the executive branch. m	<i>[Introduce the relevant provisions]</i>
		√	The executive has to report on an annual basis to the executive.	Law No. 5/1999 Art. 35(g). <i>[Introduce the relevant provisions]</i>
Does the Competition Authority have obligations before the legislature?	Yes	√	Obligation to publish an annual report on its activities.	Law No. 5/1999 Art. 35(g). <i>[Introduce the relevant provisions]</i>
		X	Obligation to stand before parliament and to respond to congressmen on an annual basis.	<i>[Introduce the relevant provisions]</i>
		X	Its activities are monitored by an independent auditor or by oversight committees.	<i>[Introduce the relevant provisions]</i>
Does the Competition Authority have obligations before the judiciary or independent agencies?	Yes	√	Decisions of the Competition Authority are subject to judicial review.	Law No. 5/1999 Art. 44(2). The District Court receives appeals from KPPU decisions. <i>[Aside from the relevant provisions please mention the</i>

			<i>judicial authority charged with the review]</i>
		X	Decisions of the Competition Authority are subject to review or control of an independent authority different than the judiciary? <i>[Aside from the relevant provisions, please mention the authority charged with the review]</i>
		<p>Other obligations/comments: Please introduce any other obligation or comment that you consider relevant.</p> <p><i>[Introduce any comment that you consider relevant regarding the status of accountability of accountability of the competition authority]</i></p>	
Independence		Please, answer “Yes” or “No”	
Are the criteria for appointment and removal of the head/board members clear and transparent?	Yes	<i>[Please introduce the relevant provisions, and if the answer to this question is “no”, explain briefly why in your opinion the criteria are not clear or transparent]</i>	
Does the executive have powers to decide on specific cases based on public interest?	No	<i>[Please introduce the relevant provisions, and if the answer to the question is “yes”, explain in which cases the executive can decide on public interest bases]</i>	
Does the executive retain decision-making powers over the Competition Authority?	No		
Is the Competition Authority obliged to publish reasoned decisions to ensure transparency?	Yes	While no explicit requirements exist regarding publication of a decision other than that the decision be read in a public hearing, the KPPU has ruled through guidelines that decisions must be paired with the reasoning for such decision and that dissenting opinions are also published with decisions. (See Procedures for Submitting Reports and Handling Suspected Violations of Law Number 5 Year 1999) <i>[Please introduce the relevant provisions]</i>	
Is there a provision of the national budget allocated by law to the Competition Authority to ensure its proper functioning?	Yes	“Expenses related to the performance of the Commission’s duties shall be charged to the State Revenues and Expenditures Budget and/or other sources permitted by applicable laws and regulations.” (Law No. 5/1999 Art. 37). The KPPU budget is a mix of both explicit appropriation and revenue collection from fines. <i>[Please introduce the relevant provisions and the budget assigned to the authority for the current year and the next if it is already approved]</i>	
Can the Competition Authority be financed by its own means (notification fees, fines, etc.)?	Yes	The KPPU collects money from administrative fines to supplement its budget. In 2020, these collections comprised roughly 8.6% of KPPU’s budget. (See 2020 Annual Report) <i>[Please introduce the relevant provisions and mention the means by which the authority can be financed on its own]</i>	
Governance of the Competition Authority			
Is the Competition Authority governed by a single chairman or by a collegiate body?	Collegiate Body consisting of at least (7) members, including a Chairperson and Vice Chairperson. <i>[Answer “single chairman” if the directive organ of the authority is composed of one person. Answer “collegiate body” if the authority’s directive organ is composed of two or more members, regardless if this organ is directed or presided by a chairman or president. Also mention how many board members or directors are part of the Direction Body]</i>		
How are the members of the Authority’s directive organ chosen?	Members of the Commission are appointed by the President and approved by the Legislative Assembly. (Law No. 5/1999 Art. 31(2)). <i>[Please describe the electing process for choosing the members of the directive organ. Include relevant provisions; mention the branch government involved in this process]</i>		
Is there a fixed period during which removal is prohibited?	No	<i>[If your answer is “yes”, please introduce the duration of the tenure and the relevant provisions. If the answer is no, please refer if there are specific and restricted grounds under which the members of the Directive body can be removed; mention if they are elected for a term and introduce the relevant provisions]</i>	
Is the tenure of the heads renewable?	Yes	The tenure of a commissioner is renewable once. (Law No. 5/1999 Art. 31(3)). <i>[Please, introduce the relevant provisions]</i>	
Are the heads required by law to have certain minimum qualifications (degree in law or	Yes	Commissioners must be “experienced in the field of business or possessing knowledge and expertise in the field of law and/or economics”. (Law No.	

economics, age, experience)?		5/1999 Art. 32(f)). Additionally, a commissioner must be a citizen, between 30 and 60 years old at the time of appointment, Muslim, of good conduct, reside in Indonesia, never convicted of a crime, never been declared bankrupt, and not affiliated with any particular business entity. (Art. 32). <i>[If your answer is "yes", please make reference to the qualifications required by law and the relevant provisions]</i>	
Architecture			
Is the Competition Authority a stand-alone agency with an independent physical location or is it part of a bigger entity such as a ministry?	Stand-alone	<i>[If your answer is "part of a bigger entity", please explain briefly how the bigger entity is organized]</i>	
Policy Duties			
Does the Competition Authority have an exclusive mandate on competition or multiple mandates?	Exclusive	X	Concurrent consumer protection mandate.
		X	Concurrent IP mandate.
		<i>[Other mandates: Include any other mandates entrusted to the Competition Authority]</i>	
Portfolio Instruments			
Law Enforcement			
Does the Competition Authority have powers to investigate cartels?	Yes	<p>The KPPU has the authority to investigate cartel behavior (Law No. 5/1999 Arts. 4-7, 9-13, 16, 22-24). In the case of a violation, the KPPU may pursue a stipulation agreement, an order to cease anticompetitive activity, or a fine of Rp. 1 Billion to Rp. 25 Billion. (Law No. 5/1999 Art. 47).</p> <p>The KPPU may refer violations of cartel activity for criminal prosecution which carries a fine of Rp. 25-100 Billion or imprisonment of up to 6 months in cases of oligopoly agreements, territory division, anticompetitive boycott agreements, cartel production management, creation of joint companies to control production or marketing of goods or services, and oligopsony behavior. Prosecutions for price fixing, price dumping agreements, price discrimination agreements, bid rigging, and corporate espionage agreements carry criminal fines between Rp. 1-5 Billion or imprisonment of up to 3 months. Additionally, criminal sanctions can always include revocation of business licenses, prohibitions on filling executive roles by offenders, and general orders to cease anticompetitive activities. (Law No. 5/1999 Arts. 48-49).</p> <p><i>[If the answer is "yes", please mention the type of liability that the actions of the agency seek: civil, criminal, administrative. Introduce the relevant provisions; briefly explain if the powers of the authority are limited to certain types of cartels and what kind of sanctions can be imposed]</i></p>	
Does the Competition Authority have powers to investigate unilateral Conduct?	Yes	<p>The KPPU has the authority to investigate unilateral conduct (Law No. 5/1999 Arts. 8, 15, 20-21, 25-27). In the case of a violation the KPPU may pursue a stipulation agreement, an order to cease anticompetitive activity, or a fine of Rp. 1 Billion to Rp. 25 Billion. (Law No. 5/1999 Art. 47).</p> <p>The KPPU may refer unilateral anticompetitive conduct for criminal prosecution which carries a fine of Rp. 25-100 Billion or up to 6 months imprisonment for abuse of dominant position and interlocking share ownership. Additionally, charges of downstream price setting, exclusive dealing, unilateral price dumping, anticompetitive pricing schemes, and interlocking executive positions carry fines of Rp. 1-5 Billion and imprisonment up to 3 months. Additionally, criminal sanctions can always include revocation of business licenses, prohibitions on filling executive roles by offenders, and general orders to cease anticompetitive activities. (Law No. 5/1999 Arts. 48-49).</p> <p><i>[If the answer is "yes", please mention briefly if the competition authority is invested with the power to pursue exploitative and exclusionary effects, also make reference to relevant provisions, the type of liability that the actions of the authority seek, and what kind of sanctions can be imposed]</i></p>	

Does the Competition Authority have the powers to conduct <i>ex-ante</i> merger review?	Yes	<p>The KPPU has the authority to conduct ex ante merger review. (Law No. 5/1999 Art. 28-29). Parties may be required to notify KPPU of their merger subject to a de minimis requirement. However, parties not meeting the requirements for notification can still have their merger reviewed by KPPU. See 2023 Guidelines for the Assessment of Mergers, Consolidations, or Acquisitions.</p> <p>Ex ante merger review begins after notification with an initial assessment to be completed in 90 days during which the KPPU may request additional information or statements from the involved parties. During this phase, the KPPU determines the overall change in market concentration and the likelihood of anticompetitive effect. The KPPU then concludes either that there is no anticompetitive concern or there is an alleged anticompetitive concern necessitating a comprehensive assessment. In the case of a comprehensive assessment, the KPPU will further investigate the merging firms, the market(s) in which they operate, and the potential for anticompetitive or monopolistic outcomes. The KPPU may hold hearings as well to hear testimony. The KPPU then makes a determination whereby they may stipulate conditions, approve of, or block a proposed merger. (Law No. 5/1999 Art. 47).</p> <p><i>[If the answer is “yes”, please explain briefly the process and which are the remedies that authority can seek or impose and mention the relevant provisions]</i></p>
Is the notification of merger transactions mandatory?	Yes	<p>Parties must notify the KPPU of any merger where the value of combined assets resulting from the merger exceeds Rp. 2.5 trillion, the value of the sale itself exceeds Rp. 5 trillion, or the combined value of the assets in a merger in the banking sector exceeds Rp. 20 trillion. However, parties not meeting the requirements for notification can still have their merger reviewed by KPPU. Notifications are completed using a standardized form.</p> <p>(See 2023 Guidelines for the Assessment of Mergers, Consolidations, or Acquisitions)</p> <p><i>[If the answer is “yes”, please explain whether all the transactions shall be notified or if there is a threshold; mention relevant provisions]</i></p>
Can the parties close the transaction before the final decision of the Authority (suspensory effect of merger notification)?	No	<p><i>[Please mention the relevant provisions and add any explanation that you deem necessary]</i></p>
Does the Competition Authority have the power to carry out <i>ex-post</i> merger investigations?	Yes	<p>The KPPU has the authority to review any merger, including those for which notification is not required. Mergers found after the fact to result in monopolistic practices or unfair business competition still violate Law No. 5/1999 Art. 28. (See also 2023 Guidelines for the Assessment of Mergers, Consolidations, or Acquisitions mentioning the application of merger laws to non-notifying parties and the ability of KPPU to investigate on its own initiative).</p> <p><i>[Please mention relevant provisions]</i></p>
Does the Competition Authority have the power to impose remedies on <i>ex-post</i> merger investigations?	Yes	<p>The KPPU may annul mergers found to be in violation of Law No. 5/1999. (See Art. 47(e)). Additionally, the KPPU may impose an administrative fine of Rp. 1-25 billion and refer such cases for prosecution with fines between Rp. 25-100 billion or imprisonment of up to 6 months.</p> <p><i>[If the answer is yes, please mention the remedies that the Authority can impose; mention relevant provisions]</i></p>
Does the Competition Authority have powers to conduct dawn raids at premises?	No	<p><i>[If the answer is “yes”, please mention whether the dawn raids shall be authorized by a judge, and mention the relevant provisions]</i></p>
Can the Competition Authority investigate <i>ex officio</i> cases?	Yes	<p>Assessment of [mergers] can be conducted at the Commission’s initiative or from the unit handling notifications. (Merger</p>

		Guidelines Art. 45). Additionally, non-merger investigations can be initiated ex officio. (Law No. 5/1999 Art. 40(1)). <i>[Please, mention the relevant provisions]</i>
Does the Competition Authority have powers to accept leniency applications?	No	<i>[If the answer is “yes”, please mention if there is any limitation for the applicants, what are the benefits, and mention the relevant provisions. Include any commentary that you consider relevant about the leniency program]</i>
Does the Competition Authority have powers to accept seek criminal punishment?	No	The KPPU cannot unilaterally impose criminal sanctions. However, it can refer cases for public prosecution. A KPPU decision on an antitrust matter “shall serve as sufficient initial evidence for a criminal investigator to conduct [an] investigation.” (Law No. 5/1999 Art. 44(5)). <i>[If the answer is “yes”, please mention the different kinds of sanctions that the agency can impose]</i>
Advocacy		
Can the Competition Authority issue opinions on draft legislation?	Yes	<i>[if the answer is yes, please specify if there is any kind of limitation to the agency’s authority to issue opinions, include relevant provisions]</i>
Is the executive and/or the legislature obliged to request the opinion of the Competition Authority when drafting legislation that may impact competition?	No	The duties of the Commission explicitly include providing “advice and opinion concerning Government policies related to monopolistic practices and/or unfair business competition” (Law No. 5/1999 Art. 35(e)). <i>[if the answer is yes, include relevant provisions]</i>
Rulemaking		
Can the Competition Authority issue guidelines?	Yes	√ Guidelines on the calculation of fines.
		√ Guidelines on merger control.
		√ Guidelines on the economic analysis of abuse of dominance cases.
Can the Competition Authority issue binding regulation on competition?	No	The KPPU may only issue regulations regarding the organization of the KPPU secretariat. (Law No. 5/1999 Art. 34). <i>[Please, explain which kind of regulation and mention the relevant provision on which the powers are based]</i>
Research & Reporting		
Can the Competition Authority carry out market studies?	Yes	The KPPU is authorized to conduct research concerning allegations of the existence of business activities or actions which may cause monopolistic practices or unfair business competition. (Law No. 5/1999 Art. 36(b)). While there is no general authorization to complete market studies, in 2020 KPPU completed market studies researching the health, finance, digital, food, and plantation sectors. (See 2020 Annual Report) <i>[If the answer is “yes”, include relevant provisions]</i>
Can the Competition Authority report to the legislature on the results of market studies?	Yes	The duties of the Commission explicitly include providing “advice and opinion concerning Government policies related to monopolistic practices and/or unfair business competition” (Law No. 5/1999 Art. 35(e)). <i>[If the answer is “yes”, include relevant provisions]</i>
Decision-Making Functions		
Aggregated Functions		
Does the Competition Authority make the decision to investigate and make guilty findings?	Yes	The KPPU is obligated to investigate actors against which a report is filed, but may initiate an investigate on its own initiative. (Law No. 5/1999 Arts. 39-40). The KPPU also makes findings of guilt. (Law No. 5/1999 Art. 36(d)). <i>[If the answer is “yes”, include relevant provisions]</i>

Does the Competition Authority impose punishments?	Yes	<p>The KPPU has the authority to unilaterally conduct investigations and impose administrative sanctions. Criminal sanctions where applicable are referred to the Public Prosecution Service. A KPPU decision on an antitrust matter “shall serve as sufficient initial evidence for a criminal investigator to conduct [an] investigation.” (Law No. 5/1999 Art. 44(5)).</p> <p><i>[If the answer is “yes”, please mention the different kinds of sanctions that the agency can impose]</i></p>
Is there a single body that carries out the investigation and the guilty findings within the Competition Authority?	No	<p>The KPPU is split between its executive decision-making body and its secretariat. Investigations and notification collections are completed by the secretariat while findings of guilt are made by the executive body. The Chair and Vice Chair are elected by the Members of the Commission (Law No. 5/1999 Art. 31(1)). The chair is removable for death, resignation, residing outside Indonesia, chronic physical or mental illness, expiry of term, or dismissal – which is called for by the President and ratified by the Legislature.</p> <p><i>[Regardless of the answer please explain briefly the enforcement process until the final decision is issued, include relevant provisions, and if the answer is “No” mention how the head of the body that carries out the investigation is elected and removed. The main idea of this last point is to establish whether the investigation authority is, in fact, independent from the decision-making body]</i></p>
Can the Competition Authority’s decisions be appealed to a court?	Yes	<p>Law No. 5/1999 Art. 44(2).</p> <p>The District Court receives appeals from KPPU decisions.</p> <p><i>[Please, mention the judicial authority who is charged with the review, make reference to the relevant provisions, and if there is any requirement to exercise the right of the judicial review]</i></p>
Please add commentaries or information that you consider relevant and were not covered in any of the previous sections and questions.		