

REGULATION OF THE COMMISSION FOR THE SUPERVISION OF BUSINESS

COMPETITION

NUMBER 3 YEAR 2015

REGARDING

PROCEDURES FOR PARTNERSHIP'S CASE HANDLING

BY THE GRACE OF THE ALMIGHTY GOD

COMMISSION FOR THE SUPERVISION OF BUSINESS COMPETITION OF THE

REPUBLIC OF INDONESIA,

Considering : whereas in the context of the implementation of provisions of Article 35 of Government Regulation Number 17 Year 2013 regarding the Implementation of Law Number 20 Year 2008 regarding Micro, Small, and Medium Enterprises, it is necessary to stipulate a Regulation of the Commission for the Supervision of Business Competition regarding Procedures for Partnership's Case Handling;

In view of : 1. Law Number 5 Year 1999 regarding Prohibition of Monopolistic Practices and Unfair Business Competition (State Gazette of the Republic of Indonesia Year 1999 Number 33, Supplement to the State Gazette of the Republic of Indonesia Number 3817);

2. Law Number 20 Year 2008 regarding Micro, Small, and Medium Enterprises (State Gazette of the Republic of Indonesia Year 2008 Number 93, Supplement to the State Gazette of the Republic of Indonesia Number 4866);

3. Law of the Republic of Indonesia Number 12 Year 2011 regarding Legislative Drafting (State Gazette of the Republic of Indonesia Year 2011 Number 82, Supplement to the State Gazette of the Republic of Indonesia Number 5234);
4. Government Regulation Number 17 Year 2013 regarding the Implementation of Law Number 20 Year 2008 regarding Micro, Small, and Medium Enterprises (State Gazette of the Republic of Indonesia Year 2013 Number 40, Supplement to the State Gazette of the Republic of Indonesia Number 5404);
5. Presidential Decree Number 75 Year 1999 regarding Commission for the Supervision of Business Competition as amended by Presidential Regulation Number 80 Year 2008 regarding Amendment to Presidential Decree Number 75 Year 1999 regarding Commission for the Supervision of Business Competition;
6. Presidential Decree Number 112/P Year 2012;
7. Regulation of the Commission for the Supervision of Business Competition Number 1 Year 2014 regarding Organization and Working Procedures of the Commission for the Supervision of Business Competition;
8. Regulation of the Commission for the Supervision of Business Competition Number 01 Year 2015 regarding Procedures for the Supervision of Partnership Implementation;

HAS DECIDED:

To stipulate : REGULATION OF THE COMMISSION FOR THE SUPERVISION
OF BUSINESS COMPETITION REGARDING PROCEDURES
FOR PARTNERSHIP'S CASE HANDLING

CHAPTER I

GENERAL PROVISIONS

Part One

Definitions and Scope

Article 1

Referred to herein as:

1. Commission for the Supervision of Business Competition hereinafter referred to as KPPU shall be an institution established by virtue of Presidential Decree Number 75 Year 1999 regarding Commission for the Supervision of Business Competition as amended by Presidential Regulation Number 80 Year 2008 regarding amendment to Presidential Decree Number 75 Year 1999 regarding Commission for the Supervision of Business Competition.
2. KPPU Member hereinafter referred to as Commission Member shall be persons appointed and discharged by the President with the approval of the House of Representatives consisting of a Chairman concurrently serving as Member and at least 7 (seven) Members.
3. KPPU Meeting hereinafter referred to as Commission Meeting shall be the highest decision making organ at KPPU attended by KPPU Chairmen and a number of Commission Members.
4. KPPU Chairmen shall consist of KPPU Chairman and KPPU Vice Chairman appointed by the Commission Members for a certain period.

5. Commission Council shall be a number of the Commission Members assigned by the KPPU Chairman to handle cases.
6. Law shall be Law Number 20 Year 2008 regarding Micro, Small, and Medium Enterprises.
7. Report shall be written documents submitted to the KPPU Chairman by every person or Business Actor who knows or who is harmed as a result of the violation of the Law.
8. Initiative Activity shall be activities conducted by a working unit that handles initiative cases to obtain preliminary evidence of alleged violation of the Law based on a Report on Partnership Implementation Supervision Results, the result thereof is set forth in a Report on Initiative Activity Results.
9. Case shall be alleged violation of the Law with regard to the implementation of partnership deriving both from Report and Initiative Activity.
10. Handling of case shall be a series of processes for handling alleged violation of the Law.
11. Clarification shall be an activity conducted by a working unit that handles reports to obtain preliminary evidence of alleged violation of the Law, the result of which is set forth in a Report on Clarification Results.
12. Partnership shall be cooperation in business links, both directly and indirectly, on a mutual-need, -trust, -consolidation, and -benefit principles basis engaging actors of Micro, Small, Medium, and Large Enterprises.
13. Supervision of the Implementation of Partnership shall be an activity conducted by a working unit that handles supervision to recommend suggestions and considerations to the Government and/or recommend the importance of

conducting Initiative Activity, the result of which is set forth in a Report on the Results of the Supervision of the Implementation of Partnership.

14. Pre-investigation shall be an activity conducted by Pre-investigator to obtain at least 2 (two) instruments of proof of an alleged violation of the Law based on a Report on Clarification Results or Report on the Results of Initiative Activity, the result of which is set forth in a Report on the Pre-investigation Result.
15. Report on Alleged Violation shall be an exhaustive and clear Report on the Pre-investigation Result.
16. Expose of Report on Alleged Violation shall be an elucidation of Report on Alleged Violation submitted by a working unit that handles dossier drawing up to the Commission Meeting to assess whether it is feasible or not to be followed up to a Preliminary Examination stage.
17. Dossier drawing up shall be an activity conducted by a working unit that handles dossier drawing up to prepare a Report on Alleged Violation and conduct Expose of Report on Alleged Violation.
18. Preliminary Examination shall be an activity conducted by the Commission Council to consider a Report on Alleged Violation and Response to the Report on Alleged Violation, the result of which is set forth in a Report on the Result of Preliminary Examination.
19. Monitoring of the Implementation of Written Warning shall be an activity at a stage following the end of Preliminary Examination conducted by the Team for the Monitoring of the Implementation of Written Warning, the result of which is set forth in a Report on the Result of Monitoring of the Implementation of Written Warning.
20. Further Examination shall be an examination activity conducted by the

Commission Council to test the instruments of proof put forward by Prosecuting Investigator and Reported Party.

21. Examination on the Spot shall be an activity conducted by the Commission Council at a Further Examination stage in a site or domicile where information and/or evidence with regard to the alleged violation may be found.
22. Deliberation of the Commission Council shall be an activity of the Commission Council to assess, analyze, infer, and decide cases based on adequate instruments of proof of whether there has been a violation of the Law or not.
23. Decision of KPPU shall be the result of Deliberation of the Commission Council regarding whether there has been a violation of the Law or not.
24. Additional Examination shall be an activity conducted by the Commission Council based on an Interlocutory Decision of the Panel of Judges of District Court examining cases of objection to Decision of KPPU.
25. Commission Council Hearing shall be a series of activities conducted by the Commission Council in a hearing open to the public consisting of Preliminary Examination, Further Examination, and Deliberation of the Commission Council and/or Additional Examination.
26. Business Actor shall be any individual person or both incorporated and unincorporated business entity established and domiciled or conducting activities in the jurisdiction of the State of the Republic of Indonesia, both jointly and severally, by virtue of an agreement, running various business activities in the field of economy.
27. Reported Party shall be Business Actor and/or other parties alleged to have violated the Law.
28. Expert shall be a person having expertise in the field relating to the alleged

violation and giving deposition/opinion both in writing and verbally for the purpose of pre-investigation and/or examination.

29. Advocate shall be an eligible person having the profession of giving legal services, both inside and outside the court based on provisions of laws and regulation regarding Advocates.
30. Pre-investigator shall be KPPU employees assigned to conduct Pre-investigation.
31. Prosecuting Investigator shall be KPPU employees assigned to submit a Report on Alleged Violation at the Preliminary Examination stage and defend instruments of proof in support of the Report on Alleged Violation in a Further Examination stage.
32. Clerk shall be a KPPU employee assigned to assist the Commission Council in performing its duties and authorities in a Hearing of the Commission Council.
33. Minutes shall be an official deed containing information about a case handling activity.
34. Day shall be working days, namely Monday through Friday except national holidays.

Article 2

- (1) The scope of this KPPU Regulation shall include the Handling of Partnership Implementation Cases based on Report and Initiative.
- (2) Handling of Partnership Implementation Cases based on Report provided for herein shall consist of the following stages:
 - a. Clarification;

- b. Pre-investigation;
 - c. Dossier drawing up; and
 - d. Hearing of the Commission Council.
- (3) Handling of partnership implementation cases based on Initiative provided for herein shall consist of the following stages:
- a. Initiative Activity;
 - b. Pre-investigation;
 - c. Dossier drawing up; and
 - d. Hearing of the Commission Council.

Part Two

Duties and Authorities

of the Commission Meeting, KPPU Chairman, Commission Council, and Team for the
Monitoring of the Implementation of Written Warning

Article 3

- (1) Commission Meeting shall have the duty to make decision with regard to the stipulation of the case handling stages.
- (2) Commission Meeting shall have the authority to:
 - a. stop or extend pre-investigation period;
 - b. stipulate Preliminary Examination;
 - c. stipulate the status of Reported Party, agreement and/or activity as well as provisions of the Law alleged to have been violated by the Reported Party;
 - d. stipulate Monitoring of the Implementation of Written Warning;
 - e. stipulate Further Examination;
 - f. stipulate Deliberation of the Commission Council; and
 - g. stipulate Additional Examination.

Article 4

- (1) KPPU Chairman shall have the duty to implement decision of the Commission Meeting with regard to the handling of cases.
- (2) KPPU Chairman shall have the authorities to:
 - a. issue KPPU decision with regard to the authority as intended in Article 3 paragraph (2);
 - b. assign Commission Members as the Commission Council in the Preliminary Examination, Further Examination, Extension of Further Examination, Deliberation of the Commission Council and/or Additional Examination;
 - c. issue the First Written Warning, the Second Written Warning and/or the Third Written Warning;
 - d. establish a Team for the Monitoring of the Implementation of Written Warning;
 - e. ask for assistance from the Police Force of the State of the Republic of Indonesia to escort and safeguard pre-investigation and/or examination processes if the Reported Party and Witness summoned and examined:
 1. reject to fulfill the summons for examination; and/or
 2. reject to be examined; and/or
 3. reject to provide information needed; and/or
 4. reject to submit letters, documents and/or other instruments of proof; and/or
 5. obstruct pre-investigation and/or examination processes.
 - f. establish coordination with the Police Force of the State of the Republic of Indonesia in the event that:
 1. a criminal act in the pre-investigation and/or examination processes is

found; and/or

2. Reported Party does not implement KPPU Decision that has had a permanent legal force.
 - g. receive Report on the Implementation of KPPU Decision from the Reported Party;
 - h. authorize and assign KPPU employees at the working unit that handles litigations to handle cases of objection to KPPU Decision at District Court and Supreme Court; and
 - i. authorize and assign KPPU employees at the working unit that handles executions to process the stipulation of execution of KPPU Decision and/or District Court Ruling and/or Supreme Court Decision that has had a permanent legal force.
- (3) KPPU Chairman shall assign the Commission Council to handle cases consisting of at least 3 (three) persons comprising 1 (one) Chairman of Commission Council concurrently serving as Member of Commission Council and 2 (two) Members of Commission Council.
 - (4) Composition of the Commission Council in each Commission Council Hearing stage shall not change, except a Commission Council Member resigns or has a conflict of interest with the case being handled.
 - (5) KPPU Chairman shall assign a new Commission Council Member in the event of change of the composition of the Commission Council caused by the exception as intended in paragraph (4).

Article 5

In the event that KPPU Chairman is unable to come, the duty and authority of the KPPU Chairman as intended in Article 4 shall be performed by the KPPU Vice

Chairman.

Article 6

- (1) Commission Council shall have the duties to:
 - a. conduct Preliminary Examination;
 - b. prepare and submit a Report on the Result of the Preliminary Examination to the Commission Meeting;
 - c. conduct a Further Examination and/or the extension thereof;
 - d. conduct Deliberation of the Commission Council to asses, infer, and decide whether a violation of the Law occurs or not; and
 - e. prepare, sign, and read out decisions of KPPU.
- (2) In performing its duties as intended in paragraph (1), the Commission Council shall have the authorities to:
 - a. determine the venue for the implementation of the Commission Council Hearing;
 - b. determine the duration and the schedule of the Preliminary Examination;
 - c. entitle the Prosecuting Investigator to put forward instruments of proof in support of the Report on Alleged Violation;
 - d. entitle the Reported Party to make a response to the Report on Alleged Violation as well as submit supporting instrurments of proof;
 - e. recommend the Commission Meeting to give a written warning to Reported Party;
 - f. determine the duration and the schedule of Further Examination and/or the extension thereof;
 - g. decide whether it is important or not to extend Further Examination;
 - h. summon and examine Reported Party, Witness, and Expert both presented

- by Prosecuting Investigator, Reported Party, and Commission Council;
- i. obtain letters, documents, and/or other instruments of proof;
 - j. look into, examine, and/or assess letters, documents, and/or other instruments of proof;
 - k. ask for assistance from the Police Force of the State of the Republic of Indonesia to escort and safeguard in the event that the Reported Party, Witness, and Expert summoned and examined in the Commission Council Hearing proceedings:
 - 1. refuse to fulfill the sommons for examination; and/or
 - 2. refuse to be examined; and/or
 - 3. refuse to give information needed; and/or
 - 4. refuse to hand over letters, documents, and/or other instruments of proof; and/or
 - 5. obstruct the examination process.
 - l. ask for assistance from the Police Force of the State of the Republic of Indonesia to escort and safeguard the Commission Council Hearing;
 - m. on the spot examination for activity relating to the alleged violation;
 - n. entitle the Prosecuting Investigator and Reported Party to submit the Conclusion of the Hearing Result;
 - o. determine the schedule of Deliberation of the Commission Council;
 - p. determine the time and venue for the reading out of the KPPU Decision;
 - q. impose sanction in the form of administrative sanction on the Reported Party in accordance with provisions of the Law;
 - r. determine whether there is a loss or not suffered by the other business actor side or the community side;

- s. recommend the Chairman of KPPU to give suggestions and considerations to the Government or other parties; and
- t. instruct the Clerk to notify and submit the Excerpt and Copy of the KPPU Decision to the Reported Party.

Article 7

- (1) Team for the Monitoring of the Implementation of Written Warning shall have the duties to:
 - a. monitor the Implementation of Written Warning by the Reported Party; and
 - b. prepare and submit a Report on the Result of the Monitoring of the Implementation of the First Written Warning and/or Report on the Result of the Monitoring of the Implementation of the Second Written Warning and/or Report on the Result of the Monitoring of the Implementation of the Third Written Warning to the Commission Meeting.
- (2) In performing its duties as intended in paragraph (1), Team for the Monitoring of the Implementation of Written Warning shall have the authorities to:
 - a. arrange the agenda for monitoring activities;
 - b. recommend the Chairman of KPPU to issue the Second Written Warning and/or the Third Written Warning;
 - c. summon and inquire Reported Party and related parties;
 - d. obtain letters and or documents;
 - e. conduct observation and verification in the field;
 - f. request and receive Report on the Result of the Implementation of Written Warning from Reported Party; and
 - g. analyze depositions, documents, and information obtained in monitoring activities.

Part Three
Rights and Obligations of
Reported Party, Witness, Expert, and Sworn Translator

Article 8

- (1) In a case handling process, a Reported Party shall be entitled to:
- a. obtain notification of the schedule of the Commission Council Hearing;
 - b. obtain notification of the stipulation of the implementation of Preliminary Examination;
 - c. obtain notification of the stipulation of the status of Reported Party, agreement and/or activity as well as provisions of the Law alleged to have been violated by the Reported Party;
 - d. obtain a Report on Alleged Violation;
 - e. make a response to and/or defense against Report on Alleged Violation;
 - f. submit instruments of proof in support of the response and/or defense against the Report on Alleged Violation;
 - g. obtain Written Warnings;
 - h. obtain notification of the Monitoring of the Implementation of Written Warning;
 - i. obtain notification of the stipulation of the implementation of Further Examination;
 - j. examine instruments of proof during a Further Examination;
 - k. be accompanied by an Advocate as Attorney-at-Law, if necessary;
 - l. be accompanied by a Sworn Translator, if unable to communicate in Indonesian Language;
 - m. verify the conformity of the content of the Minutes of Pre-investigation and/or

- Minutes of the Commission Council Hearing for the Examination of Reported Party to the deposition he/she conveyed;
- n. submit the Conclusion of the Result of the Hearing to the Commission Council prior to the end of Further Examination;
 - o. obtain notification of the stipulation of the implementation of Deliberation of the Commission Council;
 - p. obtain notification of the time and venue for the Reading Out of KPPU Decision;
 - q. obtain Excerpt and Copy of the KPPU Decision; and/or
 - r. lodge an objection to KPPU Decision to the District Court where the Reported Party is domiciled.
- (2) In a case handling process, a Reported Party shall be obligated to:
- a. attend any invitation by himself/herself;
 - b. attend any summons by himself/herself;
 - c. provide information with regard to the alleged violation;
 - d. submit letters and/or documents;
 - e. submit Report on the Result of the Implementation of Written Warning;
 - f. notify any change of address/domicile;
 - g. sign the related Minutes; and
 - h. comply with the Rules of Procedure.

Article 9

- (1) In a case handling process, a Witness shall be entitled to:
- a. obtain explanations with regard to the reasons for the summons of the Witness;
 - b. obtain explanations with regard to the relevance of the testimony to the case

- being examined;
 - c. be accompanied by an Advocate as Attorney-at-Law, if necessary;
 - d. be accompanied by a Sworn Translator, if unable to communicate in Indonesian Language;
 - e. be accompanied by a competent staff or employee, if the Witness is a business actor or government agency; and
 - f. verify the conformity of the content of the Minutes of Pre-investigation and/or Minutes of the Commission Council Hearing for the Examination of Witness to the deposition he/she conveyed.
- (2) In a case handling process, a Witness shall be obligated to:
- a. attend any invitation by himself/herself;
 - b. attend any summons by himself/herself;
 - c. provide information with regard to the alleged violation;
 - d. submit letters and/or documents;
 - e. take an oath in accordance with his/her religion or belief;
 - f. sign the related Minutes; and
 - g. comply with the Rules of Procedure.

Article 10

- (1) In a case handling process, an Expert shall be entitled to:
- a. obtain explanations about the case being examined for the purpose of the conveyance of Expert deposition/opinion;
 - b. be accompanied by an Advocate as Attorney-at-Law, if necessary;
 - c. be accompanied by a Sworn Translator, if unable to communicate in Indonesian Language; and
 - d. verify the conformity of the content of the Minutes of Pre-investigation and/or

Minutes of the Commission Council Hearing for the Examination of Expert to the deposition he/she conveyed.

- (2) In a case handling process, an Expert shall be obligated to:
 - a. attend any invitation by himself/herself;
 - b. attend any summons by himself/herself;
 - c. provide information in accordance with his/her expertise;
 - d. submit letters and/or documents;
 - e. take an oath in accordance with his/her religion or belief;
 - f. sign the related Minutes; and
 - g. comply with the Rules of Procedure.

Article 11

- (1) In a case handling process, a Sworn Translator shall be entitled to:
 - a. obtain information about the substance of the deposition to be translated;
 - b. earn fees in accordance with applicable provisions or pursuant to the agreement; and
 - c. verify the conformity of the content of the related Minutes of Pre-investigation and/or Minutes of the Commission Council Hearing to the deposition translated.
- (2) In a case handling process, a Sworn Translator shall be obligated to:
 - a. take an oath in accordance with his/her religion or belief;
 - b. translate the deposition honestly and truthfully without analyzing or inferring;
 - c. sign the Minutes of Examination of the party whose deposition is translated; and
 - d. comply with the Rules of Procedure.

Part Four

Duties and Authorities of

Pre-investigator, Prosecuting Investigator, and Clerk

Article 12

- (1) In a pre-investigating process, a Pre-investigator shall have the duties to:
 - a. communicate and establish coordination with the working unit that handles pre-investigations;
 - b. prepare and send notifications and summons to Reported Party, Witness, and Expert;
 - c. ensure the accuracy of address and the propriety of the receipt of summons by the party summoned;
 - d. confirm the presence of the party summoned;
 - e. establish coordination with regard to the completeness of facilities, infrastructure, equipment, and security of the examination room in the context of pre-investigation;
 - f. comply with pre-investigation procedures and guidelines;
 - g. entitle the party examined to verify the conformity of the content of the Minutes of Pre-investigation to the deposition he/she conveyed;
 - h. note down and record the implementation of pre-investigation and prepare it in the Minutes of Pre-investigation;
 - i. sign the Minutes of Pre-investigation;
 - j. manage the instruments of proof;
 - k. prepare the brief obtained from the working unit that handles reports or the working unit that handles initiative cases and the brief obtained from the pre-investigation activity;

- l. prepare a Report on the Result of Pre-investigation;
 - m. submit a Report on the Result of Pre-investigation, instruments of proof, and brief to the working unit that handles dossier drawing up through the working unit that handles pre-investigations;
 - n. rectify and complete Report on the Result of Pre-investigation, instruments of proof, and brief returned by the working unit that handles dossier drawing up; and
 - o. comply with the Rules of Procedure.
- (2) In a pre-investigation process, a Pre-investigator shall have the authorities to:
- a. obtain an Assingment Letter as Pre-investigator;
 - b. obtain the brief from the working unit that handles Reports or the working unit that handles initiative Cases;
 - c. summon and inquire Reported Party, Witness, and Expert;
 - d. obtain letters, documents, data and/or information;
 - e. obtain the data of assets and turnovers of Reported Party;
 - f. conduct a field pre-investigation; and
 - g. obtain escort and safeeguarding from members of the Police Force of the Republic of Indonesia during the pre-investigation of uncooperative parties.

Article 13

- (1) In a Commission Council Hearing, a Prosecuting Investigator shall have the duties to:
- a. attend the Commission Council Hearing;
 - b. explain Report on the Alleged Violation at the Commission Council Hearing for Preliminary Examination;
 - c. submit instruments of proof in support of Report on the Alleged Violation;

- d. examine instruments of proof during a Further Examination;
 - e. present Witness or Expert whose deposition is put forward as instrument of proof;
 - f. prove the alleged violation in the Commission Council Hearing;
 - g. submit Conclusion of the Result of Hearing to the Commission Council prior to the end of Further Examination; and
 - h. comply with the Rules of Procedure.
- (2) In a Commission Council Hearing process, a Prosecuting Investigator shall have the authorities to:
- a. obtain an Assignment Letter as Prosecuting Investigator;
 - b. obtain the brief from the working unit that handles dossier drawing up;
 - c. obtain information about the development of the case handling process;
 - d. obtain information about the schedule of the Commission Council Hearing;
 - e. establish coordination with Witness and/or Expert whose deposition will be put forward as instrument of proof; and
 - f. obtain notification of the time and venue for the Reading Out of KPPU Decision.

Article 14

- (1) In a Commission Council Hearing process, a Clerk shall have the duties to:
- a. communicate and establish coordination with the Commission Council, Prosecuting Investigator, Reported Party, Witness, and Expert with regard to the arrangement of the schedule for the Commission Council Hearing;
 - b. notify information of the development of the case handling and information about the schedule of the hearing to Prosecuting Investigator and Reported Party;

- c. assist the Commission Council to prepare and send notifications, summons, excerpts, and other documents with regard to the case handling process;
- d. ensure the accuracy of address and propriety of the receipt of summons by the party summoned;
- e. confirm the presence of the party summoned;
- f. coordinate the completeness of facilities, infrastructure, equipment and security of the Commission Council Hearing Room;
- g. comply with procedures and guidelines for the holding of the Commission Council Hearing;
- h. entitle the party examined to verify the conformity of the content of the Minutes of the Commission Council Hearing to the deposition he/she conveyed;
- i. note down and record the implementation of the Commission Council Hearing and prepare it in the Minutes of the Commission Council Hearing;
- j. sign the Minutes of the Commission Council Hearing;
- k. manage instruments of proof put forward and examined in the Commission Council Hearing;
- l. assist the Commission Council to conduct an Examination on the Spot;
- m. assist the Commission Council to prepare Report on the Result of the Preliminary Examination and KPPU Decision;
- n. assist the Commission Council to prepare KPPU Decision;
- o. sign KPPU Decision;
- p. assist the Commission Council to notify and submit the Excerpt and Copy of the KPPU Decision to Reported Party; and
- q. comply with the Rules of Procedure.

- (2) In a Commission Council Hearing process, a Clerk shall have the authorities to:
 - a. obtain an Assignment Letter as Clerk;
 - b. obtain a stipulation, decision, and assignment letter with regard to the case handling from the working unit that handles hearings;
 - c. put forward a proposed schedule for the Commission Council Hearing to the Commission Council;
 - d. obtain the identity, assignment letter or power of attorney from Reported Party, Witness, Expert or Sworn Translator;
 - e. obtain the identity and power of attorney of the Advocate; and
 - f. obtain escort and safeguarding from members of the Police Force of the Republic of Indonesia during the submission of letters or documents in person with regard to the case handling to uncooperative parties.

Part Five

Instruments of Proof

Article 15

- (1) Instruments of proof used in a case handling shall be in the form of:
 - a. Witness Deposition;
 - b. Expert Deposition;
 - c. Letters and/or documents;
 - d. Indications; and/or
 - e. Reported Party Deposition.
- (2) The Commission Council shall assess the validity or non validity of an instrument of proof.

Article 16

- (1) Witness shall be:
 - a. any person knowing, experiencing, seeing, and hearing by himself/herself a matter with regard to the occurrence of an alleged violation; or
 - b. business actor having experience in the same line of business or line of business relating to the line of business of the Reported Party; or
 - c. government agency knowing and experiencing matters relating to the occurrence of an alleged violation.
- (2) Witness whose deposition may not be heard shall be:
 - a. blood relatives or affinal relatives vertically and horizontally up to the third degree of the Reported Party and/or Reporting Party;
 - b. wife or husband of the Reported Party although already divorced;
 - c. a kid whose age has yet to reach 17 (seventeen); or
 - d. an insane person.
- (3) If deemed necessary for the substantiation of a case, the Head of the Commisison Panel may ask the party as intended in paragraph (2) sub-paragraphs a, b, and c to be inquired.

Article 17

- (1) A person that may become an Expert shall be obligated to meet the following requiriements:
 - a. possess a special expertise as proven by a certificate; or
 - b. have an experience that suits his/her expertise.
- (2) The expertise and length of experience shall be determined in accordance with the judgment of the Commission Council.

Article 18

Letters and/or documents as instruments of proof shall consist of:

- a. authentic deed, namely a letter drawn up by or before a public official, who according to laws and regulations has the authority to draw up the letter, intended to be used as an instrument of proof about the event or legal event contained therein;
- b. privately drawn up deed, namely a letter drawn up and signed by the relevant parties, intended to be used as an instrument of proof about the event or legal event contained therein;
- c. decision or stipulation issued by the competent Official;
- d. data containing activities of Reported Party, among other things, data of production, sales, purchase, and financial statement;
- e. other documents sent, received, or stored electronically;
- f. other letters or documents not including as intended in sub-articles a, b, c, d, and e which have a link with the case; and/or
- g. at the request of Reported Party or Witness or Expert or Prosecuting Investigator, the Commission Council may declare the data as intended above confidential and shall not be presented in the Commission Council Hearing.

Article 19

Those categorized as indications can be in the form of:

- a. conformity of instrument of proof to other instruments of proof;
- b. conformity of acts, event, situation to the alleged violation; and/or
- c. circumstantial evidence including economic evidence and communication evidence.

Article 20

Reported Party Deposition shall be everything the Reported Party did, knew, experienced by himself/herself, including the confession of the Reported Party with regard to the alleged violation he/she committed.

CHAPTER II

INVESTIGATION

Part One

Report and Clarification

Article 21

- (1) Any person or Business Actor knowing the occurrence of or reasonably alleging the occurrence of violation of the Law may submit a Report to the Commission.
- (2) Any person or Business Actor harmed as a result of the occurrence of violation of the Law may submit a Report with compensation assertion to the KPPU.
- (3) Report as intended in paragraphs (1) and (2) shall be addressed to the Chairmain of KPPU in a written form using a proper and correct Indonesian Language as well as meeting the completeness and clarity requirements of the Report.
- (4) Report as intended in paragraph (1) must meet the completeness and clarity requirements of the Report as follows:
 - a. copy of identity and address of Reporting Party;
 - b. identity and address of Reported Party;
 - c. identity and address of Witness;
 - d. complete and clear explanations about the occurrence of or reasonable allegation of the occurrence of violation of the Law;

- e. preliminary proof of the alleged violation;
 - f. article of the alleged violation of the Law; and
 - g. signature of Reporting Party.
- (5) Report as intended in paragraph (2) must meet completeness and clarity requirements of the Report as follows:
- a. copy of identity and address of Reporting Party;
 - b. identity and address of Reported Party;
 - c. identity and address of Witness;
 - d. complete and clear explanations about the occurrence of or reasonable allegation of the occurrence of violation of the Law;
 - e. preliminary proof of the alleged violation;
 - f. article of the alleged violation of the Law;
 - g. value of losses as a result of the occurrence of violation of the Law;
 - h. calculations of the compensation assertion;
 - i. proof of loss; and
 - j. signature of Reporting Party.
- (6) Report may be submitted to the Chairman of KPPU either directly or indirectly through the Representative Office of KPPU in the regions.
- (7) Identity of Reporting Party as intended in paragraph (4) sub-paragraph a must be kept confidential by KPPU.
- (8) Report as intended in paragraphs (1) and (2) may not be revoked by Reporting Party.
- (9) Report as intended paragraphs (1) and (2) shall be noted down in a Report Register Book.

Article 22

- (1) Working Unit that handles reports shall Clarify any Report as intended in Article 21.
- (2) Clarification shall be conducted to examine the completeness and clarity of the Report with regard to:
 - a. absolute competence of KPPU;
 - b. administrative completeness of Report;
 - c. accuracy of identity and address of Reporting Party;
 - d. accuracy of identity and address of Reported Party;
 - e. accuracy of identity and address of Witness; and
 - f. conformity of the alleged violation and preliminary proof of alleged violation to the article of the Law violated.
- (3) Report on the Result of Clarification shall at least contain the following:
 - a. statement of absolute competence of KPPU;
 - b. statement of administrative completeness of Report;
 - c. identity and address of Reporting Party;
 - d. identity and address of Reported Party;
 - e. identity and address of Witnessa;
 - f. alleged violation;
 - g. preliminary proof of alleged violation;
 - h. article of the alleged violation of the Law; and
 - i. recommendation to immediate superior to conduct Pre-investigation; or
 - j. recommendation to immediate superior to stop the handling of Report.
- (4) Report on the Result of Clarification recommended to Pre-investigation stage shall be noted down in a Complete Report Book.

- (5) Report on the Result of Clarification recommended to be stopped shall be noted down in a Report Handling Stop Book.

Article 23

- (1) In making Clarification, the working unit that handles reports shall return a Report not yet meeting the completeness and clarity requirements of Report as intended in Article 21 paragraphs (4) and (5) to Reporting Party to be completed.
- (2) In the event that the Reporting Party does not complete the Report up to the end of the period for handling Report, the Report shall be declared incomplete and shall be noted down in an Incomplete Report Book.
- (3) The Clarification period shall be 14 (fourteen) days as of its noting down in the Report Register Book.
- (4) The Clarification period may be extended 14 (fourteen) days at the most following the end of the Clarification period by the immediate superior of the working unit that handles reports.

Part Two

Initiative Activities

Article 24

- (1) The Working Unit that handles initiative cases shall conduct Initiative Activity toward any indication and/or alleged violation of the Law originating from the Report on the Result of the Supervision of the Implementation of Partnership.
- (2) Initiative activity as intended in paragraph (1) shall be noted down in an Initiative Activity Register Book.
- (3) Initiative Activity shall be conducted to determine:
 - a. the identity and address of Reported Party;

- b. the identity and address of Witness;
 - c. the relevant market;
 - d. the alleged violation;
 - e. the preliminary proof of the alleged violation; and
 - f. the article of the alleged violation of the Law.
- (4) Report on the Result of the Initiative Activity shall at least contain the following:
- a. the identity and address of Reported Party;
 - b. the identity and address of Witness;
 - c. the relevant market;
 - d. the alleged violation;
 - e. the preliminary proof of the alleged violation;
 - f. the article of the alleged violation of the Law; and
 - g. recommendation to immediate superior to conduct Pre-investigation; or
 - h. recommendation to immediate superior to stop Initiative Activity.
- (5) Report on the Result of the Initiative Activity recommended to be stopped shall be noted down in the Initiative Activity Stop Book.
- (6) The period of the Initiative Activity shall be 30 (thirty) days at the most as from its noting down in the Initiative Activity Register Book.
- (7) The period of the Initiative Activity may be extended for a maximum period of 30 (thirty) days following the end of the period of the Initiative Activity by the immediate superior of the working unit that handles initiative cases.

Part Three

Pre-investigation

Article 25

The Working Unit that handles pre-investigations shall assign Pre-investigator to conduct pre-investigation to obtain at least 2 (two) instruments of proof of alleged violation of the Law based on:

- a. Report on the Result of Clarification as intended in Article 22; or
- b. Report on the Result of the Initiative Activity as intended in Article 24.

Article 26

Summons for Pre-investigation to Reported Party, Witness, and Expert shall at least contain the following matters:

- a. name of the summoning person;
- b. date of summons;
- c. full name of the party summoned;
- d. obvious address of the party summoned;
- e. status of the party summoned;
- f. reasons for the summons;
- g. examination venue;
- h. date of examination; and
- i. time of examination.

Article 27

- (1) The Examination Result as intended in Article 25 shall be set forth in a Report on the Examination Result.
- (2) Report on the Examination Result as intended in paragraph (1) shall at least contain the following:

- a. identity, register of assets and turnovers, as well as Reported Party deposition;
 - b. identity and Witness and/or Expert deposition;
 - c. provisions of the Law alleged to have been violated;
 - d. chronology of the occurrence of violation;
 - e. the fulfillment of at least 2 (two) valid instruments of proof;
 - f. analysis of alleged violation committed by each Reported Party; and
 - g. conclusion and recommendation.
- (3) The Pre-investigation period shall be 60 (sixty) days as from its noting down in the Pre-investigation Register Book.
 - (4) The Working Unit that handles pre-investigations shall submit the development of the pre-investigation to the Commission Meeting prior to the end of the pre-investigation period.
 - (5) Commission Meeting shall have the authority to stop Pre-investigation and shall note down it in the Pre-investigation Stop Book.
 - (6) Commission Meeting shall have the authority to extend the Pre-investigation period as intended in paragraph (3) for a maximum period of 60 (sixty) days following the end of the Pre-investigation period.
 - (7) Report on the Examination Result, instruments of proof, and brief approved in the Commission Meeting shall be submitted to the working unit that handles dossier drawing up through the working unit that handles pre-investigations.

CHAPTER III

DOSSIER DRAWING UP AND COMMISSION COUNCIL HEARING

Part One

Dossier Drawing Up

Article 28

- (1) The working unit that handles dossier drawing up shall assess the completeness and clarity of the Report on the Pre-investigation Result.
- (2) In conducting the assessment as intended in paragraph (1), the working unit that handles dossier drawing up shall verify and validate the Report on the Pre-investigation Result.
- (3) Report on the Pre-investigation Result that is already complete and clear shall be compiled in the form of Report on the Alleged Violation in order to conduct Expose of the Report on the Alleged Violation.
- (4) In the event that the Report on the Pre-investigation Result is not yet complete and clear, the working unit that handles dossier drawing up may:
 - a. rectify it by itself so that the Report on the Pre-investigation Result, instruments of proof, and brief become complete and clear; or
 - b. return the Report on the Pre-investigation Result, instruments of proof, and brief to the working unit that handles pre-investigations to be rectified and completed.
- (5) In the event that the Report on the Pre-investigation Result is returned to the working unit that handles pre-investigations, the working unit that handles dossier drawing up shall give the reasons for the return, revision suggestions, and matters that must be completed.
- (6) Report on the Alleged Violation as intended in paragraph (5) shall at least

contain:

- a. the chronology of the occurrence of violation;
- b. provisions of the Law alleged to have been violated;
- c. identity, register of assets, turnovers, and deposition of the Reported Party alleged to have committed a violation;
- d. identity and depositions of witness, expert, and or other parties;
- e. register and explanations about instruments of proof in the form of letters and/or documents;
- f. the fulfillment of at least 2 (two) valid instruments of proof;
- g. the related partnership agreement;
- h. composition of the shareholding of Reported Party and affiliated companies;
- i. composition of the shareholding of the related partners;
- j. analysis of the violation committed by each Reported Party; and
- k. recommendation of whether it is necessary to conduct Preliminary Examination or not.

Article 29

- (1) The working unit that handles dossier drawing up shall conduct an Expose of the Report on the Alleged Violation in the Commission Meeting.
- (2) The Commission Meeting shall approve or not approve the Report on the Alleged Violation to be followed up to the Preliminary Examination Commission Council Hearing stage.
- (3) In the event that the Commission Meeting does not approve, the Commission Meeting shall decide to stop the handling of the Report on the Alleged Violation.

Article 30

- (1) Report on the Pre-investigation Result shall be assessed by no later than 14 (fourteen) days as from its noting down in the Dossier Drawin Up Register Book.
- (2) The working unit that handles dossier drawing up shall finish the revision to the Report on the Pre-investigation Result within a maximum period of 14 (fourteen) days following the end of the assessment period as intended in paragraph (1).
- (3) The working unit that handles dossier drawing up shall return the Report on the Pre-investigation Result to the working unit that handles pre-investigations by no later than 2 (two) days following the end of the assessment period of the Report on the Pre-investigation Result and shall be noted down in the Pre-investigation Result Report Return Book;
- (4) The working unit that handles pre-investigations shall submit the revised Report on the Pre-investigation Result within a maximum period of 14 (fourteen) days as from its noting down in the Pre-investigation Result Report Return Book.
- (5) The assessment of the revised Report on the Pre-investigation Result from the working unit that handles pre-investigations shall be conducted by no later than 7 (seven) days as from its noting down in the Alleged Violation Report Revision Receipt Book.
- (6) In the event that the assessment result of the Report on the Pre-investigation Result is not yet complete and clear, the working unit that handles dossier drawing up shall finish the revision to the Report on the Pre-investigation Result by no later than 7 (seven) days following the end of the assessment period as intended in paragraph (5);
- (7) Expose of the Report on the Alleged Violation shall be conducted within a maximum period of 10 (ten) days following the end of:

- a. the assessment of Report on the Pre-investigation Result as intended in paragraph (1); or
- b. the completion of the revision to the Report on the Pre-investigation Result as intended in paragraph (2); or
- c. the assessment of the revision to the Report on the Pre-investigation Result as intended in paragraph (5); or
- d. the completion of the revision to the Report on the Pre-investigation Result as intended in paragraph (6).

Part Two

Commission Council Hearing

Article 31

- (1) Following the approval of the Report on the Alleged Violation by the Commission Meeting to be followed up to the Preliminary Examination stage, the Chairman of KPPU shall issue a KPPU Decision regarding:
 - a. The stipulation of the Preliminary Examination among other things containing the status of Reported Party, agreement and/or activity as well as provisions of the Law alleged to have been violated by the Reported Party; and
 - b. The assignment of the Commission Members as Commission Council in the Preliminary Examination.
- (2) Following the approval of the Report on the Preliminary Examination Result by the Commission Meeting to be followed up with the Monitoring of the Implementation of Written Warning, the Chairman of KPPU shall issue a KPPU Decision regarding:
 - a. The stipulation of Monitoring of the Implementation of Written Warning

- among other things containing the identity of Reported Party monitored and the monitoring period; and
- b. The assignment of a Team for the Monitoring of the Implementation of Written Warning comprising 1 (one) Commission Member and KPPU employee.
- (3) Following the approval of the Report on the Result of Monitoring of the Implementation of Written Warning by the Commission Meeting to be followed up with a Further Examination stage, the Chairman of KPPU shall issue a KPPU Decision regarding:
- a. The stipulation of a Further Examination among other things containing the status of Reported Party, agreement and/or activity as well as provisions of the Law alleged to have been violated by the Reported Party and the period of Further Examination; and
 - b. The assignment of Commission Member as Commission Council in Further Examination.
- (4) Based on the Decision of the Commission Council regarding the Extension of Further Examination, the Chairman of KPPU shall issue a KPPU Decision regarding the Assignment of Commission Member as Commission Council in the Extension of Further Examination.
- (5) Following the end of the period of Further Examination and/or the extension thereof, the Chairman of KPPU shall issue a KPPU Decision regarding:
- a. Deliberation of the Commission Council among other things containing the status of Reported Party, agreement and/or activity as well as provisions of the Law alleged to have been violated by the Reported Party, and the period of Deliberation of the Commission Council; and

- b. The assignment of Commission Member as Commission Council in Deliberation of the Commission Council.
- (6) The Commission Council as intended in paragraph (1) sub-paragraph b, paragraph (3) sub-paragraph b, paragraphs (4) and (5) sub-paragraph b shall at least consist of 3 (three) Commission Members one of whom shall become Head of the Commission Council.
- (7) For the purpose of performing its duties and authorities as intended in Article 6, the Commission Council shall be assisted by a Clerk.

Article 32

- (1) Commission Council Hearing shall consist of several stages, namely:
- a. Preliminary Examination;
 - b. Further Examination;
 - c. Deliberation of the Commission Council; and
 - d. The Reading Out of KPPU Decision.
- (2) If deemed necessary, the Commission Council may conduct an Examination on the Spot in a Further Examination stage.
- (3) An Additional Examination Commission Council Hearing can be conducted in an objection remedy process to KPPU Decision based on the order of the Panel of Judges of the District Court examining the case of objection to KPPU Decision.

Article 33

- (1) The Head of the Commission Council shall open the Commission Council Hearing and shall declare the Commission Council Hearing open to the public.
- (2) The Head of the Commission Council may declare the Commission Council Hearing closed in the event that there is:
- a. a request from the Reported Party who will give confidential information;

- b. a request from the Witness who due to his/her work or position must keep everything relating to his/her work or position confidential; or
 - c. an examination of confidential documents.
- (3) In the event that the Commission Council Hearing is conducted in a closed-door manner, the Commission Council Hearing shall only be attended by the Commission Council, the Clerk, and the party examined.

Article 34

Summons for the Commission Council Hearing shall at least contain the following matters:

- a. name of the summoning party;
- b. date of summons;
- c. full name of the party summoned;
- d. obvious address of the party summoned;
- e. status of the party summoned;
- f. reasons for the summons;
- g. venue of the hearing;
- h. date of the hearing; and
- i. time of the hearing.

Article 35

- (1) Commission Council Hearing shall be conducted in a hearing room at the Head Office of KPPU or at the Representative Office of Regional KPPU or other places as determined by the Commission Council.
- (2) Time, venue, and agenda of the Commission Council Hearing shall be announced through the website of KPPU.

Article 36

- (1) Commission Council Hearing shall be conducted and noted down in the Minutes of the Commission Council Hearing using Indonesian Language.
- (2) In the event that a Reported Party or Witness or Expert cannot communicate in Indonesian Language, the Commission Council may appoint a Sworn Translator or approve a Sworn Translator prepared by the Reported Party.
- (3) Before performing his/her duty, a Sworn Translator shall take an oath or make a promise pursuant to his/her religion or belief.
- (4) The Sworn Translator shall sign the Minutes of the Commission Council Hearing together with the Reported Party or Witness or Expert whose deposition is translated.
- (5) Fees relating to the use of the service of a Sworn Translator to translate depositions of Reported Party or Witness or Expert shall be borne by the bringing forward party.

Part Three

Preliminary Examination

Article 37

- (1) Commission Council shall determine the period and schedule for Preliminary Examination by issuing a Decision of the Commission Council.
- (2) Commission Council shall decide the first hearing day for Preliminary Examination by virtue of a Decision of the Commission Council regarding Preliminary Examination Period.
- (3) Preliminary Examination shall be conducted by no later than 30 (thirty) days as from the commencement of the first hearing for Preliminary Examination.
- (4) Commission Council shall summon Reported Party with a valid and proper

summons.

- (5) Hearing agenda of Preliminary Examination shall include:
 - a. The First Commission Council Hearing;
 - b. The Second Commission Council Hearing; and/or
 - c. The Third Commission Council Hearing.
- (6) Hearing agenda of the First Commission Council Hearing shall include:
 - a. Presentation of the Report on Alleged Violation;
 - b. Examination of register of instruments of proof put forward by Prosecuting Investigator; and/or
 - c. Examination of letters and/or documents put forward by Prosecuting Investigator.
- (7) Hearing agenda of the Second Commission Council Hearing shall include:
 - a. Submission of Response and/or Defense against Report on Alleged Violation;
 - b. Examination of register of instruments of proof put forward by Reported Party;
 - c. Examination of letters and/or documents put forward by Reported Party; and/or
 - d. Hearing agenda of the First Commission Council Hearing in the event that the Reported Party is not present in the First Commission Council Hearing.
- (8) Hearing agenda of the Third Commission Council Hearing shall include:
 - a. Submission of Response and/or Defense against Report on Alleged Violation;
 - b. Examination of register of instruments of proofs put forward by Reported Party; and

- c. Examination of letters and/or documents put forward by Reported Party.
- (9) Report on Alleged Violation and Response and/or Defense of Reported Party against Report on Alleged Violation shall be submitted in writing to the Commission Council both in the form of printout and electronic data.
- (10) Clerk shall note down the implementation of Commission Council Hearing a Minutes of the Commission Council Hearing signed by the Commission Council and the Clerk.

Article 38

- (1) Commission Council shall summon Reported Parties to be present in the First Commission Council Hearing with a valid and proper summons attached with Report on Alleged Violation.
- (2) In the event all Reported Parties admit the violation as intended in Report on Alleged Violation in the First Commission Council Hearing, the Commission Council shall stop the hearing and shall directly prepare a Report on the Result of the Preliminary Examination to be reported to the Commission Meeting.
- (3) In the event that Reported Parties do not admit the violation as intended in Report on Alleged Violation, the Commission Council shall put Commission Council Hearing for the Submission of Response to Report on Alleged Violation on the agenda.
- (4) Reported Parties in the Commission Council Hearing as intended in paragraph (3) shall be entitled to put forward:
 - a. list of witness identities and the relevance thereof in the substantiation;
 - b. list of identities, competence of expert and the relevance thereof in the substantiation; and/or
 - c. letters and/or other documents and explanations about their relevance in the

substantiation.

- (5) In the event that Reported Parties are not present in a Commission Council Hearing as intended in paragraph (3), the Reported Parties shall be summoned again for the final time.
- (6) In the event that Reported Parties are not present in a Commission Council Hearing as intended in paragraph(5), the Commission Council shall recommend the Commission Meeting to give a Written Warning.

Article 39

- (1) Commission Council shall prepare a Report on the Result of the Preliminary Examination assisted by the Clerk.
- (2) Commission Council shall submit Report on the Result of the Preliminary Examination in the Commission Meeting.
- (3) Report on the Result of the Preliminary Examination as intended in paragraph (1) shall at least contain the following:
 - a. resume of the Report on Alleged Violation committed by Reported Party;
 - b. resume of the response and/or defense of Reported Party against Report on Alleged Violation;
 - c. list of Witness identities, capacities, and the relevance thereof in the substantiation put forward by Prosecuting Investigator and Reported Party;
 - d. list of Expert identities, competence, and the relevance thereof in the substantiation put forward by Prosecuting Investigator and Reported Party;
 - e. list of letters and/or documents and explanations about their relevance in the substantiation put forward by Prosecuting Investigator and Reported Party;
 - f. analysis of the Commission Council toward Report on Alleged Violation, response and/or defense of Reported Party against Report on Alleged

Violation and instruments of proof put forward by Prosecuting Investigator and Reported Party; and

- g. recommendation to the Commission Meeting to give a Written Warning.
- (4) Commission Meeting shall stipulate Monitoring of the Implementation of Written Warning.
- (5) Chairman of KPPU shall issue:
- a. The First Written Warning;
 - b. Decision of KPPU regarding the Stipulation of Monitoring of the Implementation of Written Warning; and
 - c. Decision of KPPU regarding the assignment of a Team for the Monitoring of the Implementation of Written Warning consisting of 1 (one) Commission Member and KPPU employee.

Part Four

Monitoring of the Implementation of Written Warning

Article 40

- (1) Team for the Monitoring of the Implementation of Written Warning shall monitor the first phase of the Implementation of Written Warning by Reported Party within a period of 14 (fourteen) days following the receipt of the First Written Warning by Reported Party.
- (2) In the event that Reported Party implements the First Written Warning, the Team for the Monitoring of the Implementation of Written Warning shall prepare and submit a Report on the Result of the Monitoring of the Implementation of the First Written Warning to the Commission Meeting by not later than 7 (seven) days following the end of the first phase monitoring, and the Commission Meeting shall subsequently stipulate a Further Examination.

- (3) In the event that during the determined period, Reported Party does not implement the First Written Warning, the Team for the Monitoring of the Implementation Written Warning shall recommend the Chairman of KPPU to issue the Second Written Warning.
- (4) Team for the Monitoring of the Implementation of Written Warning shall monitor the second phase of the Implementation of the Second Written Warning by Reported Party by no later than 14 (fourteen) days following the receipt of the Second Written Warning by Reported Party.
- (5) In the event that Reported Party implements the Second Written Warning, the Team for the Monitoring of the Implementation of Written Warning shall prepare and submit a Report on the Result of the Monitoring of the Implementation of the Second Written Warning to the Commission Meeting by no later than 7 (seven) days following the end of the second phase monitoring, and the Commission Meeting shall subsequently stipulate a Further Examination.
- (6) In the event that during the determined period, Reported Party does not implement the Second Written Warning, the Team for the Monitoring of the Implementation of Written Warning shall recommend the Chairman of KPPU to issue the Third Written Warning.
- (7) Team for the Monitoring of the Implementation of Written Warning shall monitor the third phase of the Implementation of Written Warning by Reported Party by no later than 14 (fourteen) days following the receipt of the Third Written Warning by Reported Party.
- (8) Team for the Monitoring of the Implementation of Written Warning shall prepare and submit a Report on the Result of the Monitoring of the Implementation of the Third Written Warning to the Commission Meeting by no later than 7 (seven)

days following the end of the third phase monitoring, and the Commission Meeting shall subsequently stipulate a Further Examination.

- (9) Team for the Monitoring of the Implementation of Written Warning shall submit all dossiers of the Monitoring of the Implementation of Written Warning to the Further Examination Commission Council through the working unit that handles hearings.

Part Five

Further Examination

Article 41

- (1) Commission Council shall determine the period and schedule of a Further Examination.
- (2) Further Examination shall be conducted by no later than 60 (sixty) days as from the issuance of a Decision of KPPU regarding the Stipulation of Further Examination.
- (3) If necessary, based on the consideration of the Commission Council, a Further Examination may be extended for a maximum period of 30 (thirty) days following the end of the period of Further Examination.
- (4) The Head of the Commission Council shall issue a Decision of the Commission Council regarding the Extension of Further Examination.
- (5) The Commission Council shall summon Reported Party, Witness, and Expert through a valid and proper summons in a Further Examination.
- (6) The Commission Council shall be assisted by a Clerk to submit notifications about the agenda of the Further Examination hearing to Reported Party.
- (7) The Commission Council shall examine instruments of proof both those put forward by Prosecuting Investigator and those put forward by Reported Party as

well as instruments of proof put forward by the Commission Council ex officio.

- (8) Prior to the end of a Further Examination and/or the extension thereof, the Commission Council shall give the opportunity to Prosecuting Investigator and Reported Party to convey the Conclusion of the Result of the Hearing in writing to the Commission Council.
- (9) Agenda of the hearing in a Further Examination shall include:
 - a. Hearing for the Examination of Witness;
 - b. Hearing for the Examination of Expert;
 - c. Hearing for the Examination of Reported Party;
 - d. Hearing for the Examination of Letters and/or documents; and
 - e. Hearing for the Submission of Conclusion of the Result of Hearing.
- (10) In the event that the Commission Council deems necessary, the Commission Council may conduct an Examination on the Spot.
- (11) The Clerk shall draw up the Minutes of the Commission Council Hearing in every hearing agenda in a Further Examination signed by the Commission Council, Clerk, and/or the party examined.

Article 42

- (1) Witness may be put forward by Prosecuting Investigator, Reported party, and/or Commission Council ex officio.
- (2) Costs and efforts to present Witness before a hearing shall be borne by the party bringing forward the Witness.
- (3) In the event that a Witness whose deposition is going to be heard may not be present in the hearing due to a legally justified reason, the Commission Council may come to the domicile of the Witness to administer an oath or promise and listen to the deposition of the relevant Witness.

Article 43

- (1) Witnesses shall be summoned and examined in a hearing one by one;
- (2) In the event that the Commission Council deems necessary, several Witnesses may be examined simultaneously.
- (3) Prior to the implementation of the examination, the Commission Council shall examine the identities of Witnesses;
- (4) Questions to Witnesses in the Commission Council Hearing may be raised by the Commission Council, Prosecuting Investigator, and Reported Party or his/her Attorney-at-Law;
- (5) Witnesses in the hearing must provide truthful information, affirmed by an oath or promise in accordance with their respective religions or beliefs;
- (6) In the event that the Commission Council deems necessary, a Witness constituting a business actor or government agency may be examined by being accompanied by a competent staff or employee.
- (7) The staff or employee as intended in paragraph (6) shall be obligated to provide information about the alleged violation, submit letters and/or documents and sign the Minutes of the Commission Council Hearing for the Examination of Witness.
- (8) Following the completion of the examination, the Commission Council shall request the Witness to look over and sign the Minutes of the Commission Council Hearing for the Examination of Witness.

Article 44

- (1) Expert may be brought forward by Prosecuting Investigator, Reported Party, and/or Commission Council ex officio.
- (2) Costs and efforts to present Witness before a hearing shall be borne by the party bringing forward the Expert.

Article 45

- (1) Prior to the implementation of the hearing, the Commission Council shall examine the identity of the Expert, his/her competence, special expertise or experience in accordance with his/her expertise.
- (2) Questions to the Expert in the Commission Council Hearing may be raised by the Commission Council, Prosecuting Investigator, and Reported Party/Attorney-at-Law;
- (3) An Expert in the hearing must give information/opinion verbally or in writing, affirmed by an oath or promise about the truthful matter according to his/her experience and expertise.
- (4) Following the implementation of the examination, the Commission Council shall ask the Expert to look over and sign the Minutes of the Commission Council Hearing for the Examination of Expert.

Article 46

- (1) Commission Council shall be obligated to examine Reported Parties in a Further Examination.
- (2) Reported Parties shall be summoned and examined in the hearing one by one.
- (3) The examination of a Reported Party must be attended by the Reported Party himself/herself and may not be represented by an Advocate as his/her Attorney-at-Law.
- (4) A Reported Party may be brought forward to become a Witness by other Reported Party in the same case.
- (5) In the event that the Commission Council deems necessary, the Reported Party may be examined by being accompanied by a competent staff or employee.
- (6) Commission Council shall assess the competence of the staff or employee as

intended in paragraph (5) in order to be able to accompany the Reported Party examined.

- (7) The staff or employee as intended in paragraph (5) shall be obligated to give information about the alleged violation, submit letters and/or documents and sign the Minutes of the Commission Council Hearing for the Examination of Reported Party.

Article 47

- (1) In a Further Examination stage, the Examination of Letters and/or Documents may be conducted separately or simultaneously with the agenda of:
 - a. Hearing for the Examination of Witness;
 - b. Hearing for the Examination of Expert;
 - c. Hearing for the Examination of Reported Party; or
 - d. Examination on the Spot.
- (2) The examination of Letters and/or Documents shall be noted down in the Minutes of the Commission Council Hearing signed by the Commission Council, Clerk, and parties examining Letters and/or Documents.

Article 48

- (1) Examination on the Spot may be conducted for the examination of:
 - a. case object;
 - b. activities of Reported Party; and/or
 - c. the parties asking for the identities, information, and documents provided are kept confidential;
- (2) Examination on the Spot shall be closed-door in nature to the public and shall only be attended by the Commission Council, Clerk, and the parties examined.
- (3) Examination on the Spot shall be conducted in the location or domicile where

the deposition and/or instruments of proof with regard to the alleged violation can be found.

- (4) The Result of the Examination on the Spot shall be noted down in the Minutes of the Examination on the Spot signed by the Commission Council and the Clerk.

Article 49

- (1) Prior to the end of a Further Examination, Prosecuting Investigator and Reported Party shall submit a Conclusion of the Result of the Hearing in the Commission Council Hearing;
- (2) Conclusion of the Result of the Hearing shall be submitted in writing both in the form of printout and electronic data.
- (3) For the purpose of preparing the Conclusion of the Result of the Hearing, Prosecuting Investigator and Reported Party shall be entitled to examine instruments of proof put forward in the Commission Council Hearing.

Part Six

Deliberation of the Commission Council

Article 50

- (1) Commission Council shall conduct Deliberation of the Commission Council to assess, analyze, infer, and decide cases based on adequate instruments of proof regarding whether the Law has been violated or not as disclosed in the Commission Council Hearing.
- (2) Deliberation of the Commission Council shall be conducted within a maximum period of 30 (thirty) days following the end of Further Examination and/or the extension thereof.
- (3) The Result of the Deliberation of the Commission Council as intended in paragraph (1) shall be set forth in the form of a Decision of KPPU.

- (4) If proven that a violation has occurred, the Commission Council in a Decision of KPPU shall declare Reported Party to have violated provisions of the Law and shall impose an administrative sanction in accordance with provisions of the Law.
- (5) In a Decision of KPPU, the Commission Council may give suggestions and considerations to the government with regard to the case handled.

Article 51

- (1) Deliberation of the Commission Council shall be conducted in a closed-door and confidential manner.
- (2) Decision of KPPU shall be decided in a Deliberation of the Commission Council based on deliberation to reach a consensus.
- (3) In the event that the Deliberation of the Commission Council as intended in paragraph (2) does not reach a consensus, Decision of KPPU shall be determined based on a majority vote.
- (4) In conducting the Deliberation of the Commission Council and preparation of Decision of KPPU, the Commission Council shall be assisted by a Clerk.

Article 52

- (1) In the event that there is a Member of the Commission Council having a dissenting opinion from the majority Members of the Commission Council during the Deliberation of the Commission Council, such dissenting opinion must be set forth in writing and constitutes an inseparable part of the Decision of KPPU.
- (2) Dissenting opinion as intended in paragraph (1) shall be attached with the reasons and shall be submitted to other Members of the Commission Council in the last Deliberation of the Commission Council at the latest prior to the reading out of the Decision of KPPU.

Article 53

- (1) Decision of KPPU shall at least contain:
 - a. name of Reported Party;
 - b. domicile of Reported Party;
 - c. data of assets of Reported Party;
 - d. data of turnovers of Reported Party;
 - e. articles in the Law alleged to have been violated by Reported Party;
 - f. resume of the Report on Alleged Violation;
 - g. resume of the Response and/or Defense against the Report on Alleged Violation;
 - h. chronology of the Monitoring of the Implementation of Written Warning;
 - i. resume of the Reports on the Monitoring of the Implementation of Written Warning;
 - j. considerations and assessment of every instrument of proof put forward and examined in the hearing;
 - k. resume of the Conclusion of the Result of Hearing by Prosecuting Investigator;
 - l. resume of the Conclusion of the Result of Hearing by Reported Party;
 - m. analysis of the application of articles in the Law alleged to have been violated by Reported Party;
 - n. analysis of exception of the Law if questioned;
 - o. suggestions and considerations to the government, if any;
 - p. dissenting opinion, if any;
 - q. verdict;

- r. day and date of the decision making;
 - s. day and date of the reading out of decision;
 - t. names and signatures of the Head and Members of the Commission Council deciding; and
 - u. name and signature of the Clerk.
- (2) Commission Council shall be obligated to read out Decision of KPPU in a hearing declared open to the public.
 - (3) Decision of KPPU shall be signed by the Commission Council and the Clerk.
 - (4) Excerpt from the Decision of KPPU shall be signed by the Head of the Commission Council.
 - (5) Copy of the Decision of KPPU shall be signed by the official at the working unit that handles hearings.

Article 54

- (1) Commission Council shall be obligated to read out Decision of KPPU in a hearing declared open to the public.
- (2) Decision of KPPU shall be read out by no later than 30 (thirty) days as from the stipulation of the Deliberation of the Commission Council.
- (3) Commission Council shall notify Reported Party and Prosecuting Investigator of the time and venue for the reading out of the Decision of KPPU.

CHAPTER IV

EXECUTION OF DECISION

Part One

Submission of Excerpt and Copy of the Decision of KPPU

Article 55

- (1) Following the reading out of the Decision of KPPU by the Commission Council,

the Clerk shall submit the Excerpt from the Decision of KPPU along with the the Copy of the Decision of KPPU to Reported Party by no later than 14 (fourteen) days.

- (2) In the event that Reported Party refuses to receive the Excerpt and Copy of the Decision of KPPU, the Clerk shall draw up the Minutes containing the reasons for the refusal and a statement that the Reported Party is deemed to have received the Notification of the Excerpt and Copy of the Decision of KPPU as from the date of the uploading of the Copy of the Decision of KPPU in the website of KPPU.
- (3) In the event that the obvious address of a Reported Party is no longer known, the Clerk:
 - a. shall ask for a Statement from the Sub-district Head Office or Village Head Office where the Reported Party is last known to be domiciled; and
 - b. shall draw up the Minutes containing a statement that the Reported Party is deemed to have received the Notification of the Excerpt and Copy of the Decision of KPPU as from the date of uploading of the Copy of the Decision of KPPU in the website of KPPU by attaching the Statement as intended in paragraph (3) sub-paragraph a.

Article 56

- (1) The Clerk through the working unit that handles hearings shall submit the electronic data of the Copy of the Decision of KPPU to be uploaded in the website of KPPU, namely following:
 - a. the submission of the Excerpt from the Decision of KPPU along with the Copy of the Decision of KPPU to all Reported Parties; and
 - b. the drawin up of the Minutes as intended in Article 55 paragraphs (2) or (3).

- (2) The working unit that handles the management of the website of KPPU shall issue an official document containing the statement of the date for the uploading of the Decision of KPPU in the website of KPPU.

Part Two

Remedies

Article 57

- (1) A Reported Party may lodge an Objection to the Decision of KPPU by no later than 14 (fourteen) days as from the receipt of the Excerpt and Copy of the Decision of KPPU and/or following the uploading of the Decision of KPPU in the website of KPPU.
- (2) Objection as intended in paragraph (1) shall be lodged in the District Court at the legal domicile of the Reported Party.

Article 58

Parties objecting to the Decision of the District Court may file a cassation to the Supreme Court of the Republic of Indonesia within a period of 14 (fourteen) days.

Article 59

Procedures for Filing Remedies in the form of Objection and Cassation to Decision of KPPU shall refer to Regulation of the Supreme Court of the Republic of Indonesia.

Part Three

Additional Examination

Article 60

- (1) In a process of handling a Remedy in the form of Objection, the Panel of Judges of the District Court may order KPPU to conduct an Additional Examination.
- (2) The Order of the Panel of Judges of the District Court as intended in paragraph

- (1) shall be set forth in an Interlocutory Decision.
- (3) Interlocutory Decision as intended in paragraph (2) shall contain:
- a. obvious identity and address of the parties examined;
 - b. matters that must be examined with clear reasons;
 - c. questions that must be raised to the parties examined; and
 - d. the period of the Additional Examination required.

Article 61

- (1) Following the receipt of the Interlocutory Decision of the District Court to conduct an Additional Examination, the Chairman of KPPU shall issue a Decision of KPPU regarding:
- a. The stipulation of Additional Examination which among other things contains the remarks about the case toward which an objection is lodged, matters that must be examined in the Additional Examination and the period of the Additional Examination; and
 - b. The assignment of Members of the Commission in the Additional Examination.
- (2) Additional Examination as intended in Article 60 shall be conducted by the Commission Council deciding the Decision of KPPU toward which an objection is lodged or in accordance with the policy of the Chairman of KPPU.
- (3) Commission Council shall conduct Additional Examination assisted by the Clerk.
- (4) Procedures for Commission Panel Hearing for Additional Examination shall in general be adjusted to the agenda of the Commission Council Hearing for the Examination of Reported Party or Witness or Expert or letters and/or documents as carried out in a Further Examination stage.

Article 62

- (1) Additional Examination shall be open to the public and shall be conducted in the Examination room at the Head Office of KPPU or Regional Representative Office of KPPU or other places as determined by the Commission Council.
- (2) The time, venue, and agenda of the additional examination shall be announced in the website of KPPU.
- (3) Additional Examination shall be attended by the Commission Council, Clerk, the party examined.
- (4) Additional Examination shall be open to the public.
- (5) The Result of the Additional Examination as intended in paragraph (1) shall be noted down in the Minutes of Additional Examination signed by the Commission Council, Clerk, and the party examined.
- (6) Following the completion of Additional Examination, the Commission Council through the working unit that handles litigations shall submit the result of the Additional Examination to the Panel of Judges of the District Court issuing the Interlocutory Decision.

Part Four

Execution of the Decision of KPPU

Article 63

- (1) In the event that a Reported Party does not lodge an objection to the Decision of KPPU within a period as intended in Article 57 paragraph (1), the Decision of KPPU has had a permanent legal force and the Reported Party shall be obligated to execute the Decision of KPPU.
- (2) The Reported Party shall be obligated to execute the Decision of KPPU and shall submit the execution report to the Chairman of KPPU by no later than 30

(thirty) days following the end of the period for lodging objection as intended in Article 57 paragraph (1).

- (3) The working unit that handles the monitoring of the implementation of Decision of KPPU and the implementation of execution shall monitor:
 - a. The execution of Decision of KPPU that has had a permanent legal force;
 - b. The execution of Decision of the District Court that has had a permanent legal force; and
 - c. The execution of Decision of the Supreme Court that has had a permanent legal force.
- (4) Monitoring of the execution of Decision of KPPU as intended in paragraph (3) sub-paragraph a shall be conducted following the receipt of the Excerpt and Copy of the Decision of KPPU from the working unit that handles hearings.
- (5) Monitoring of the execution of Decision of the District Court as intended in paragraph (3) sub-paragraph b shall be conducted following the receipt of the Copy of Decision of the District Court from the working unit that handles litigations.
- (6) Monitoring of the execution of Decision of the Supreme Court as intended in paragraph (3) sub-paragraph c shall be conducted following the receipt of the Copy of Decision of the Supreme Court from the working unit that handles litigations.

Article 64

- (1) Application for the Stipulation of Execution of the Decision of KPPU that has been examined under an objection procedure shall be filed by the Chairman of KPPU to the District Court deciding the relevant case;
- (2) Application for the Stipulation of Execution of the Decision of KPPU toward

which an objection is not lodged shall be filed by the Chairman of KPPU to the District Court at the legal domicile of the Reported Party.

Article 65

The Chairman of KPPU shall establish a coordination with the Police Force of the State of the Republic of Indonesia in the event that:

- a. A Reported Party or Witness refuses to obey a summons for examination; and/or a Reported Party or Witness refuses to be examined; and/or
- b. A Reported Party or Witness refuses to give information needed in the pre-investigation and/or examination; and
- c. A Reported Party or Witness refuses to submit letters, documents, and/or other instruments of proof; and
- d. A Reported Party or Witness obstructs the pre-investigation and/or examination processes; and/or
- e. A criminal act is found in the pre-investigation and/or examination processes; and/or
- f. A Reported Party does not execute Decision of KPPU that has had a permanent legal force.

CHAPTER V

CLOSING PROVISIONS

Article 66

- (1) This Regulation shall come into force as of its date of stipulation.
- (2) For public cognizance, hereby ordering the promulgation of this KPPU Regulation by placing it in the Official Gazette of the Republic of Indonesia.

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Stipulated in Jakarta

On September 30, 2015

COMMISSION FOR THE SUPERVISION OF
BUSINESS COMPETITION

Chairman,

MUHAMMAD SYARKAWI RAUF