



REGULATION OF THE COMMISSION FOR THE SUPERVISION OF  
BUSINESS COMPETITION  
NUMBER 1 YEAR 2019

REGARDING

PROCEDURES FOR CASE HANDLING

BY THE GRACE OF THE ALMIGHTY GOD

COMMISSION FOR THE SUPERVISION OF BUSINESS COMPETITION,

- Considering:
- a. whereas in the context of enhancing transparency, justice, and legal certainty in case handling processes in accordance with the principles of good procedural law, Regulation of the Commission for the Supervision of Business Competition Number 1 Year 2010 regarding Procedures for Handling Cases needs to be replaced;
  - b. whereas based on the consideration as intended in point a, it is necessary to stipulate a Regulation of the Commission for the Supervision of Business Competition regarding Procedures for Handling Monopolistic Practice and Unfair Business Competition Cases; Handling...

- In view of:
1. Law Number 5 Year 1999 on Prohibition of Monopolistic Practices and Unfair Business Competition (State Gazette of the Republic of Indonesia Year 1999 Number 33, Supplementary Gazette of the Republic of Indonesia Number 3817);
  2. Government Regulation Number 57 Year 2010 on Mergers or Amalgamations and Acquisitions of Company Shares That May Result in the Occurrence of Monopolistic Practices and Unfair Business Competition (State Gazette of the Republic of Indonesia Year 2010 Number 89, Supplementary State Gazette of the Republic of Indonesia Number 5144);
  3. Presidential Decree Number 75 Year 1999 on Commission for the Supervision of Business Competition, as already amended by Presidential Regulation Number 80 Year 2008 on Amendment to Presidential Decree Number 75 Year 1999 on Commission for the Supervision of Business Competition;
  4. Presidential Decree Number 81/P Year 2018 on Honorable Discharges and Appointment of Members of the Commission for the Supervision of Business Competition;
  5. Regulation of the Commission for the Supervision of Business Competition Number 01 Year 2014 on Organization and Working Procedures of the Commission for the Supervision of Business Competition as amended several times and most recently amended by Regulation of the Commission for the Supervision of Business Competition Number 1 Year 2018

regarding Second Amendment to Regulation of the Commission for the Supervision of Business Competition Number 01 Year 2014 on Organization and Working Procedures of the Commission for the Supervision of Business Competition;

6. Regulation of the Supreme Court Number 3 Year 2005 on Procedures for Lodging Objections to Decisions of the Commission for the Supervision of Business (KPPU);

HAS DECIDED:

To stipulate: REGULATION OF THE COMMISSION FOR THE SUPERVISION OF BUSINESS COMPETITION ON PROCEDURES FOR CASE HANDLING

## CHAPTER I GENERAL PROVISIONS

### Article 1

Referred to herein as:

Referred to ...

1. The Law shall be Law Number 5 Year 1999 regarding Prohibition of Monopolistic Practices and Unfair Business Competition.
2. Commission for the Supervision of Business Competition hereinafter referred to as the Commission shall be a state institution that is independent and free from

any influence of the Government and/or any party whatsoever in performing its duties and authorities.

3. Reporting Party shall be any individual submitting the report to the Commission on a violation that has taken place or that could reasonably be expected, either that which conducts a Compensation Assertion or not.
4. Reported Party shall be a Business Actor and/or other parties alleged to commit a violation.
5. Other Parties shall be other Business Actors and/or parties related to other Business Actors involved in a monopolistic practice and/or unfair business competition.
6. The Commission's Meeting shall be the highest decision-making organ presided over by the Chairman of the Commission and/or Vice Chairman of the Commission and is attended by the majority of Members of the Commission.
7. Coordination Meeting shall be a meeting between the Commission and the Secretariat of the Commission presided over by the Chairman of the Commission or Vice Chairman of the Commission or a Member of the Commission assigned to coordinate the discharge of the duty of the Secretariat of the Commission.
8. Study shall be an activity conducted to obtain preliminary evidence of the existence of alleged business activity and/or action of business actor that may result in the occurrence of monopolistic practice and/or unfair business competition. result in ...
9. Behavior change shall be a commitment of business actor and/or other parties in the form of Integrity Pact of Behavior Change.

10. Integrity Pact of Behavior Change shall be a document that states a behaviour change made by a business actor and/or other parties alleged to violate the Law and is/are committed not to perpetrating a violation any longer as signed by the business actor and is approved by the Commission.
11. Clarification shall be activities conducted by a work unit in charge of handling a report in order to examine the administrative completeness of reports and absolute competence on reports put forward by a Reporting Party.
12. Pre-investigation shall be a series of activities conducted by Examination Investigators to obtain adequate evidence.
13. Adequate evidence shall be the fulfilment of at least 2 (two) valid instruments of proof.
14. Reporting shall be a general explanation about an alleged violation as conveyed by the working unit that handles dossiers compiling and case handling to the Commission.
15. Witness shall be any individual that may provide information for pre-investigation and/or examination purposes regarding a Law violation case, he/she hears himself/herself, he/she sees himself/herself, and he/she experiences himself/herself as well as possesses knowledge directly related to the occurrence of the violation of the Law.
16. Expert shall be an individual who possesses a special expertise about the matter needed to make a Law violation case clear for examination purposes.
17. Dossiers compiling shall be a series of activities conducted by the working unit that handles dossiers compiling and case handling to reexamine a Report on Pre-investigation Result in order to prepare a Report on Alleged Violation.

18. Commission Council shall be a panel consisting of at least 3 (three) Members of the Commission serving to examine and decide cases.
19. Examination shall be a series of activities including Preliminary Examination, Further Examination, and Additional Examination conducted by the Commission Council with the assistance of a Clerk.
20. Preliminary Examination shall be a series of activities conducted by the Commission Council related to the Report on an Alleged Violation to determine a behavior change, to hand down a Decision, or to sum up whether it is necessary or not to conduct a Further Examination.
21. Further Examination shall be a series of activities conducted by the Commission Council to decide whether there is any evidence of violation or not.
22. Commission Decision shall be the result of the assessment of the Commission Council pronounced in a hearing open for the public with regard to a circumstance that violation has taken place and the imposition of sanction or non-occurrence of violation.
23. **Investigator** shall be employees of the Commission Secretariat assigned by the Commission to conduct clarification, **research**, and pre-investigation activities.
24. Prosecuting Investigator shall be employees of the Commission assigned by the Commission to conduct dossiers compiling activities or to read out Report on Alleged Violation in the Preliminary Examination, to present instruments of proof, to present Witnesses, and to convey conclusion in the Follow-up Examination.
25. Clerk shall be the employee of the Commission Secretariat who is in charge to draw up the Minutes of Hearings and assist the Commission Council in the hearings, formulation of the Report of the Result of Preliminary Examination, and the Commission Decision.

26. Attorney shall be advocate or any person provided with an incidental power of attorney to represent a Reported Party.
27. Incidental Power of Attorney shall be a power of attorney issued and signed by the Chairman of the Commission or Vice Chairman of the Commission at the request of the attorney of the institution of the Reported Party.
28. **Investigator** shall be Police Officers of the State of the Republic of Indonesia or Certain Civil Servant Investigators specifically authorized by a Law to conduct investigations.
29. Day shall be working days, i.e. Monday to Friday, except days stipulated by the Government as national holidays or joint leaves.

## CHAPTER II

### SOURCES OF CASE

#### Part One

#### Types of Sources of Case

#### Article 2

The sources of case at the Commission shall consist of:

- a. reports; and
- b. initiatives. b. initiative

#### Part Two

#### Reports

### Article 3

- (1) Any person knowing a violation of the Law has taken place or could reasonably be expected may report to the Commission.
- (2) Any person as intended in paragraph (1) shall be individual person or legal entity hereinafter referred to as Reporting Party.
- (3) The Report as intended in paragraph (1) shall be addressed to the Chairman of the Commission using good and correct Indonesian Language and is signed by the Reporting Party.
- (4) The Report as intended in paragraph (1) shall be made in a written form provided that at least containing the following:
  - a. the identity of the Reporting Party and Reported Party;
  - b. a clear description of the alleged violation of the Law; and
  - c. instruments of proof of the alleged violation.

### Article 4

- (1) The Report as intended in Article 3 may be submitted through:
  - a. the head office of the Commission;
  - b. the representative office of the Commission in regions; or
  - c. online reporting application.
- (2) The identity of the Reporting Party as intended in Article 3 ~~must be~~ <sup>online</sup> kept confidential by the Commission.



## Article 5

The Working Unit handling reports shall report the acceptance of a report on alleged violation of the Law to the Chairman of the Commission.

## Article 6

- (1) The clarification of any report as intended in Article 3 shall be conducted by the working unit handling reports.
- (2) The clarification of report as intended in paragraph (1) shall be conducted to:
  - a. examine the administrative completeness of the report;
  - b. examine the correctness of the identity of the Reporting Party;
  - c. examine the correctness of the identity of the Reported Party;
  - d. examine the correctness of the address of the Witness;
  - e. examine the conformity of the alleged violation of the Law to the article violated with instruments of proof handed over by the Reporting Party; and
  - f. assess the absolute competence of the report.
- (3) The Clarification Result as intended in paragraph (1) shall at least spell out the following matters:
  - a. the administrative completeness of the report;
  - b. the clarity of the alleged article of the Law violated;
  - c. the assessment of absolute competence of the Commission; and
  - d. the conclusion of whether it is necessary or not to be proceeded to Pre-investigation stage.

- (4) The Clarification Result proceeded to Pre-investigation stage must meet the following requirements:
- a. the administrative completeness of the report;
  - b. the clarity of the alleged article of the Law violated;
  - c. the conformity of absolute competence of the Commission; and
  - d. there is at least 1 (one) evidence.

#### Article 7

- (1) In the event that the Clarification Result has yet to meet the provisions as intended in Article 6 paragraph (3), the working unit handling reports shall notify and return it to the Reporting Party by no later than 14 (fourteen) days as of the acceptance of the report.
- (2) The Reporting Party shall be obligated to complete the report by no later than 14 (fourteen) days as of the return as intended in paragraph (1).
- (3) A Report that is declared complete shall be notified to the Reporting Party by no later than 14 (fourteen) days.

#### Article 8

- (1) In the event that the Reporting Party does not complete the report within the period as intended in Article 7 paragraph (2), the report shall be declared incomplete and the handling thereof shall be suspended.

- (2) The suspended report handling as intended in paragraph (1) shall be notified to the Reporting Party by no later than 14 (fourteen) days following the declaration of the report incomplete.

#### Article 9

- (1) The handling of report suspend due to incompleteness may be resubmitted by the Reporting Party by submitting a new report along with adequate evidence.
- (2) The handling of report suspend because of not constituting the absolute competence of the Commission may not be resubmitted.

#### Part Three

#### Initiatives

#### Article 10

- (1) The Commission may examine a business actor if there is an alleged violation of the Law despite in the absence of a report.
- (2) The handling of case as intended in paragraph (1) shall be conducted at the initiative of the Commission in order to conduct a **research** based on the data or information on the existence of alleged violation of the Law.
- (3) The data or information as intended in paragraph (2) may be obtained from:
  - a. assessment results;
  - b. findings in Examination processes;
  - c. the results of Public Hearings conducted by the Commission;

- d. incomplete reports;
  - e. news in the media; and/or
  - f. data or other information that may be accounted for.
- (4) Pre-investigation of initiative cases shall be commenced at the approval of or under the direction of the Commission Meeting.
- (5) The result of the pre-investigation of initiative cases shall be reported administratively and concisely to the Chairman of the Commission.

#### Article 11

The Working Unit handling research shall concisely report the existence of data or information on the alleged violation of the Law in a Coordination Meeting.

#### Article 12

- (1) The Working Unit handling research shall validate and analyze the data or information on the alleged violation of the Law.
- (2) The validation and analysis as intended in paragraph (1) shall include:
- a. the identification of the business actor and related parties;
  - b. the identification of the relevant market; and
  - c. the construction of anti-competitive behavior.

#### Article 13

Article 13 ...

The Working Unit handling research shall report the progress of the result of the research to the Chairman of the Commission every 14 (fourteen) days.

#### Article 14

- (1) The Working Unit handling research shall concisely report the result of the research of the alleged violation of the Law in a Coordination Meeting.
- (2) The Report on the Result of the Research as intended in paragraph (1) shall contain the following matters:
  - a. the result of the validation of data and/or information on alleged violation of the Law; and
  - b. a conclusion of whether it is necessary or not to be proceeded to Pre-investigation stage.
- (3) Report on the Result of the Research proceeded to the Pre-investigation stage must meet the following requirements:
  - a. conformity to the absolute competence of the Commission;
  - b. description of valid data and/or information on the alleged violation of the Law;
  - c. clarity of the alleged article of the Law violated; and
  - d. there is at least 1 (one) evidence.

### CHAPTER III

#### PRE-INVESTIGATION

#### Article 15

Article 15 ...

Report on the Clarification Result as intended in Article 6 paragraph (4) or Report on the Result of the Research as intended in Article 14 paragraph (3) shall be proceeded to the Pre-investigation stage.

#### Article 16

Pre-investigation of the alleged violation of the Law shall be conducted by the Working Unit handling pre-investigations within a maximum period of 60 (sixty) days and may be extended by virtue of a decision of the Coordination Meeting.

#### Article 17

- (1) Pre-investigation shall be conducted to obtain adequate evidence, clarity, and completeness of the alleged violation of the Law.
  - (2) In conducting Pre-investigation, Examination Investigators may conduct the following activities:
    - a. summon and cause to be present a Reporting Party to be inquired;
    - b. summon and cause to be present a Reported Party to be inquired;
    - c. summon and cause to be present a Witness to be inquired;
    - d. summon and cause to be present an Expert to be inquired;
    - e. obtain letters and/or documents related to the case;
    - f. obtain data related to the assets and turnover of the Reported Party;
    - g. conduct a field Examination; and/or
    - h. analyze the depositions, letters, and/or documents as well as the result of the field Examination.
- h. analyze ...

- (3) Examination Investigators shall draw up and sign a Minutes of Pre-investigation as intended in paragraph (2).
- (4) The Minutes as intended in paragraph (3) shall be drawn up as intended in Attachment I.

#### Article 18

- (1) Summons shall at least contain the following matters:
  - a. the name of the summoning party;
  - b. the date of the summon;
  - c. the printed name of the summoned party;
  - d. the printed address of the summoned party;
  - e. the status of the summoned party;
  - f. the reasons of the summons;
  - g. the place of the examination; and
  - h. the time of the examination.
- (2) The Summons as intended in paragraph (1) has been received by the relevant person by no later than 3 (three) days prior to the time of examination.
- (3) The Summons as intended in paragraph (2) shall be proved with a receipt.
- (4) In the event that the relevant person is not at the aimed address, then the Summons shall be submitted to the Village Head Office/Subdistrict Head Office or RT (Neighborhood Ward)/RW (Neighborhood Block) or Office of the Association of Apartment Unit Owners and Occupants and/or Building Management Office. Association ...

- (5) In the event that the relevant person is not at the aimed address because he/she resides overseas, then the Summons shall be submitted through the Embassy of the Republic of Indonesia where the relevant person resides.
- (6) The Summons as intended in paragraph (1) shall be drawn up as intended in Attachment II.

#### Article 19

- (1) The Reporting Party, Reported Party, Witness, and/or Expert summoned as intended in Article 18 paragraph (2) sub-paragraphs a, b, and c shall be obligated to be present and provide information as well as sign the Minutes of Pre-investigation.
- (2) The Reporting Party, Reported Party, and/or Witness shall be obligated to hand over letters and/or documents needed in the Pre-investigation to Examination Investigators.

#### Article 20

- (1) In the event that a Reported Party and/or Witness refuses to be examined, refuses to provide information, obstructs a pre-investigation and/or examination process, the Examination Investigators may ask for assistance from the Investigators to cause the relevant person to be present to be examined.
- (2) In the event that the Reported Party and/or Witness as intended in paragraph (1) continues refusing to be examined, refusing to provide information, obstructing the pre-investigation and/or examination process, the Examination Investigators



may make a report to the Investigators to impose an action in accordance with the provision of Article 41 paragraph (3) of the Law.

#### Article 21

- (1) Examination Investigators shall assess the clarity and completeness of the alleged violation as intended in Article 17 set forth in the form of Report on Pre-investigation Result.
- (2) The Report on Pre-investigation Result as intended in paragraph (1) shall at least contain:
  - a. the identity of the Reported Party alleged to commit a violation;
  - b. the description of the provision of the Law alleged to be violated; and
  - c. the fulfillment of a minimum requirement of at least 2 (two) instruments of proof.

#### Article 22

The examination of cases may be combined in a case in the event that such alleged violation occurs in the same jurisdiction and meets the requirement:

- a. in the event that based on the Pre-investigation Result, there are several alleged violations being committed by the same Reported Party or Reported Parties; or
- b. between one alleged violation and other alleged violations are interrelated in such a way, thus, it is necessary to be examined in one case although there is a different Reported Party between the Reported Parties.

Article 23

- (1) The Report on Pre-investigation Result meeting the provision as intended in Article 21 paragraph (2) shall be handed over to the working unit handling dossiers compiling and/or case handling.
- (2) The Report on Pre-investigation Result not meeting the provision as intended in Article 21 paragraph (2) shall be stopped and shall be recorded in a Pre-investigation Cessation List.
- (3) The cessation of case handling process in the Pre-investigation stage shall be reported in a Coordination Meeting.
- (4) The working unit handling pre-investigations shall notify the cessation of case handling as intended in paragraph (3) to the Reporting Party and Reported Party within a period of 14 (fourteen) days following its recording in the Pre-investigation Cessation List.

Article 24

- (1) The working unit handling dossiers compiling and case handling shall assess whether the Report on Pre-investigation Result is feasible or not to be Reported.
- (2) In the event that the Report on Pre-investigation Result is deemed not yet complete and clear, it must be returned to the working unit handling pre-investigations to be rectified by no later than 14 (fourteen) days as of the acceptance by the working unit handling dossiers compiling and case handling investigations.

- (3) The return of the Report on Pre-investigation Result to the working unit handling pre-investigations shall be enclosed with reasons and suggestions for improvement.

#### Article 25

- (1) The working unit handling pre-investigations must make corrections so that the Report on Pre-investigation Result meets the requirement to be Reported by no later than 14 (fourteen) days and may be extended by no later than 14 (fourteen) days.
- (2) The extension of the period as intended in paragraph (1) shall be conducted by the Head who handles law enforcement division.
- (3) In the event that following the extension, the Report on Pre-investigation Result still does not meet the requirements, then the case handling process shall be stopped and shall be recorded in the Pre-investigation Cessation List.
- (4) The case handling process stopped as intended in paragraph (3) may be proceeded again if new evidence is found so as to be eligible to be Reported.
- (5) In the event that the Report on Pre-investigation Result meets the requirement, then the case handling process shall be proceeded to a Reporting stage and shall be recorded in a Case List.
- (6) The working unit handling dossiers compiling and case handling shall make a Report concisely in the Commission Meeting within a period of 14 (fourteen) days after the Report on Pre-investigation Result is assessed feasible to be Reported.  
days ...

Article 26

- (1) The Report on Pre-investigation Result assessed feasible and already Reported shall be prepared by Prosecution Investigators in a Report on Alleged Violation.
- (2) The Report on Alleged Violation as intended in paragraph (1) shall at least contain:
  - a. the identity of the Reported Party alleged to commit a violation;
  - b. the identity of the Witness and/or Expert;
  - c. the provision of the Law alleged to be violated;
  - d. the instrument of proof; and
  - e. the proving analysis of the element of the article alleged to be violated.

Article 27

- (1) Based on the Reporting, the Commission Council shall stipulate a Preliminary Examination and the establishment of a Commission Council that handles the relevant case.
- (2) The stipulation of the Preliminary Examination and the establishment of the Commission Council as intended in paragraph (1) shall be set forth in a Decision of the Commission.

Article 28

In order to ...

In order to conduct a Preliminary Examination and/or Follow-up Examination, the Head handling Law Enforcement division shall assign:

- a. Prosecution Investigators to prove the alleged violation of the Law in a Commission Council Hearing;
- b. A Clerk to assist the Commission Council; and
- c. A Secretary to assist the administration of the hearings.

CHAPTER IV  
COMMISSION COUNCIL HEARINGS

Part One  
Preliminary Examination

Article 29

- (1) The Commission Council shall determine the schedule for a Preliminary Examination.
  - (2) The Commission Council shall order the Reported Party to be summoned properly to be present in a Preliminary Examination.
  - (3) The Preliminary Examination as intended in paragraph (2) shall be conducted in an Examination room at the Head Office of the Commission or at the Regional Representative Office of the Commission or other places as determined by the Commission Council attended by at least 1 (one) Member of the Commission Council.
  - (4) The Preliminary Examination shall be conducted by the Commission Council in Indonesian Language.
- (4) The Preliminary ...

- (5) The hearings conducted by the Commission Council in the Preliminary Examination stage shall be recorded in a Minutes of Hearing signed by the Commission Council and the Clerk.

### Article 30

- (1) A Preliminary Examination shall be conducted within a maximum period of 30 (thirty) days.
- (2) The period for a Preliminary Examination shall commence as of the first hearing attended by a Reported Party.
- (3) In the event that the Reported Party is not present, the Commission Council will properly summon him/her again for 2 (two) times at the most prior to the declaration of the commencement of the Preliminary Examination.
- (4) In the event that the Reported Party is not present in the first summons as intended in paragraph (3), then the Preliminary Examination shall be adjourned until the subsequent hearing.
- (5) In the event that the Reported Party is not present in the second summons as intended in paragraph (3), then the Preliminary Examination shall be commenced in the absence of the Reported Party.
- (6) In the event that the Preliminary Examination is commenced in the absence of the Reported Party, the Commission Council may make a Decision in the form of:
  - a. the existence of violation of the Law;
  - b. the absence of violation of the Law; or
  - c. the rejection of the Report on Alleged Violation.

c. the rejection ...

- (7) In the event that the the Reported Party or Reported Parties is/are present in the preliminary examination, but all the Reported Party or Reported Parties is/are not present in the subsequent examination, then the hearing shall be adjourned until the subsequent hearing.
- (8) In the event that the Reported Party or Reported Parties is/are still absent in the determined hearing despite having been properly summoned, then the hearing shall be sustained in the absence of the Reported Party or Reported Parties.

### Article 31

- (1) The Summons as intended in Article 29 paragraph (2) shall at least contain the following matters:
    - a. the name of the summoning party;
    - b. the date of the summons;
    - c. the printed name of the summoned party;
    - d. the printed address of the summoned party;
    - e. the status of the summoned party;
    - f. the reasons for the summons;
    - g. the venue of the examination; and
    - h. the time of the examination.
  - (2) The Summons as intended in paragraph (1) has been received by the relevant person by no later than 3 (three) days prior to the time of the examination.
  - (3) The Summons as intended in paragraph (2) shall be proved with a receipt.
  - (4) In the event that the relevant person is not at the aimed address, then the Summons shall be submitted to the Village Head Office/Subdistrict Head Office
- (4) In the event that ...

or RT (Neighborhood Ward)/RW (Neighborhood Block) or Office of the Association of Apartment Unit Owners and Occupants and/or Building Management Office.

- (5) In the event that the relevant person is not at the aimed address because he/she resides overseas, then the Summons shall be submitted through the Embassy of the Republic of Indonesia where the relevant person resides.
- (6) The Summons as intended in paragraph (1) shall be drawn up as intended in Attachment III.

#### Article 32

- (1) The Commission Council shall declare the Preliminary Examination opened and is open to the public.
- (2) The Prosecution Investigator shall read out and/or convey the Report on Alleged Violation charged to the Reported Party in the Preliminary Examination.
- (3) The Reported Party shall be entitled to give response to the Report on Alleged Violation by submitting the instruments of proof.

#### Part Two

#### Behavior Change

#### Article 33

- (1) The Commission ...



- (1) The Commission Council shall give the opportunity to the Reported Party to make a behavior change following the reading out and/or conveyance of the Report on Alleged Violation to the Reported Party.
- (2) The opportunity of behavior changes as intended in paragraph (1) shall be given if all the Reported Parties approve to make a behavior change.
- (3) The opportunity of behavior changes as intended in paragraph (1) shall be given by the Commission Council by taking the following into account:
  - a. the type of violation;
  - b. the time of violation; and
  - c. the losses incurred by the violation.

#### Article 34

- (1) In the event that the Commission Council gives the opportunity of behavior change to the Reported Party, the commitment of the Reported Party to make behavior changes shall be drawn up in a Behavior Change Integrity Pact signed by the Reported Party.
- (2) The Behavior Change Integrity Pact as intended in paragraph (1) shall at least contain:
  - a. the statement of the Reported Party contains admission and acceptance of the Report on Alleged Violation;
  - b. the statement of the Reported Party not to conduct anti-competitive behavior as set forth in the Report on Alleged Violation;
  - c. the statement of the Reported Party to report the implementation of the Behavior Change Integrity Pact; and
  - d. the signature ...

d. the signature of the Reported Party.

- (3) The Behavior Change Integrity Pact as intended in paragraph (1) shall be stipulated by the Commission Council.
- (4) The Behavior Change Integrity Pact as intended in paragraph (2) shall be drawn up as intended in Attachment IV.

#### Article 35

- (1) The implementation of the Behavior Change Integrity Pact shall become the oversight object of the Commission.
- (2) The oversight as intended in paragraph (1) shall be conducted by the working unit handling pre-investigations.
- (3) The implementation of oversight as intended in paragraph (1) shall be conducted by no later than 60 (sixty) days.
- (4) The implementation of oversight as intended in paragraph (1) shall be drawn up in a Report on the Oversight of Behavior Change.
- (5) The Report on the Oversight of Behavior Change as intended in paragraph (4) shall be drawn up as intended in Attachment V.

#### Article 36

- (1) Following the completion of the oversight period as intended in Article 35 paragraph (3), then the oversight shall be stopped and shall be set forth in a Stipulation of the Commission Council of the relevant case.

(2) In the event that ...

- (2) In the event that the Reported Party does not accept the opportunity to make a behavior change as intended in Article 33 paragraph (1) or within a period of 60 (sixty) days as intended in Article 35 paragraph (3), the Reported Party violates the Behavior Change Integrity Pact, then the working unit handling pre-investigations shall report it to the Coordination Meeting so that the case is proceeded to the Follow-up Examination stage.

### Part Three

#### Decision in the Preliminary Examination

##### Article 37

- (1) In the event that all the Reported Parties admit and accept the Report on Alleged Violation and declare that they will not submit instruments of proof to challenge the Report on Alleged Violation, then the examination process shall be proceeded to a Commission Council Deliberation stage to hand down a Decision.
- (2) In the event that the Reported Parties admit the action or the act as intended in paragraph (1), the examination of other instruments of proof shall still be needed.
- (3) The Commission Council shall decide a case supported by at least 2 (two) instruments of proof and the Commission Council is confident that the act alleged to be committed by the Reported Party and/or the Reported Parties is proven.

##### Article 38

- (1) The Commission Council shall be assisted by a Clerk to prepare the Result of the Preliminary Examination.  
(1) The Commission ...
- (2) The Result of the Preliminary Examination as intended in paragraph (1) may be in the form of the following:
  - a. a stipulation of the Commission Council regarding behavior change;
  - b. a conclusion of the Commission Council to conduct a Follow-up Examination;
  - or
  - c. a conclusion of the Commission Council to conduct a Commission Council Deliberation to make a Decision.

#### Part Four

#### Stipulation of Behavior Change

#### Article 39

- (1) The stipulation of the Commission shall at least contain the following:
  - a. the identity of the Reported Party;
  - b. the alleged violation;
  - c. the Behavior Change Integrity Pact;
  - d. the Report on the Oversight of Behavior Change;
  - e. orders of the Stipulation;
  - f. the day and date of the Stipulation making;
  - g. the day and date of the reading out of the Stipulation;

- h. the names of the Chairman and Members of the Commission making the stipulation; and
  - i. the name of the Clerk.
- (2) The Stipulation of the Commission shall be signed by the Commission Council and the Clerk. (2) The Stipulation ...
- (3) The Stipulation of the Commission as intended in paragraph (1) shall be drawn up as intended in Attachment VI.

## Part Five

### Follow-up Examination

#### Article 40

- (1) The Commission Council shall stipulate a Follow-up Examination in a Decision of the Commission Council.
- (2) The Decision of the Commission Council as intended in paragraph (1) shall be conveyed to the Reported Party.

#### Article 41

A Follow-up Examination shall consist of the following:

- a. The Examination of Witnesses;
- b. The Examination of Experts;
- c. The Examination of Reported Parties;

- d. The Examination of instruments of proof in the form of letters and/or documents;  
and/or
- e. The conveyance of the conclusion of the result of the hearings by the Reported Parties and Prosecution Investigators.

Article 42

Article 42 ...

- (1) The Commission Council shall determine the schedule for a Follow-up Examination.
- (2) The Commission Council shall declare Follow-up Examination hearings opened and is open to the public.
- (3) In a Follow-up Examination, the Commission Council shall examine the instruments of proof submitted by Prosecution Investigators and Reported Parties in accordance with the provisions of the Law.
- (4) The Follow-up Examination as intended in paragraph (2) shall be conducted in an Examination room at the Head Office of the Commission or at the Regional Representative Office of the Commission or at other places as determined by the Commission Council attended by at least 1 (one) Member of the Commission Council.
- (5) The Follow-up Examination shall be conducted by the Commission Council in Indonesian Language.
- (6) The Hearings conducted by the Commission Council at a Follow-up Examination stage shall be recorded in a Minutes of Hearing signed by the Commission Council and the Clerk.

Article 43

- (1) The Follow-up Examination shall end within a maximum period 60 (sixty) days as of the commencement of the Examination.
- (2) If deemed necessary, the period of the Follow-up Examination as intended in paragraph (1) may be extended for a maximum period of 30 (thirty) days. <sup>(2) If ...</sup>

Article 44

Prior to the end of the Follow-up Examination, the Commission Council shall give the opportunity to the Investigators, the Reported Pary or Reported Parties to convey a written conclusion of the result of the hearings to the Commission Council.

Part Six

Instruments of Proof

Article 45

Instruments of proof may be in the form of the following

- a. witness deposition;
- b. expert deposition;
- c. letters and/or documents;
- d. indications;
- e. business actor deposition.

Paragraph 1

Witness Deposition

Article 46

Witness Deposition shall be deemed as an instrument of proof if the <sup>Witness</sup> deposition is pertaining to the matter experienced, seen, or heard by the Witness himself/herself.

Article 47

- (1) The Commission Council at the request of the Prosecution Investigators or the Reported Party or ex officio may summon a Witness properly as intended in Article 46 to be present in a hearing and to hear his/her deposition.
- (2) The Witness as intended in paragraph (1) shall be obligated to be present to provide information in the examination.

Article 48

- (1) Witnesses in a hearing shall be examined one by one.
- (2) Witnesses who will be examined in the same case may not be in the hearing room at the time another Witness is being examined.
- (3) The witnesses shall be examined in a sound physical and spiritual condition.
- (4) The Commission Council shall be obligated to ask the full name, place of birth, age, or date of birth, sex, nationality, address, religion, occupation, degree of family relationship, and employment relationship with the Reported Party.



Article 49

Witnesses shall take oath or shall pronounce a promise pursuant to their respective  
Witnesses ...  
religions or faiths and their depositions shall be heard in the hearings.

Article 50

- (1) Those whose depositions may not be heard as Witnesses as intended in Article 46 shall be among other things:
  - a. of the same blood or affinal family pursuant to a vertical or horizontal direct line of descent up to the third degree of the Reported Party;
  - b. the wife or husband of the Reported Party;
  - c. the ex-wife or ex-husband of the Reported Party;
  - d. a child not yet reached the age of 17 (seventeen);
  - e. an insance person; or
  - f. a person who has witnessed and heard the examination in the hearings.
- (2) If deemed necessary, the Commission Council may request the parties as intended in paragraph (1) sub-paragraphs a, b, c, and d to hear their depositions without oath or promise.

Article 51

- (1) If Witnesses, Experts, or Reported Parties do not understand Indonesian Language, the Commission Council may appoint a sworn Translator or approve a sworn Translator presented by the Reported Parties.
- (2) The sworn Translator as intended in paragraph (1) shall take an oath or pronounce a promise pursuant to his/her religion or faith.

Paragraph 2

Paragraph 2 ...

Expert Deposition

Article 52

- (1) Expert Deposition shall be the opinion of a person given under oath in a hearing with regard to the matter that he/she knows pursuant to his/her knowledge and experiences.
- (2) A person that may provide Expert deposition must meet the following requirements:
  - a. possessing a special skill; and
  - b. possessing experiences that are in line with his/her skill as set forth in a curriculum vitae document of the Expert.
- (3) A person whose deposition may not be heard as a Witness as intended in Article 50 paragraph (1) may not provide Expert deposition.

Article 53

- (1) The Commission Council at the request of the Prosecution Investigators or the Reported Party or ex officio may summon Experts properly as intended in Article 52 to be present in the hearings and to hear their depositions.
- (2) An Expert in the hearings must provide information either in writing or verbally strengthened in an oath or promise with regard to the true matters pursuant to his/her experiences and knowledge.

Paragraph 3

Paragraph 3 ...

Deposition and/or Additional Proof

Article 54

- (1) In the event that the examinations of all the witnesses and/or experts are completed already, the Commission Council shall ask the Prosecution Investigators, Reported Party or Reported Parties, or their Attorneys if they still have Witnesses, Experts, or other proofs to be presented.
- (2) In the event that there are no more Witnesses, Experts, and/or other proofs to be presented as intended in paragraph (1), the Chairman of the Commission Council shall declare the examinations of Witnesses, Experts, and/or the handover of other proofs completed.

Paragraph 4

Letters or Documents

Article 55

- (1) Letters or documents as instruments of proof shall consist of the following:
  - a. an authentic deed, namely a letter made by or before a public official who according to laws and regulations authorized to make the letter intended to be used as an instrument of proof with regard to an event or legal event as contained therein;
  - b. a privately drawn up deed, namely a letter made and signed by the relevant parties intended to be used as an instrument of proof with regard to an event or legal event as contained therein;  
b. a privately ...
  - c. a decision or stipulation issued by a competent Official;
  - d. data containing the activities of a Reported Party, among other things, production data, sales data, purchase data, and financial statement;
  - e. a written statement made and signed by an Expert;
  - f. electronic information and/or electronic document and/or the printout thereof;  
and/or
  - g. other letters or documents excluding those as intended in sub-paragraphs a, b, c, d, e, and f that are linked to a case.
- (2) Letters or documents submitted as instruments of proof constitute the copies of the original letters or documents legalized at a Post Office.
- (3) The Commission Council may declare the data as intended in paragraph (1) sub-paragraph d as confidential and not presented in the Hearings at the request of the Witness or Reported Party.

- (1) The Commission Council shall be assisted by a Clerk to conduct a verification with regard the authenticity of letters and/or documents in the Commission Council Hearings and witnessed by Prosecution Investigators and Reported Parties or their attorneys.
- (2) The verification as intended in paragraph (1) shall be commenced from the letters and/or documents submitted by Prosecution Investigators, furthermore, is followed by the letters and/or documents submitted by Reported Parties (2) The verification ...
- (3) Prosecution Investigators and/or Reported Parties or their attorneys may only record the essence of the letters and/or documents as intended in paragraph (2) with the permission of the Commission Council.
- (4) The Commission Council may verify the authenticity of the electronic information and/or electronic documents.

#### Paragraph 5

#### Indications

#### Article 57

- (1) Indications constitute acts, incidents or circumstances, which due to their similarity, either with one another, or with agreements and/or activities prohibited and/or the abuse of dominant position pursuant to the provisions of the Law, indicate that an agreement and/or activity prohibited and/or the abuse of dominant position has taken place and who the perpetrator is.

- (2) The indications as intended in paragraph (1) may be in the form of economic evidence and/or proof of communication the truth of which is believed by the Commission Council.
- (3) The economic evidence as intended in paragraph (2) constitutes the use of the arguments of the economics supported by quantitative and/or qualitative data analysis methods as well as Expert analysis results, all of which aimed at strengthening the alleged monopolistic practice and/or unfair business competition. strengthening ...
- (4) The proof of communication as intended in paragraph (2) constitutes the utilization of data and/or documents indicating the existence of an exchange of information between the parties alleged to commit a monopolistic practice and/or unfair business competition.

#### Paragraph 6

#### Business Actor Deposition

#### Article 58

- (1) Business Actor Deposition shall be the information conveyed by a business actor alleged to commit a violation of the Law in the hearings.
- (2) The business actor deposition as intended in paragraph (1) may be in the form of admission of a violation of the Law committed by him/her.
- (3) The admission as intended in paragraph (2) shall be irrevocable, except based on a strong reason and acceptable to the Commission Council.

Part Seven

Field Examination

Article 59

- (1) The Commission Council may conduct a field examination to verify the object of the case.  
(1) The Commission ...
- (2) The field examination as intended in paragraph (1) shall be conducted to make the depositions and/or proofs contained in the hearings clear.
- (3) The result of the field Examination shall be recorded in a Minutes of Field Examination signed by the Commission Council and the Clerk.

CHAPTER V

DECISION OF THE COMMISSION

Part One

Deliberation of the Commission Council

Article 60

- (1) The Commission Council shall conduct a deliberation in a closed-door manner to assess, analyze, sum up, and decide a case based on adequate instruments of proof with regard to whether a violation of the Law has taken place or not as disclosed in the hearings.

- (2) The Result of the Deliberation of the Commission Council as intended in paragraph (1) shall be set forth in a Decision of the Commission.
- (3) The Commission Council in conducting the deliberation as intended in paragraph (1) may be assisted by the Clerk.

#### Article 61

(1) In the event that ...

- (1) In the event that the Deliberation of the Commission Council as intended in Article 60 paragraph (1) does not reach a consensus, the Decision of the Commission shall be determined by a majority vote.
- (2) In the event that the Decision of the Commission is determined by a majority vote as intended in paragraph (1), the opinion of the Member of the Commission Council that dissents from the decision shall be stated in the Decision of the Commission.

#### Part Two

##### The Reading Out of the Decision of the Commission

#### Article 62

The Decision of the Commission as intended in Article 60 paragraph (2) and Article 61 paragraph (2) shall be read out in a Commission Council Hearing open to the public by no later than 30 (thirty) days as of the end of the Follow-up Examination.

#### Article 63



The Commission Council shall notify the Reported Parties of the time and venue for the reading out of the Decision of the Commission.

#### Article 64

- (1) A Decision of the Commission shall at least contain the following: <sup>(1)</sup> A Decision ...
- a. the identity of the Reported Party;
  - b. the alleged violation;
  - c. the consideration and assesement of the instruments of proof submitted and/or obtained during the hearings;
  - d. the analysis of the application of the articles in the law alleged to be violated by the Reported Party;
  - e. orders of the Decisions;
  - f. the day and date of the Decision making;
  - g. the day and date of the reading out of the Decision;
  - h. names of the Chairman and Members of the Commission Council making a decision; and
  - i. the name of the Clerk.
- (2) The Decision of the Commission shall be signed by the Commission Council and the Clerk.
- (3) The Decision of the Commission as intended in paragraph (1) shall be made as intended in Attachment VII.

## Execution of the Decision of the Commission

### Article 65

- (1) The Clerk shall convey the Excerpt and the Copy of the Decision of the Commission to the Reported Party by no later than 14 (fourteen) days following the reading out of the Decision of the Commission by the Commission Council.  
(1) The Clerk ...
- (2) In the event that the Reported Party refuses to accept the Excerpt and the Copy of the Decision of the Commission or his/her printed address is no longer known that the Excerpt and the Copy of the Decision of the Commission may not be handed over to the Reported Party, then the Clerk shall draw up a Minutes containing the remarks that the Reported Party refuses to accept the Excerpt and the Copy of the Decision of the Commission or his/her printed address is no longer known.
- (3) In the event that the Reported Party refuses to accept the Excerpt and the Copy of the Decision of the Commission or his/her printed address is no longer known as intended in paragraph (2), then the Decision of the Commission will be announced to the public through the website of the Commission.

### Article 66

In the event that the Commission assesses that the Reported Party does not execute the Decision of the Commission, the Commission may hand over the case to the Investigators to be processed criminally as intended in Article 48 of the Law.

Article 67

- (1) In the event that the Reported Party does not execute the Decision of the Commission or the Ruling of the District Court or the Ruling of the Supreme Court that has had a permanent legal force, then the Commission shall hand over the said Decision to the District Court to ask for its Execution Stipulation.<sup>Court ...</sup>
- (2) In the context of guaranteeing the effective implementation of the Decision, the Commission may take legal measures or other actions beyond the remedy as intended in paragraph (1) in accordance with the applicable laws and regulations.
- (3) The legal measures as intended in paragraph (2) may be in the form of the following:
  - a. civil seizure; and/or
  - b. collection through third parties.
- (4) The other actions as intended in paragraph (2) may be in the form of the following:
  - a. persuasive efforts;
  - b. written reprimand;
  - c. announcement in the print media and electronic media; and/or
  - d. inclusion in the black list of the business actors not executing Decision of the Commission.

CHAPTER VI

REMEDY IN THE FORM OF OBJECTION AND ADDITIONAL EXAMINATION

Article 68

- (1) The Reported Party may file a remedy in the form of objection to the Decision of the Commission by no later than 14 (fourteen) days as of the acceptance of the excerpt and the copy of the Decision of the Commission by the Business Actor and/or its announcement through the website of the Commission. excerpt ...
- (2) The objection as intended in paragraph (1) shall be lodged to the District Court at the legal domicile of the Business Actor.

Article 69

- (1) In the event that the Panel of Judges of the District Court assesses that it is necessary that an Additional Examination be conducted by the Commission, such order shall be set forth in an Interlocutory Decision.
- (2) The Interlocutory Decision as intended in paragraph (1) shall contain the matters that must be examined along with clear reasons and the period of the Additional Examination needed.

Article 70

- (1) The Additional Examination as intended in Article 69 paragraph (1) shall be conducted by the Commission Council that decided the Decision of the Commission against which an objection is lodged by the Reported Party.

- (2) The Commission Council shall be assisted by the Clerk in conducting the Additional Examination against the matters as contained in the Interlocutory Decision as intended in Article 69 paragraph (2).
- (3) The Additional Examination shall be conducted in an Examination room at the Head Office of the Commission or at the Regional Representative Office of the Commission or at other places as determined by the Commission Council.

Article 71

Article 71 ...

- (1) The Result of the Additional Examination as intended in Article 70 paragraph (2) shall be recorded in a Minutes of Additional Examination signed by the examined Party, the Commission Council, and the Clerk.
- (2) The Commission Council through the Clerk shall order the working unit handling litigations to convey the result of the Additional Examination to the Panel of Judges of the District Court that handles objection cases.

CHAPTER VII

MISCELLANEOUS PROVISIONS

Article 72

The Chairman of the Commission shall have the duty to facilitate the entire case handling activities on the basis of the principles of effectiveness and transparency.

Article 73

- (1) The Chairman of the Commission shall stipulate the establishment of a Commission Council in a Decision of the Commission.
- (2) The composition of the members of the Commission Council as intended in paragraph (1) shall be elected based on a consensus in the Commission Meeting.
- (3) The Members of the Commission appointed as the Commission Council shall be equipped with a letter of assigning signed by the Chairman of the Commission.
- (4) In the event that a Member of the Commission Council is unavoidably absent, the Chairman of the Commission may assign a Member of the Commission to replace the said unavoidably absent Member of the Commission Council.

#### Article 74

In the event that the Chairman of the Commission is unavoidably absent, the performance of the duty as intended in Article 72 shall be carried out by the Vice Chairman of the Commission.

#### Article 75

- (1) For defense purposes, the Reported Party shall be entitled to obtain legal assistance from one or more Advocates during and at any examination level pursuant to the procedures as provided for herein.

- (2) The Advocates providing legal assistance as intended in paragraph (1) shall be obligated to present the original Advocate membership card to the Commission Council.
- (3) The legal assistance may also be provided by the internal attorney of the Reported Party.
- (4) The internal attorney of the Reported Party as intended in paragraph (3) shall be obligated to present his/her incidental power of attorney to the Commission Council.
- (5) The incidental power of attorney as intended in paragraph (2) shall be issued by the Chairman of the Commission at the request of the attorney of the Reported Party.

## CHAPTER VIII

### TRANSITIONAL PROVISIONS

#### Article 76

The handling of cases that is still or is taking place and has yet to obtain a Decision up to the coming into effect of this regulation shall still be based on Regulation of the Commission for the Supervision of Business Competition Number 1 Year 2010 regarding Procedures for Handling Cases.

## BAB IX

### CLOSING PROVISIONS

Article 77

At the time this Commission Regulation comes into force, Regulation of the Commission for the Supervision of Business Competition Number 1 Year 2010 regarding Procedures for Handling Cases shall be revoked and shall be declared invalid.

Article 78

This Commission Regulation shall come into effect on its stipulation date. This Commission ...

For public cognizance, hereby ordering the promulgation of this Commission Regulation by placing it in the Official Gazette of the Republic of Indonesia.

Stipulated in Jakarta

On February 4, 2019

COMMISSION FOR THE SUPERVISION OF  
BUSINESS COMPETITION

CHAIRMAN,

Sgd.

KURNIA TOHA



