



**REGULATION OF THE COMMISSION  
FOR THE SUPERVISION OF BUSINESS COMPETITION  
NUMBER 1 YEAR 2010**

**CONCERNING**

**PROCEDURE FOR CASE HANDLING**

**BY THE MERCY OF THE GOD THE ALMIGHTY**

**THE COMMISSION FOR THE SUPERVISION OF BUSINESS COMPETITION,**

Considering : a. whereas, in the framework of adjusting with the current developments and improving the quality and transparency of case handling, it is necessary to update the procedure for the case handling at the Commission, with due observance to the decision adopted at the Commission's Meeting held on November 18, 2009;

b. whereas, on the basis of the premises as contemplated in point a above, it is necessary to enact the Regulation of the Commission on Procedure for Case 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 State Gazette of the Republic of Indonesia Number Tambahan

3817);

2. Presidential Decree Number 75 Year 1999 on Commission for the Supervision of Business Competition, as already amended by Presidential Decree Number 80 Year 2008;
3. Presidential Decree Number 59/P Year 2006 on Appointment and Discharging of Members of the Commission for the Supervision of Business Competition;
4. Decision of the Commission for the Supervision of Business Competition Number 04/KPPU/KEP/I/2010 on Organization and Work Procedure of Secretariat of the Commission for the Supervision of Business Competition of the Republic of Indonesia;

**HAS DECIDED:**

TO ENACT : REGULATION OF THE COMMISSION FOR THE SUPERVISION OF BUSINESS COMPETITION ON PROCEDURE FOR CASE HANDLING.

**PART ONE**  
**GENERAL PROVISIONS**

**CHAPTER I**  
**GENERAL PROVISIONS**

**Article 1**

In this Regulation:

1. The Commission's Meeting shall be the highest decision-making means attended by the Chairman of the Commission and all Commissioners.
2. Examination shall be a series of activities carried out by the Investigators and/or Commission Council assisted by the Clerk in examining and inquiring the Reporting Party, Reported Party, Business Actor, other related parties, Witnesses and Government.
3. Investigation shall be a series of activities conducted by a work unit in charge of monitoring of Business Actor in order to obtain the preliminary evidence of an initiative case.
4. Clarification shall be a series of activities conducted by a work unit in charge of handling a report in order to obtain the preliminary evidence of a reported case.
5. Business Actor Monitoring shall be a series of activities conducted by a work unit in charge of monitoring of Business Actor in order to obtain data, information and evidence on whether or not there exists the alleged unfair business competition or monopolistic practices by Business Actor or as an effort to prevent the same violation from occurring.
6. Investigation shall be a series of activities conducted by Investigator in order to obtain sufficient evidence as required to produce the Clarification, Review, Research and Monitoring Reports.
7. Filing shall be a series of activities conducted by a work unit in charge of filing and case handling in order to review the

Investigation Report in order to prepare the Report on the Alleged Violation for further Presentation.

8. Preliminary Examination shall be a series of activities conducted by the Commission Council related to the report on an alleged violation to decide whether or not an Advanced Examination is necessary.
9. Advanced Examination shall be a series of activities conducted by the Commission Council related to the existence of an alleged violation to decide whether or not there is any evidence of a violation.
10. Commission Decision shall be the assessment of the Commission Council pronounced in the hearing open for public to conclude whether or not a violation has occurred as well as any sanction to be imposed in the form of administrative measures as set forth in the Law.
11. Business Actor shall be any individual or business entity, either incorporated or unincorporated, which is established and domiciled at or conducts activities within the jurisdiction of the Republic of Indonesia, either jointly or severally through an agreement, and engages in business activities in an economic field.
12. Reporting Party shall be any individual submitting the report to Commission informing that a violation has or is reasonably alleged to have occurred, either along with compensation request or not.
13. Reported Party shall be the Business Actor and/or other parties being alleged to have committed a violation.
14. Witness shall be any individual or party having knowledge of a violation and providing information for the purpose of examination.
15. Expert shall be an individual possessing expertise in the field related to alleged violations and providing opinions for the purpose of examination.
16. Expert Statement shall be information provided by the Expert

after taking an oath in a hearing regarding knowledge he has based on his experiences and expertise.

17. Advocate shall be an individual whose profession is to provide legal services, either inside or outside the court of law, who meets the requirements as contemplated in Law Number 18 Year 2003 on Advocate.
18. Review shall be the activities carried out by a work unit in order to analyze certain industrial sector related to the public interest and national efficiency in order to improve the people's welfare.
19. Minutes shall be official deed containing the statements regarding case handling activities.
20. Report Presentation shall be an explanation on the Draft Report containing Alleged Violation delivered by the work unit in charge of filing and case handling in a Commission Meeting.
21. Commission Council Hearing shall be a series of activities conducted by the Commission Council in a hearing open for public, consisting of Preliminary Examination and Advanced Examination to assess whether or not the evidence of violation is available in order to conclude and decide whether or not a violation has occurred and for the imposition of administrative sanction as provided for by the Law.
22. Investigator shall be the employee of the Commission Secretariat assigned by the Commission to conduct the investigation or pronounce the Report on Alleged Violation at the Preliminary Examination, present the evidence and deliver the conclusion at the Advanced Examination.
23. Clerk shall be the employee of the Secretariat of the Commission who is in charge to draw up the Minutes of Hearing and assist the Commission Council in the proceed of the hearing, formulation of the Report of the Preliminary Examination and the Commission Decision.
24. Investigator shall be the Officer from the Indonesian National

Police or certain Officer from the Civil Servant who have been given special authorities by the Law in relation to the implementation of the investigation.

25. Commission for the Supervision of Business Competition hereinafter referred to as the Commission shall be the Commission established by virtue of the Presidential Decree Number 75 Year 1999 on Commission for the Supervision of Business Competition as already amended by The Presidential Decree Number 80 Year 2008.
26. Days shall be the working days, i.e. Monday to Friday, except national holidays.
27. Law shall be the Law Number 5 Year 1999 on Prohibition of Monopolistic Practices and Unfair Business Competition.

## **CHAPTER II**

### **SCOPE**

#### **Article 2**

- (1) This Commission Regulation covers the handling of the cases based on
  - a. report of the Reporting Party;
  - b. report of the Reporting Party with compensation request;
  - c. initiative of the Commission.
- (2) The handling of the case based on the Report of the Reporting Party consists of the following phases:
  - a. Report;
  - b. Clarification;
  - c. Investigation;
  - d. Filing;
  - e. Commission Council Hearing; and
  - f. Commission's Decision.
- (3) The handling of the case based on the Report of the Reporting Party along with the compensation request consists of the following phases:
  - a. Report;
  - b. Clarification
  - c. Commission Council Hearing; and
  - d. Decision of the Commission Council.
- (4) The handling of the case based on the Initiative of the Commission consists of the following phases:
  - a. Review;
  - b. Research;
  - c. Monitoring of Business Actor;
  - d. Investigation;
  - e. Filing;
  - f. Commission Council Hearing; and
  - g. Commission Decision.

**PART TWO**  
**TASKS AND AUTHORITIES**

**CHAPTER I**  
**CHAIRMAN OF THE COMMISSION**

**Article 3**

- (1) The Chairman of the Commission has the tasks to facilitate all case handling activities with due observance of the principles of effectiveness and transparency.
- (2) In performing the tasks as contemplated in paragraph (1), the Chairman of the Commission has the authorities:
  - a. to decide the Preliminary Examination;
  - b. to decide whether or not the Advanced Examination is needed;
  - c. to decide the status of the Reported Party, agreements entered into by and/or activities conducted by the Reported Party which have allegedly violated the provisions of the laws and regulations and/or
  - d. to establish the Commission Council.
- (3) The authorities as contemplated in paragraph (2) shall be stipulated by virtue of the Decision of the Commission with prior consent of the Commission Meeting.

**CHAPTER II**  
**VICE CHAIRMAN OF THE COMMISSION**

**Article 4**

- (1) In the event that the Chairman of the Commission is prevented, the tasks and authorities of the Chairman of the Commission as contemplated in Article 3 shall be done by the Vice Chairman of the Commission.
- (2) In performing the tasks and authorities as contemplated in paragraph (1), the Vice Chairman of the Commission is

authorized to take any measures in accordance with the authorities of the Chairman of the Commission.

### **CHAPTER III COMMISSION COUNCIL**

#### **Article 5**

- (1) The membership of the Commission Council shall be determined by virtue of the Decision of the Commission.
- (2) Commission Council has the following tasks:
  - a. to carry out the Preliminary Examination;
  - b. to carry out the Advanced Examination;
  - c. to assess, conclude and decide whether a violation has occurred or not;
  - d. to impose a sanction;
  - e. to pronounce the Decision of the Commission.
- (3) In performing the tasks as contemplated in paragraph (1), the Commission Council has the authorities as follows:
  - a. to carry out the Preliminary Examination and Advanced Examination;
  - b. to request information from government institutions;
  - c. to investigate and/or assess letters, documents, or evidences in the Report of Alleged Violation;
  - d. to obtain letters, documents and other evidences;
  - e. to ask assistance from the Investigator to present the Reported Party Witness, Expert and any individual considered to have knowledge on the violation who refuse to answer the summons to provide information and/or data.
  - f. to give opportunities to the Reported Party to present his defense in relation to the alleged violation;
  - g. to review and assess all results of the Examination;
  - h. to determine the time for the Council Hearing for the Examination and pronouncing the Commission Decision

- ;
- i. to sign the Commission Decision;
  - j. to give recommendation to the Chairman of the Commission on providing suggestions and considerations to the Government;
  - k. to impose administrative sanctions in accordance with the provisions of the Law.

### **PART THREE**

#### **RIGHTS AND AUTHORITIES OF THE EXAMINED PARTY**

##### **CHAPTER I**

#### **RIGHTS AND OBLIGATIONS OF THE REPORTING PARTY AND REPORTED PARTY**

##### **Part One**

##### **Reporting Party**

##### **Article 6**

- (1) In each Examination, the Reporting Party shall be obliged:
  - a. to appear in person in order to answer each summons in the Clarification and Investigation phases;
  - b. to provide information in relation to the alleged violation in the Clarification and Investigation phases;
  - c. to deliver letters and/or documents to the Investigator in the Clarification and Investigation phases;
  - d. to inform any change of address to the Commission;
  - d. to sign the Minutes of Examination.
- (2) In each Examination, the Reporting Party shall be entitled:
  - a. to obtain a notification on decision for the implementation of the Preliminary Examination;
  - b. to obtain a notification on decision whether or not the case is continued to the Advanced Examination;

- c. to get the copy of the Commission Decision;
- d. to have his identities kept confidential;
- e. to be accompanied by Advocate during the Clarification and Investigation.

#### **Article 7**

- (1) In each Examination, the Reporting Party as contemplated in Article 11 paragraph (4) shall be obliged:
  - a. to appear in person in order to answer each summons;
  - b. to provide information related to the alleged violation;
  - c. to deliver letters and/or documents to the Commission Council;
  - d. to inform any change of address to the Commission;
  - d. to sign the Minutes of Examination.
- (2) In each Examination, the Reporting Party as contemplated in Article 11 paragraph (4) shall be entitled:
  - a. to obtain a notification on decision for the implementation of the Preliminary Examination;
  - b. to obtain a notification on decision whether or not the case is continued to the Advanced Examination;
  - c. to present evidences, including Witness and/or Expert;
  - d. to deliver Report on Alleged Violation along with the calculation of suffered losses in the Preliminary Examination;
  - e. to examine the evidences before coming to a conclusion;
  - f. to make conclusion to be delivered to the Commission Council prior to a Decision;
  - g. to get the copy of the Commission Decision;
  - h. to be accompanied by Advocate in each Examination phase.

**Second Part**  
**Reported Party**

**Article 8**

- (1) In each Examination, the Reported Party shall be obliged:
  - a. to appear in person in order to answer each summons;
  - b. to provide information related to the alleged violation;
  - c. to deliver letters and/or documents to the Commission Council;
  - d. to inform any change of address to the Commission;
  - d. to sign the Minutes of Examination.
- (2) In each Examination, the Reported Party shall be entitled:
  - a. to get report on Report of Alleged Violation;
  - b. to obtain a notification on decision for the implementation of the Preliminary Examination;
  - c. to get notification on decision of the status of the Reported Party, agreements and/or activities and the provisions of the Law which have been allegedly violated by the Reported Party;
  - c. to obtain a notification on decision whether or not the case is continued to the Advanced Examination;
  - e. to present evidences, including Witness and/or Expert;
  - f. to examine the evidences before coming to a conclusion;
  - g. to deliver response or defense on the alleged violation;
  - h. to make conclusion to be delivered to the Commission Council prior to a Decision;
  - i. to get the copy of the Commission Decision;
  - j. to be accompanied by Advocate in the Clarification and Examination phases and Council Hearing.

**CHAPTER II**  
**OBLIGATIONS OF THE WITNESS AND EXPERTS**

**Article 9**

- (1) In each Examination, Witness and Expert shall be obliged to:
- a. to appear in person in order to answer each summons from the Commission Council;
  - b. to provide information before the Commission Council related to the alleged violation;
  - c. to deliver letters and/or documents to the Commission Council;
  - d. to take an oath in accordance with his respective religion and belief;
  - e. to sign the Minutes of Examination.
- (2) Witness as contemplated in (1) may have his identities kept confidential.

**CHAPTER III**  
**OBLIGATIONS OF GOVERNMENT INSTITUTIONS**

**Article 10**

In each Examination, the Government Institutions are obliged to:

- a. to provide information related to the investigation and/or examination against Business Actor who has violated the provisions of the Law;
- b. to deliver letters and/or documents requested;
- c. to sign the Minutes of Statement.

**PART FOUR**  
**REPORTS**

**CHAPTER I**  
**SUBMISSION OF REPORTS**

**Article 11**

- (1) Any individual who has knowledge that a violation of the Law has or is reasonably alleged to have occurred may submit a report to the Commission.
- (2) The report as contemplated in paragraph (1) shall be addressed to the Chairman of the Commission and made in good and correct Indonesian Language.
- (3) The report as contemplated in paragraph (2) shall be made in writing and at least bear as follows:
  - a. Complete identities of the Reporting Party, Reported Party and Witness;
  - b. Clear and complete description on the violation of the Law which has or is reasonably alleged to have occurred;
  - c. Evidences of the alleged violation;
  - d. Copy of the identities of the Reporting Party; and
  - e. Signing of the Report.
- (4) Specifically for the report submitted by a Reporting Party who asks for compensation, shall also contain the value and evidence on the suffered losses, in addition to the requirements as contemplated in paragraph (3) above.
- (5) The report as contemplated in paragraph (3) can be submitted through the Commission's Regional Representative Offices at the local areas.
- (6) The identities of the Reporting Party as contemplated in paragraph (1) shall be kept confidential by the Commission.
- (7) The report as contemplated in paragraph (3) shall not be withdrawn by the Reporting Party.

**CHAPTER II**  
**CLARIFICATION**

**Article 12**

- (1) The work unit which is in charge of report handling shall clarify the report as contemplated in Article 11.
- (2) The clarification of the report as contemplated in paragraph (1) shall be done:
  - a. to examine the administrative completeness of the report;
  - b. to clarify the address of the Reporting Party;
  - c. to clarify the identities of the Reported Party;
  - d. to clarify the address of the Witness;
  - e. to crosscheck the accord of the alleged violation of the Law with the Article which may be violated with the evidence submitted by the Reporting Party; and
  - f. to assess the absolute competency of the report.
- (3) The result of Clarification as contemplated in paragraph (1) shall at least state:
  - a. that the report constitutes the absolute competency of the Commission;
  - b. that the report has been administratively complete;
  - c. the alleged violation of the Law with the Article violated; and
  - d. whether to discontinue the report handling process or recommend the direct superior for an investigation.
- (4) The discontinuing of the report handling process as contemplated in paragraph (3) point d shall be done by the work unit which handles the case if such report does not meet one of the requirements as contemplated in paragraph (2).
- (5) The results of clarification as contemplated in paragraph (3) shall be used to find out the preliminary evidence as ground for Investigation.
- (6) The Head of the Secretariat of the Commission shall notify the

Reporting Party of the results of the clarification.

### **Article 13**

The results of the clarification on the report with compensation for the suffered loss as contemplated in Article 11 paragraph (4) shall be reported by the work unit which handles the case to the Commission in a Commission Meeting for approval to be made in the Report of Alleged Violation in the Preliminary Examination.

## **CHAPTER III PERIOD OF CLARIFICATION**

### **Article 14**

- (1) In the event that the Report has not complied with the provisions as contemplated in Article 11 paragraph (2), the concerned work unit shall notify and return the report to the Reporting Party not later than ten (10) days after the receipt of the report.
- (2) The Reporting Party shall complete the report which has not complied with the provisions as contemplated in Article 11 paragraph (2) not later than ten (10) days since the date of the return of the report.
- (3) If the Reporting Party does not complete the report within the period specified in paragraph (2), such report shall be declared in complete and the handling thereof shall be suspended.
- (4) If the Reporting Party does not complete its report within a period of ten (10) days as contemplated in (2), the Reporting Party can submit new report if new and complete evidence is found.

**PART FIVE**  
**INITIATIVE CASE**

**CHAPTER I**  
**DATA OR INFORMATION SOURCE**

**Article 15**

- (1) The Commission may handle the case based on the data or information, without any report, on any alleged violation of the Law.
- (2) The data or information as contemplated in paragraph (1) can at least derive from:
  - a. Results of Review;
  - b. News in the media;
  - c. Results of Monitoring;
  - d. Incomplete Report;
  - e. Hearing conducted by the Commission;
  - f. Findings in the Examination; or
  - g. Other reliable sources.

**CHAPTER II**  
**COMMISSION'S REVIEW**

**Part One**  
**Criteria**

**Article 16**

- (1) The Commission conducts a review on industrial sector which shall at least meet the following criteria:
  - a. industries which control the public interest;
  - b. strategic industries which are vital to the country;
  - c. industries with high concentration; and/or
  - d. national or regional main industries.

- (2) The Commission selects and decides list of industries to be reviewed based on the proposal of the work unit which handles the review.
- (3) The review of the industrial sector shall be done by the Review Team as determined by the Chairman of the Commission.

## **Part Two Review Activities**

### **Article 17**

The review of industrial sector shall include at least the following activities :

- a. Collecting data and information with phases:
  1. conducting literature study;
  2. inviting stakeholders;
  3. conducting field research; and/or
  4. conducting focus group discussion (FGD).
- b. Processing data and information which has been obtained
- c. Analyzing the industries and policies;
- d. Identifying the possible and alleged violation of the law; and
- e. Prepare the results of the Review.

## **Part Three Review Results**

### **Article 18**

- (1) The Review Team shall deliver the Report on Industrial Review to the Commission in the Commission Hearing.
- (2) The Review Report shall at least contain:
  - a. industrial structure;
  - b. industrial performance;

- c. industrial policies;
  - d. possible or alleged violation of the Law;
  - e. recommendation.
- (3) The recommendation as contemplated in paragraph (2) point e shall at least contain:
- a. suggestions and considerations to the government to rearrange or change the policies; and/or
  - b. continuation to the Investigation phase.

#### **Article 19**

The Report of Industrial Review can be upgraded to the Investigation phase if it meets at least the following criteria:

- a. there is an alleged violation of the Law and the violated article; and/or
- b. there is an alleged decreasing performance of industry and market or potential losses to consumers.

#### **Article 20**

The Commission decides the follow-up action to the Review Report as contemplated in Article 18 paragraph (3) by giving suggestions and considerations to the government and/or continue to the Investigation phase.

### **CHAPTER II RESEARCH**

#### **Article 21**

- (1) The work unit which handles the monitoring of Business Actor conducts a research in order to obtain preliminary evidence on alleged violation committed by Business Actor.
- (2) In order to obtain preliminary evidence on the alleged violation, the work unit which monitors Business Actor shall conduct at least activities as follows

- a. collecting data from Business Actor, government and other related parties;
- b. conducting market survey;
- c. conduct local survey; and/or
- d. receive carbon copies of letters and/or information related to the alleged violation of the Law.

## **Article 22**

- (1) The work unit which monitors Business Actor shall prepare and present the Research Report in the Commission Meeting/Coordination Meeting.
- (2) The Research Report as contemplated in paragraph (1) shall at least contain as follows:
  - a. identities of Business Actor;
  - b. market structure;
  - c. possible or alleged violation of the Law;
  - d. possible decreasing of industry or market performance;
  - e. recommendation on whether the research is continued to the Monitoring or Investigation Phase.
- (3) The Commission shall determine the follow-up action of the monitoring of Business Actor based on the Research Report as contemplated in paragraph (2) if the following minimum criteria are met:
  - a. One (1) Business Actor or a group of Business Actor controls over more than fifty (50) percent of the market share;
  - b. Two (2) or three (3) Business Actors or a group of Business Actor; control over more than seventy-five 75%; and/or
  - c. there is a potential violation of the Law.
- (4) The Commission decides the follow-up action to the Research based on the Research Report if the following minimum criteria are met:
  - a. there is an alleged behavior which violates the Law;

and/or

- b. there is alleged decreasing performance of the industry or market.

### **Article 23**

The Commission may conduct a hearing with Business Actor based on Research Report and at the request of the work unit which monitors Business Actor, if deemed necessary

### **Article 24**

- (1) The decision as contemplated in Article 22 paragraph (3) shall be entered into the List of Business Actor in Monitoring.
- (2) The decision of the Commission as contemplated in Article 22 paragraph (3) and paragraph (4) shall be notified to Business Actor.

### **Article 25**

- (1) The work unit which monitors Business Actor will conduct the Research within the period as required.
- (2) The Research will be ended if the Commission decides to:
  - a. follow up the Research with Monitoring; or
  - b. follow up the Research with Investigation.

**PART SIX  
MONITORING**

**CHAPTER I  
FORM OF MONITORING**

**Article 26**

- (1) The Commission shall monitor Business Actor who is listed in the Business Actor in Monitoring.
- (2) The monitoring of Business Actor shall be implemented in the following methods:
  - a. monitoring of price and supply;
  - b. interview;
  - c. meeting with concerned Business Actor;
  - d. periodic report from Business Actor every six (6) months;
  - e. requesting information from competitor of the Business Actor; and/or
  - f. requesting information from the Government.
- (3) Meeting with Business Actor for evaluation of the monitoring data and information shall be held not later than every six (6) months.
- (4) The meeting as contemplated in paragraph (3) shall be at least attended by one (1) Commissioner as appointed by the Chairman of the Commission.

**CHAPTER II**  
**RESULTS OF MONITORING**

**Article 27**

- (1) The work unit which handles the monitoring of business actor shall prepare the Monitoring Report to be presented to the Commission in the Commission Meeting.
- (2) Monitoring Report shall at least contain as follows:
  - a. identities of Business Actor;
  - b. market structure development;
  - c. possibility of alleged monopolistic practice and/or unfair business competition;
  - d. measures taken to anticipate Business Actor on possible occurrence of monopolistic practice and/or unfair business competition;
  - e. recommendation on whether or not to continue the monitoring and/or award of appreciation or commencement of Investigation; and/or
  - f. recommendation on giving of the award as well.
- (3) The work unit in charge of monitoring of Business Actor shall present the Monitoring Report to the Commission in the Commission Meeting.

**Article 28**

- (1) The Commission decides the follow-up action to the recommendation stated in the Monitoring Report.
- (2) The Commission can grant an award to Business Actor if within a period of minimum three (3) years consecutively such Business Actor does not violate the Law, as stipulated by the Commission Decision.
- (3) The granting of the award as contemplated in paragraph (3) shall be further stipulated in the Commission Regulation.

**PART SEVEN  
EXAMINATION**

**CHAPTER I  
INVESTIGATION**

**Part One  
Method of Investigation**

**Article 29**

The work unit which handles the investigation shall appoint investigator to investigate:

- a. Results of clarification as contemplated in Article 12 paragraph (5);
- b. Review Report as contemplated in Article 18;
- c. Research Report as contemplated in Article 22 paragraph (4);  
or
- d. Monitoring Report as contemplated in Article 27 paragraph (3).

**Article 30**

- (1) The report with the suffered losses as contemplated in Article 11 paragraph (4) shall not be investigated.
- (2) The report with the suffered losses as contemplated in Article 11 paragraph (4) shall be followed up with Preliminary Examination upon the receipt of the approval from the Commission Meeting.

**Article 31**

- (1) Investigator who conducts the investigation in order to obtain sufficient, clear and complete evidence on the alleged violation to the following
  - a. the report as contemplated in Article 11;
  - b. Review Report as contemplated in Article 18;
  - c. Research Report as contemplated in Article 22

- paragraph (4); or
- d. Monitoring Report as contemplated in Article 27 paragraph (3).
- (2) The Investigator in conducting the Investigation shall take at least the following measures:
- a. to summon and inquire the Reporting Party, Reported Party, Business Actor and other related parties;
  - b. to summon and inquire the Witness;
  - c. to ask for the opinions of Expert Witness Ahli;
  - d. to obtain letters or documents;
  - e. to conduct On-spot Examination; and/or
  - f. analyze the information, letters, and/or documents and results of On-spot Examination.
- (3) The Investigator shall prepare and sign the Minutes of Investigation as contemplated in paragraph (2).
- (4) The Investigator shall establish coordination with the Work Unit which is in charge of the investigation in conducting the Investigation as contemplated in Article 29.

### **Article 32**

- (1) The Reporting Party and Reported Party shall meet the summon extended by the Work Unit in charge of the investigation in conjunction with the implementation of the Investigation.
- (2) The Reporting Party and Reported Party shall deliver to the Investigator all letters and/or documents as required in the Investigation.
- (3) The Reported Party and Reported Party shall sign the Minutes of Investigation.

### **Article 33**

- (1) Business Actor and other related parties shall meet the summon extended by the Work Unit in charge of the

investigation in conjunction with the implementation of the Investigation.

- (2) The Business Actor and other related parties shall deliver to the Investigator all letters and/or documents as required in the Investigation.
- (3) The Business Actor and other related parties shall sign the Minutes of Investigation.

#### **Article 34**

- (1) Witness and Expert shall meet the summon extended by the Work Unit in charge of the investigation in conjunction with the implementation of the Investigation
- (2) The Witness and Expert shall sign the Minutes of Investigation.

#### **Article 35**

- (1) In the event that the Reporting Party, Reported Party, Business Actor, other related parties, Witness, Expert or any individual are not willing to meet such summon, the Commission can ask the assistance of the Investigator to present the Reported Party.
- (2) In the event that the Reporting Party, Reported Party, Business Actor, other related parties, Witness, Expert or any individual are not willing to submit the letters and/or documents, then Commission will cooperate with Investigator from the Indonesian National Police to search and/or seize such letters and/or documents.
- (3) In the event that the Reporting Party, Reported Party, Business Actor, other related parties, Witness, Expert or any individual are not willing to provide the information required in the Investigation or hinder the investigation process, the Commission may deliver the case to the Investigator for the investigation in accordance with the applicable laws and

regulations.

- (4) In the event that the Reporting Party, Reported Party, Business Actor, other related parties, Witness, Expert or any individual are not willing to be present and/or to submit the letters and/or documents and/or provide information required in the investigation or hinders the investigation process shall be subject to the action as contemplated in Article 48 paragraph (3) of Law.

## **Part Two Summon Letter**

### **Article 36**

The Summon Letter shall at least contain as follows:

- a. name of the summoning person;
- b. date of the summon;
- c. clear name of the summoned person;
- d. complete address of the summoned person;
- e. status of the summoned person;
- f. reasons of the summon;
- g. place of hearing;
- h. date of hearing; and
- i. time of hearing.

## **Part Three Results of Investigation**

### **Article 37**

- (1) The work unit which is in charge of the investigation will assess the clarity and completeness of the alleged violation as contemplated in Article 29.
- (2) The assessment will be made by the work unit in the form of Investigation Report.

- (3) The Investigation Report as contemplated in paragraph (1) shall at least contain:
  - a. Identities of Business Actor which has allegedly committed the violation;
  - b. provisions of the Law which has been allegedly violated;
  - c. at least two (2) evidences.
- (4) The Investigation Report which has met the requirements as contemplated in paragraph (3) shall be submitted to the work unit in charge of Filing and Case Handling.
- (5) The Investigation Report which does not meet the requirements as contemplated in paragraph (3) shall be entered into the Investigation Discontinuation List.

#### **Article 38**

- (1) The work unit in charge of investigation shall report the progress of investigation to the Commission not later than sixty (60) days as from the investigation is commenced.
- (2) The Commission may discontinue the Investigation or extend the Investigation period as contemplated in paragraph (1).

### **CHAPTER II**

#### **FILING**

##### **Part One**

#### **Assessment of the Investigation Report**

#### **Article 39**

- (1) The work unit which is in charge of Filing and Case Handling shall assess whether or not the Investigation Report is feasible to be followed up with Report Presentation.
- (2) The Investigation Report which is considered feasible to be followed up with Report Presentation shall be made into Draft Report on Alleged Violation.

- (3) The Investigation Report which is considered not feasible to be followed up with Report Presentation shall be returned to the work unit in charge of investigation for revision along with the reasons and suggestion for revision.
- (4) The Draft Report on Alleged Violation as contemplated in paragraph (2) shall at least contain:
  - a. identities of Reported Party who has allegedly committed violation;
  - b. identities of Witness and/or Expert and other related parties;
  - c. provisions of the Law which have been allegedly violated;
  - d. at least two (2) evidences; and
  - e. recommendation on whether or not Preliminary Examination is required.

## **Part Two**

### **Stipulation of Report on Alleged Violation**

#### **Article 40**

- (1) The work unit which is in charge of Filing and Case Handling shall present the Draft Report on Alleged Violation in the Commission Meeting for Report Presentation.
- (2) The Commission Meeting as contemplated in paragraph (1) will revise or approve the Draft Report on Alleged Violation to be made as Report on Alleged Violation.
- (3) Based on the Report on Alleged Violation as contemplated in paragraph (2), the Chairman of the Commission will determine the Preliminary Examination.
- (4) The decision on Preliminary Examination as contemplated in paragraph (3) shall be delivered to the Reporting Party and Reported Party.

**Part Three**  
**Period of Filing**

**Article 41**

- (1) If the Investigation Report is considered incomplete and unclear, the Report shall be returned for a revision not later than fourteen (14) days as from the receipt of the report by the work unit in charge of Filing and Case Handling not.
- (2) If within a period of fourteen (14) days, the Investigation Report is not returned, the Report shall be declared complete and clear.
- (3) Report Presentation shall be held not later than seven (7) days as from the date of the Investigation Report which is declared complete and clear.

**CHAPTER III**  
**COMMISSION COUNCIL HEARING**

**Part One**  
**Commission Council**

**Article 42**

- (1) Based on the Decision made in the Preliminary Examination, the Chairman of the Commission decides the establishment of the Commission Council by virtue of the Commission Decision.
- (2) The Commission Council as contemplated in paragraph (1) shall consist of at least three (3) Commissioners, one of whom shall become the Chairman of the Commission Council.
- (3) In performing its tasks and obligations, the Commission Council shall be assisted by the Clerk.
- (4) The Chairman of the Commission assigns the Clerk which will assist the Commission Council by virtue of an assignment letter.

**Part Two**  
**Council Hearing**

**Paragraf 1**  
**Examination**

**Article 43**

- (1) The Chairman of the Council opens the Commission Council Hearing and declares that the Commission Council Hearing is open for public.
- (2) In order to obtain facts in the hearing, the Commission Council will:
  - a. examine and inquire the Reported Party;
  - b. examine and inquire the Reporting Party as contemplated in Article 11 paragraph (4);
  - c. examine and inquire the Witness;
  - d. ask opinions of the Expert;
  - e. inquire information and minutes from government institutions;
  - f. ask, obtain and assess letters, documents and other documents;
  - g. conduct On-spot Examination on activities of the Reported Party or other related parties in connection with the alleged violation.
- (3) The Commission Council Hearing as contemplated in (1) will be held in two (2) phases, namely :
  - a. Preliminary Examination; and
  - b. Advanced Examination.
- (4) The Reported Party or Reporting Party as contemplated in Article 11 paragraph (4) can ask the Chairman of the Commission Council to state that Commission Council Hearing is closed for public in the event that the Reported Party or Reporting Party as contemplated in Article 11 paragraph (4) will present documents categorized as

confidential in accordance with the applicable laws and regulations.

- (5) The results of examination as contemplated in paragraph (2) shall be entered into a Minutes of the Commission Council Hearing signed by the Commission Council and Clerk.

## **Paragraf 2**

### **Place of Commission Council Hearing and On-spot Examination**

## **Article 44**

- (1) The Commission Council Hearing as contemplated in Article 40 paragraph (3) shall be held at the Examination Room at the Commission's Head Office or Regional Representative Offices or other places as determined by the Commission Council, in the presence of at least one (1) member of the Commission Council.
- (2) The other places shall be determined by the Commission Council on the consent of the Chairman of the Commission.
- (3) If deemed necessary, the Commission Council may conduct the on-spot Examination.
- (4) The on-spot examination is conducted at the location at which the information and/or evidence related to the alleged violation is found.
- (5) The results of the on-spot examination shall be made into a Minutes of On-Spot Examination and signed by the Commission Council and Clerk.

**Part Two**  
**Preliminary Examination**

**Paragraf 1**  
**Ordinary Examination**

**Article 45**

- (1) The Commission Council shall determine the schedule of the Preliminary Examination.
- (2) The Commission Council shall summon the Reported Party to be present in the Preliminary Examination by delivering duly summon letter.
- (3) The Investigator shall pronounce the Report on Alleged Violation charged to the Reported Party in the Preliminary Examination.
- (4) In the Preliminary Examination, the Reported Party may provide:
  - a. responses to the Alleged Violation;
  - b. names of Witness and Expert; and
  - c. letters and/or other documents
- (5) The matters as contemplated in paragraph (4) shall be submitted not later than seven (7) days after the pronouncing of the Report on Alleged Violation by the Investigator as contemplated in paragraph (3).

**Paragraf 2**  
**Examination of Report with Losses**

**Article 46**

- (1) If the Report on Alleged Violation contains the losses suffered by Business Actor as contemplated in Article 11 paragraph (4), the Commission Council shall summon the Reporting Party and Reported Party in the Preliminary Examination.
- (2) The Commission Council shall give an opportunity to the Reporting Party as contemplated in Article 11 paragraph (4) to

pronounce the Report on Alleged Violation charged to the Reported Party and the losses suffered by the Reporting Party;

- (3) In the Preliminary Examination, the Reported Party may provide:
  - a. responses to the Alleged Violation;
  - b. names of Witness and Expert; and
  - c. letters and/or other documents
- (4) The matters as contemplated in paragraph (3) shall be submitted not later than seven (7) days after the Reporting Party pronounces the Report on Alleged Violation as contemplated in paragraph (2).

### **Paragraf 3**

#### **Summon of Reporting Party and Reported Party**

### **Article 47**

- (1) In the event that the Reporting Party as contemplated in Article 11 paragraph (4) and/or Reported Party are not present in the first hearing, then the Commission Council shall summon them for the second hearing.
- (2) In the event that the Reporting Party as contemplated in Article 11 paragraph (4) is not present at the second hearing, then Commission Council shall summon it for the last time, and in the event that the Reporting Party is not present, then the Commission Council shall propose in the Commission Meeting that the Report on Alleged Violation cannot be accepted.
- (3) In the event that the Reported Party is not present in the second hearing, then Commission Council shall summon it for the last time, and in the event that Reported Party is not present, the Commission Council shall propose in the Commission Meeting to conduct the Advanced Examination.

**Paragraf 4**  
**Preliminary Examination Report**

**Article 48**

- (1) The Commission Council shall be assisted by the Clerk in preparing the Preliminary Examination Report.
- (2) The Commission Council shall present the Preliminary Examination Report at the Commission Meeting.
- (3) The Preliminary Examination Report as contemplated in paragraph (1) shall at least contain:
  - a. alleged violation committed by the Reported Party;
  - b. Reported Party's responses to the Alleged Violation;
  - c. names of Witness and Expert, letters and/or documents submitted by the Reported Party and dan Investigator;
  - d. recommendation on whether or not Advanced Examination is required.
- (4) In the event that the Commission Meeting decides to continue to the Advanced Examination, the Chairman of Commission shall stipulate the Advanced Examination.
- (5) The composition of the members of the Commission Council shall not be changed except any member of the Council resigns or has a conflict of interest with the case being handled.
- (6) In the event that a member of the Council resigns or has a conflict of interest with the case being handled as contemplated in paragraph (5), the Chairman of the Commission shall decide to establish the new Commission Council.

**Paragraf 5**  
**Schedule of Preliminary Examination**

**Article 49**

- (1) The Commission Council shall conduct the Preliminary Examination not later than seven (7) days after the stipulation of the Commission Decision as contemplated in Article 42 paragraph (1).
- (2) The Preliminary Examination shall have been completed within a period of not later thirty (30) days since the date of its commencement.

**Part Three**  
**Advanced Examination**

**Paragraf 1**  
**Advanced Examination**

**Article 50**

- (1) The Commission Council shall determine the schedule the Advanced Examination.
- (2) The Commission Council shall examine the evidence submitted by the Investigator, Reporting Party, and Reported Party.
- (3) The Chairman of the Commission Council shall summon the Witness, Language Expert, Expert and/or Government to be present at the Advanced Examination by virtue of duly summon letter.
- (4) Prior to the expiry of the Advanced Examination, the Commission Council shall give an opportunity to the Investigator, Reporting Party as contemplated in Article 11 paragraph (4), and the Reported Party to deliver written conclusion and/or presentation on the results of the hearing to the Commission Council.

**Paragraf 2**  
**Examination of Witness**

**Article 51**

- (1) At the request of the Investigator, the Reporting Party as contemplated in Article 11 paragraph (4), or the Reported Party, or due to his position, the Chairman of the Commission Council can instruct the Witness be present for inquiry at the hearing;
- (2) The testimonies of the Witness shall be considered as evidence if such testimonies are provided at a Commission Council Hearing in relation to the matters he experiences, sees, or listen;
- (3) The Witness as instructed by the Chairman of the Commission Council as contemplated in paragraph (1) shall be present in person at the hearing and shall not be represented by other person;
- (4) In the event that the Witness who is to be inquired is prevented from attending the hearing due to the reasons acceptable by the law, the Commission Council can come to the domicile of the Witness to take an oath and listen to the testimonies given by such Witness.
- (5) The testimony of the Witness as contemplated in paragraph (4) shall be considered as evidence as contemplated in paragraph (2).
- (6) In the event that the Witness is not present due to the reasons which is not acceptable although he has been duly summoned, and the Commission Council shall have sufficient reason to suspect that the Witness has intentionally rejected to come and the Commission Council shall not make a Decision without the testimonies of the stated Witness, the Chairman of the Commission Council can ask the assistance of the Investigator to present the Witness to the hearing.
- (7) The expenses required to present the Witness to the hearing

as requested by a party shall be borne by such party.

#### **Article 52**

- (1) The Witness shall be summoned to the hearing individually.
- (2) The Chairman of the Commission Council shall ask the Witness to mention his complete name, place of birth, age or date of birth, gender, citizenship, residence, religion, occupation, and family or business relations with the Reported Party or Reporting Party if any as contemplated in Article 11 paragraph (4);
- (3) The Chairman of the Commission Council shall ask the health condition of the Witness;
- (4) Before giving his testimonies, the Witness shall take an oath in accordance with his religion or belief;
- (5) The Witness shall take an oath and provide testimonies at the hearing in the presence of the Reported Party and/or Reporting Party as contemplated in Article 11 paragraph (4).

#### **Article 53**

Any individual who due to his occupation or position shall keep confidential the matters relating to his occupation or position, for the purpose of the hearing, such confidentiality obligations shall be annulled.

#### **Article 54**

- (1) The Commission Council shall inquire the Witness when the Advanced Examination is being held.
- (2) The Investigator, Reporting Party as contemplated in Article 11 paragraph (4) and/or Reported Party may inquire the Witness after the Commission Council has completed to inquire the Witness.
- (3) In the event that the inquiry as contemplated in paragraph (2) is considered irrelevant to the case by the Commission

Council, such inquiry shall be rejected.

### **Paragraf 3**

#### **Examination of Language Expert**

#### **Article 55**

- (1) If the Reporting Party as contemplated in Article 11 paragraph (4), the Reported Party or Witness do not understand Indonesian Language, the Commission Council can appoint a Language Expert or approve the Language Expert who has been appointed by the Reported Party.
- (2) Before performing the translation to the language as understood by the Reporting Party as contemplated in Article 11 paragraph (4), Reported Party, or Witness as contemplated in paragraph (1) to Indonesian Language and vice versa, the Language Expert shall take an oath according to his religion or belief.

### **Paragraf 4**

#### **Examination of Expert**

#### **Article 56**

- (1) At the request of the Investigator, the Reporting Party as contemplated in Article 11 paragraph (4) and/or Reported Party, or due his position, the Chairman of Commission Council can appoint an Expert or more;
- (2) At the hearing, an expert shall give opinion, in writing or orally, as confirmed by the oath on the actual facts according to his experience and knowledge.

### **Paragraf 5**

#### **Period of Advanced Examination**

#### **Article 57**

- (1) The Commission Council shall conduct the Advanced Examination not later than seven (7) days after the stipulation of the Decision of the Chairman of the Commission as contemplated in Article 48 paragraph (3).
- (2) The Advanced Examination shall be completed within a period of not later than sixty (60) days as from the Advanced Examination is commenced and can be extended for a period of maximum thirty (30) days.
- (3) The extension of the period of the Advanced Examination shall be determined by the Commission Council which handles the case.

## **CHAPTER IV**

### **COMMISSION DECISION**

#### **Part One**

#### **Commission Council Meeting**

#### **Article 58**

- (1) The Commission shall conduct the Commission Council Meeting to assess, analyze, conclude and decide the case on the basis of sufficient evidence on whether or not a violation to the Law has committed as conveyed in the Commission Council Hearing.
- (2) The Decision of the Commission Council Meeting as contemplated in paragraph (1) shall be made into the Commission Decision.
- (3) If the violation has been proved, the Commission Council shall state in the Commission Decision that the Reported Party has

violated the provisions of the Law and shall be subject to administrative sanction in accordance with the provisions of the Law.

- (4) In the Commission Decision, the Commission Council can give suggestions and consideration to the Government related to the case being handled.
- (5) For the implementation of the Commission Council Meeting, the Commission Council shall be assisted by the Clerk.

#### **Article 59**

- (1) The Commission Decision shall be adopted by deliberation to reach a consensus.
- (2) The Commission Council Meeting shall be closed for public and confidential.
- (3) If the deliberation to reach a consensus at the Commission Council Meeting as contemplated in paragraph (1) cannot be reached, the Commission Decision shall be adopted by majority votes.

### **Part Two Dissenting Opinion**

#### **Article 60**

- (1) In the event that a member of the Commission Council has dissenting opinions with majority members of the Commission Council at the Commission Council Meeting, then the opinion of such member of the Commission Council shall be made in writing and form an integral part of the Commission Decision.
- (2) The dissenting opinion as contemplated in paragraph (1) shall be accompanied with the reasons thereof and delivered to other members of the Commission Council at the Commission Council Meeting before the Commission Decision is pronounced.
- (3) The stated dissenting opinion shall be delivered in writing not

later than two (2) days after the deliberation to reach a consensus at the Commission Council Meeting is not reached.

**Part Three**  
**Pronouncing of Commission Decision**

**Article 61**

- (1) The Commission Council shall notify the Reporting Party and the Reported Party the time and place of the pronouncing of the Commission Decision.
- (2) If the claim for compensation from the Reporting Party is contained in the Decision to be pronounced, the Commission Council shall notify the Reporting Party of the time and place of the pronouncing of the Commission Decision.

**Article 62**

- (1) The Commission Council shall pronounce the Commission Decision in a hearing open for public.
- (2) The Commission Decision shall at least contain:
  - a. name of Reported Party;
  - b. business domicile of Reported Party;
  - c. name of Reporting Party in case the Reporting Party asks for compensation;
  - d. address of Reporting Party in case the Reporting Party asks for compensation;
  - e. summary of Report on Alleged Violation, Result of Monitoring of Business Actor, or Result of Review;
  - f. consideration and assessment on each evidence submitted and matters occur in the hearing process during the case is being examined;
  - g. articles of the Law which have been allegedly violated by the Reported Party;
  - h. analysis on application of the articles of the Law which have been allegedly violated by the Reported Party;

- i. analysis on exceptions to the Law in the event of any objection rises;
  - j. suggestions and considerations given to the government, if any;
  - k. injunctions of the Decision;
  - l. day and date of the Decision is made;
  - m. day and date of the Decision is pronounced;
  - n. names of the Chairman and members of the Commission Council who make the Decision;
  - o. name of the Clerk.
- (3) The Commission Decision shall be signed by the Commission Council and Clerk.
- (4) The excerpt of the Commission Decision along with the copy thereof which has been signed by the Clerk shall be sent to the Reported Party.

**Part Four**  
**Period**

**Article 63**

- (1) The Commission Council shall convene the Commission Council Meeting not later than seven (7) days after the Advanced Examination is ended.
- (2) The Commission Council Meeting shall agree whether or not a violation to the Law has occurred in a period of not later than 15 (fifteen) days after the Advanced Examination is ended.
- (3) The Commission Decision as contemplated in Article 62 paragraph (2) shall be pronounced not later than thirty (30) days as from the Advanced Examination is ended in a Commission Council Hearing open for public.

**PART EIGHT**  
**IMPLEMENTATION OF DECISION**

**CHAPTER I**  
**DELIVERY OF EXCERPT OF DECISION**

**Article 64**

- (1) As soon as the Commission Council pronounces the Commission Decision, the Clerk shall deliver the Excerpt of the Commission Decision along with the copy to the Reported Party.
- (2) As soon as the Commission Council pronounces the Commission Decision, the Clerk shall up load to the Commission website at the latest one day since the Commission Council pronounces the Commission Decision.
- (3) In the event that the Reported Party rejects to receive the Excerpt of the Commission Decision along with the copy thereof that the Excerpt of the Commission Decision along with the copy cannot be handed over to the Reported Party, then the Clerk shall make a Minute containing information that the Reported Party rejects to receive the Excerpt of the Commission Decision along with the copy thereof.
- (4) In the event that the complete address of the Reported Party is not identified, that the Excerpt of the Commission Decision along with the copy thereof cannot be handed over to the Reported Party, then the Clerk shall make a Minute containing information that the complete address of the Reported Party is not identified.
- (5) After drawing up the Minutes as contemplated in paragraph (3), the Clerk shall send a notice to the Reported Party that the Reported Party shall be considered to have accepted the notice on the Excerpt of the Commission Decision and the copy thereof as contemplated in paragraph (1) effective from the date when such Excerpt of the Commission Decision is available at the website of the Commission.

- (6) The provisions as contemplated in paragraph (5) shall also apply the Reported Party whose complete address is not identified and the notice is sent to its last address.

**CHAPTER II  
OBJECTION LEGAL REMEDY**

**Article 65**

- (1) The Reported Party can file an objection to the Commission Decision not later than fourteen (14) days as from the receipt of the Excerpt of the Commission Decision along with copy thereof.
- (2) The objection as contemplated in paragraph (1) shall be filed to the local District Court which justification covers the business domicile of the Business Actor who becomes the Reported Party.

**CHAPTER III  
DECISION IMPLEMENTATION MONITORING**

**Article 66**

- (1) In the event that the Reported Party does not file an objection to the Commission Decision after the lapse of the period as contemplated in Article 65, then the Reported Party shall implement the Commission Decision and deliver the implementation report thereof not later than thirty (30) days after the expiry of the objection filing period as contemplated in Article 65.
- (2) The Commission Secretariat can establish the Monitoring Team for the Implementation of the Commission Decision, if necessary.

#### **Article 67**

If the Commission considers that the Reported Party does not implement the Commission Decision, the Commission shall forward the case to the Indonesian National Police for criminal processing as contemplated in Article 48 of the Law.

### **CHAPTER IV EXECUTION REQUEST**

#### **Article 68**

- (1) In the event that the Reported Party does not implement the Commission Decision or the Verdict of the District Court or Supreme Court which have permanent legal forces, then the Commission can forward the decision to the District Court for Execution Stipulation.
- (2) In the framework of the effectiveness of the Commission Decision, the Commission can take other necessary measures than those as contemplated in paragraph (1) pursuant to the applicable laws and regulations.

### **CHAPTER XII ADDITIONAL EXAMINATION**

#### **Article 69**

- (1) The Commission shall conduct Additional Examination based on the instruction of the Panel of Judges of the District Court which handles the objection legal remedy as filed by the Reported Party to the Commission Decision.
- (2) The instruction of the Panel of Judges of the District Court as contemplated in paragraph (1) shall be made into a Transitory Verdict.
- (3) The transitory verdict as contemplated in paragraph (2) shall contain matters to be examined and the grounds thereof and

the period of the Additional Examination required.

#### **Article 70**

- (1) The Additional Examination as contemplated in Article 69 shall be conducted by the Commission Council which resolves the Commission Decision to which the objection is filed by the Reported Party.
- (2) For the implementation of the Additional Examination, the Commission Council as contemplated in Article 42 shall be assisted by the Clerk.

#### **Article 71**

- (1) The Additional Examination shall be conducted at the examination room at the Commission Head Office of Regional Representative Offices or other places determined by the Commission Council.
- (2) The results of the Additional Examination as contemplated in paragraph (1) shall be made into a Minutes of Additional Examination, signed by the parties examined and the Commission Council and the Clerk.
- (3) After the completion of the Additional Examination, the Commission Council through the Commission Secretariat shall deliver the results of the Additional Examination to the Panel of Judges of the District Court which handles the objection case.

### **PART NINE EVIDENCES**

#### **CHAPTER I EVIDENCES**

#### **Article 72**

- (1) In assessing whether or not a violation has occurred, the

Commission Council will use the evidences in the form of:

- a. Statements of Witnesses;
  - b. Information of Experts;
  - c. Letters and/or documents;
  - d. Instruction;
  - e. Statements of Reported Party.
- (2) The Commission Council determines whether or not the evidence is valid.
- (3) The instruction as contemplated in (1) point d constitutes the knowledge of the Commission Council which is believed to be true.
- (4) The statement of Reported Party as contemplated in paragraph (1) point e cannot be withdrawn, except based on the grounds acceptable to the Commission Council.

## **CHAPTER II**

### **WITNESS**

#### **Article 73**

- (1) Those who cannot become a witness are as follows:
- a. Family members or persons related by marriage upright and downright until the third level of the Reported Party and/or Reporting Party;
  - b. The wife or husband of the Reported Party although they have got divorced;
  - c. A person who has not yet been seventeen (17) years old; or
  - d. An insane person.
- (2) If deemed necessary, the Chairman of the Commission Council may ask the parties as contemplated in paragraph (1) points a, b, and c to give their statements.

**CHAPTER III  
LANGUAGE EXPERT**

**Article 74**

- (1) Any person who can become a language expert shall meet the requirements as a sworn translator.
- (2) A person who becomes Witness in a case may not be appointed as the Language Expert in the same case.

**CHAPTER IV  
EXPERT**

**Article 75**

- (1) Any person who can become an Expert shall meet the following requirements:
  - a. possessing special expertise as evidenced by a certificate; or
  - b. possessing experiences in accordance with his expertise.
- (2) The information of Expert which is considered as evidence shall be the opinion given before a Council Hearing.
- (3) The determination of the experiences shall be based on the discretion of the Commission Council.
- (4) Any person who may not become a Witness as contemplated in Article 73 paragraph (1) may not give information as an Expert.

**CHAPTER V  
EVIDENCE IN FORM OF LETTERS**

**Article 76**

- (1) Letters or documents as evidence consist of:
  - a. authentic deed, namely any document drawn up by or before a public official, who is authorized to make such letters by virtue of the provisions of the laws and

- regulations for the purpose to be used as an evidence on the event or legal events containing therein;
- b. privately drawn deed, namely any document made and signed by the concerned parties for the purpose to be used as an evidence on the event or legal events containing therein;
  - c. decree of decision letter issued by the competent officials;
  - d. data containing business activities of the Reported Party, among others, production, sales and procurement data, and financial reports;
  - e. Other letters or documents excluding those stated in points a, b and c which are related to the case;
  - f. As per the request, the Commission Council may declare that the data as contemplated in e shall be confidential and not shown during the Examination.
- (2) Letters or documents presented as evidence shall be the original ones, instead of the copy ones.
- (3) The copy of letters or documents shall be declared to be in accordance with its original and initialed by the competent official and duly stamped.

**PART TEN  
TRANSITIONAL PROVISIONS**

**Article 77**

All cases which are being handled or not yet come to a decision until this regulation commences to take effect shall refer to the Regulation of the Commission Number 1 Year 2006 on Procedure for Case Handling at the Commission until the Decision of the Commission is determined.

**PART ELEVEN**  
**CLOSING PROVISIONS**

**Article 78**

When this Regulation commences to take effect, Regulation of Commission Number 01 Year 2006 on Procedure of Case Handling at the Commission and Regulation of Commission Number 2 Year 2008 on Authorities of Secretariat of Commission in Case Handling shall be revoked and declared null and void.

**Article 79**

This Regulation shall take effect from the date it is issued and shall be implemented commencing from April 5<sup>th</sup>, 2010

In order that every person may know of it, the promulgation of this Regulation of the Commission is ordered by placement in the State Gazette of the Republic of Indonesia.

Enacted in Jakarta  
On January 6, 2010

**Chairman of  
the Commission for the Supervision of Business  
Competition**

**Benny Pasaribu**

The copy of Decision is original  
Secretary- General (Duty Manager)

Mokhamad Syuhadhak