



**Indonesia Competition Commission**  
**Republic Of Indonesia**

REGULATION OF INDONESIA COMPETITION COMMISSION  
NUMBER 3 YEAR 2021  
REGARDING  
PROCEDURES FOR THE MAKING OF REGULATIONS OF INDONESIA  
COMPETITION COMMISSION

BY THE GRACE OF THE ALMIGHTY GOD

THE CHAIRMAN OF INDONESIA COMPETITION COMMISSION

- Considering :
- a. whereas in order to materialize legal certainty and orderly making of Regulations of Indonesia Competition Commission, it is necessary to provide for procedures for the making of Regulations of Indonesia Competition Commission;
  - b. whereas in order to generate quality, effective, and efficient Regulations of Indonesia Competition Commission, it is necessary to have a quantifiable, systematic, and accountable making method;
  - c. whereas based on the considerations as intended in points a and b, it is necessary to stipulate a Regulation of Indonesia Competition Commission regarding Procedures for the Making of Regulations of Indonesia Competition Commission;

- 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 Number 12 Year 2011 regarding the Making of Laws and Regulations (State Gazette of the Republic of Indonesia Year 2011 Number 82, Supplement to the State Gazette of the Republic of Indonesia Number 5234) as amended by Law Number 15 Year 2019 regarding Amendment to Law Number 12 Year 2011 regarding the Making of Laws and Regulations (State Gazette of the Republic of Indonesia Year 2019 Number 183, Supplement to the State Gazette of the Republic of Indonesia Number 6398);
  4. Law Number 11 Year 2020 regarding Job Creation (State Gazette of the Republic of Indonesia Year 2020 Number 245, Supplement to the State Gazette of the Republic of Indonesia Number 6573);
  5. Presidential Decree Number 75 Year 1999 regarding Indonesia Competition Commission as amended by Presidential Regulation Number 80 Year 2008 regarding Amendment to Presidential Decree Number 75 Year 1999 regarding Indonesia Competition Commission;
  6. Presidential Regulation Number 87 Year 2014 regarding Implementing Regulation of Law Number 12 Year 2011 regarding the Making of Laws and Regulations (State Gazette of the Republic of Indonesia Year 2014 Number 199);

HAS DECIDED:

To stipulate : REGULATION OF INDONESIA COMPETITION COMMISSION REGARDING PROCEDURES FOR THE MAKING OF REGULATIONS OF INDONESIA COMPETITION COMMISSION.

## GENERAL PROVISIONS

### Article 1

Referred to herein as:

1. Indonesia Competition Commission shall be the commission as intended in Law Number 5 Year 1999 regarding Prohibition of Monopolistic Practices and Unfair Business Competition.
2. Commission Regulation shall be laws and regulations as stipulated by the Commission to implement the provisions of laws and regulations that are higher or made by virtue of an authority.
3. Commission Regulation Drafting Program shall be an instrument for planning Commission Regulation making program prepared in a planned, integrated, and systematic manner for a period of 1 (one) year.
4. Initiator shall be a working unit at the same level as echelon I within the Commission putting forward proposals for the preparation of Draft Commission Regulations the duty and responsibility of which are in line with the substances provided for.
5. Commission Meeting shall be the highest decision-making organ led by the Chairman of the Commission and/or the Vice Chairman of the Commission and attended by the majority of the members of the Commission.
6. Coordination Meeting shall be a meeting between the Commission and the secretariat of the Commission led by the Chairman of the Commission or the Vice Chairman of the Commission or a member of the Commission assigned to coordinate the performance of the duties of the secretariat of the Commission.
7. Secretary General shall be the Secretary General of the Commission.
8. Legal Bureau shall be the Legal Bureau at the Secretariat General of the Commission.

### Article 2

For the purpose of the implementation of the simplification of regulations, any making of Commission Regulation may revoke one or more previously stipulated Commission Regulations.

### Article 3

- (1) Initiator shall engage legislative drafting functional staff in any Commission Regulation making stage.
- (2) Commission Regulation making as intended in paragraph (1) shall be conducted through the following stages:
  - a. planning;
  - b. preparation;
  - c. stipulation;
  - d. promulgation; and
  - e. dissemination.

## CHAPTER II PLANNING

### Article 4

- (1) Planning for the preparation of a Commission Regulation shall be conducted in a Commission Regulation Preparation Program.
- (2) Planning for the preparation of a Commission Regulation as intended in paragraph (1) shall be prepared on the basis of the commands of the higher laws and regulations or on the grounds of authority.

### Article 5

- (1) Proposals for planning for the preparation of Commission Regulations shall be put forward by the Initiator.
- (2) Proposals as intended in paragraph (1) shall be accompanied by conception encompassing the following:
  - a. the background and urgency of the proposals;
  - b. the objective, target, and direction desired to be materialized;
  - c. the principles that will be provided for; and
  - d. the scope and direction of the regulating.

- (3) Proposals as intended in paragraph (2) shall be put forward in writing by the Initiator to the Secretary General to be reported and decided in a Commission Meeting.

#### Article 6

- (1) Based on the proposals as intended in Article 5, the Secretary General shall prepare a list of plans for the preparation of Draft Commission Regulations in accordance with the target of performance for 1 (one) year in a Coordination Meeting.
- (2) In preparing the list of plans for Draft Commission Regulations as intended in paragraph (1), the Secretary General shall engage the Initiator.

#### Article 7

- (1) The results of Coordination Meeting as intended in Article 6 paragraph (1) shall be in the form of list of Draft Commission Regulations.
- (2) List of Draft Commission Regulations as intended in paragraph (1) shall contain:
  - a. the title;
  - b. the principle of content material/direction of the regulating;
  - c. the mandates of higher laws and regulations;
  - d. the Initiator; and
  - e. the remarks in the event that the making is on the grounds of authority.
- (3) Provisions concerning the format of the list of Draft Commission Regulations as intended in paragraph (2) shall be included in the Attachment constituting an inseparable part of this Commission Regulation.

#### Article 8

- (1) The Secretary General shall convey the list of Draft Commission Regulations as intended in Article 7 in a Commission Meeting to obtain approval and stipulation.
- (2) The List of Draft Commission Regulations as intended in paragraph (1) that has been approved in a Commission

Meeting shall be stipulated to become a Commission Regulation Preparation Program.

- (3) The Commission Regulation Preparation Program as intended in paragraph (2) shall be stipulated in a Commission Decision.

#### Article 9

- (1) In certain circumstances, the Initiator may prepare a Draft Commission Regulation outside the Commission Regulation Preparation Program on the basis of the approval of the Commission Meeting.
- (2) Certain circumstances as intended in paragraph (1) shall include:
  - a. the commands of higher laws and regulations; or
  - b. other certain circumstances that ensure the existence of urgency to the draft.

#### Article 10

- (1) The putting forward of proposals outside the Commission Regulation Preparation Program as intended in Article 9 shall be submitted by the Initiator to the Secretary General to be reported and decided in a Commission Meeting.
- (2) In the event that the Commission Meeting gives an initiative permit as intended in paragraph (1), the Commission Meeting shall command the Initiator and/or Legal Bureau to conduct the preparation of Draft Commission Regulation.
- (3) A Commission Meeting may appoint 1 (one) or several Members of the Commission to direct the preparation of the Draft Commission Regulation.

### CHAPTER III PREPARATION

Article 11

- (1) The preparation of Draft Commission Regulations shall be conducted by the Initiator and shall be accompanied with an analysis or assessment.
- (2) The Initiator in preparing Draft Commission Regulations as intended in paragraph (1) may engage Legal Bureau.
- (3) The preparation of Draft Commission Regulations as intended in paragraph (1) shall be conducted in accordance with the provisions of laws and regulations in the field of the making of laws and regulations.

Article 12

In conducting the preparation as intended in Article 11, the Initiator may make the related ministries/institutions, experts, practitioners, academics, and/or business actors mastering the substances provided for in the Draft Commission Regulations take part.

Article 13

- (1) The Initiator shall convey the results of the preparation of the Draft Commission Regulations as intended in Article 11 to the Secretary General to be synchronized.
- (2) The Secretary General shall assign the Head of Legal Bureau to conduct the synchronization as intended in paragraph (1).
- (3) In conducting the synchronization as intended in paragraph (1), the Legal Bureau may engage the related ministries/institutions, experts, practitioners, academics, and/or business actors mastering the substances provided for in the Draft Commission Regulations.

Article 14

- (1) The Legal Bureau shall synchronize the Draft Commission Regulations as intended in Article 13 with:
  - a. the conformity to the provisions of higher and/or equivalent laws and/or regulations;
  - b. the conformity to the direction of the policy of the Commission; and

- c. the techniques for preparing laws and regulations.
- (2) The synchronization of Draft Commission Regulations as intended in paragraph (1) shall be obligated to observe the aspiration or opinion of the Initiator and/or the related equivalent echelon I working units.
- (3) The result of the synchronization of Draft Commission Regulations as intended in paragraph (2) shall be conveyed to the Secretary General.

#### Article 15

The Secretary General shall report the Draft Commission Regulations resulting from the synchronization in the Coordination Meeting to be decided in the Commission Meeting.

#### Article 16

- (1) The Chairman of the Commission or the Secretary General on behalf of the Chairman of the Commission shall convey the Draft Commission Regulations as intended in Article 15 to the Director General of Laws and Regulations of the Ministry of Law and Human Rights to undergo harmonization, coherence, and stabilization processes of the conception of the Draft Commission Regulations in accordance with the provisions of laws and regulations.
- (2) Harmonization, coherence, and stabilization processes of the conception of the Draft Commission Regulations as intended in paragraph (1) shall be conducted in accordance with the provisions of laws and regulations.

#### Article 17

In the event that there are problems in the harmonization, coherence, and stabilization processes of the conception of the Draft Commission Regulations as intended in Article 16 paragraph (2), the Secretary General shall report them in the



Coordination Meeting to be decided in the Commission Meeting.

#### Article 18

The Secretary General shall convey the Draft Commission Regulations that have undergone harmonization, coherence, and stabilization of the conception to the Initiator to obtain approval initials on each page of the manuscripts of the Draft Commission Regulations.

### CHAPTER IV STIPULATION

#### Article 19

- (1) The Secretary General shall convey Draft Commission Regulations that have obtained approval initials as intended in Article 18 in the Commission Meeting.
- (2) Draft Commission Regulations that have been approved in the Commission Meeting as intended in paragraph (1) shall be stipulated by the Chairman of the Commission.
- (3) The stipulated Draft Commission Regulations as intended in paragraph (2) shall be numbered and marked with a stipulation date in accordance with the provisions of laws and regulations.

### CHAPTER V PROMULGATION

#### Article 20

The original manuscripts of Commission Regulations as intended in Article 19 paragraph (3) shall be conveyed by the Chairman of the Commission or the Secretary General on behalf of the Chairman of the Commission to the Director General of Laws and Regulations of the Ministry of Law and Human Rights to be promulgated in the Official Gazette of the Republic of Indonesia and/or Supplement to the State Gazette of the Republic of Indonesia in accordance with the provisions of laws and regulations.

CHAPTER VI  
DISSEMINATION

Article 21

Copies of the promulgated Commission Regulations shall be disseminated through the print media and/or electronic media.

Article 22

Commission Regulations that will be published in the form of book must be pursuant to the original manuscripts and shall be banned from changing, adding, reducing, as well as correcting the stipulated Commission Regulations.

Article 23

Commission Regulations that will be translated into foreign languages, the translating thereof shall be conducted in accordance with the provisions of laws and regulations.

CHAPTER VII  
CLOSING PROVISIONS

Article 24

This Commission Regulation shall come into force as from its promulgation date.

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

Stipulated in Jakarta

On June 21, 2021

CHAIRMAN OF INDONESIA COMPETITION  
COMMISSION,

Sgd.

KODRAT WIBOWO

Promulgated in Jakarta

On July 1, 2021

HEAD OF THE AGENCY FOR NATIONAL  
LAW DEVELOPMENT OF THE MINISTRY OF  
LAW AND HUMAN RIGHTS OF REPUBLIC OF INDONESIA,

Sgd.

WIDODO EKATJAHJANA

OFFICIAL GAZETTE OF THE REPUBLIC OF INDONESIA YEAR 2021 NUMBER  
751

ATTACHMENT TO  
REGULATION OF INDONESIA COMPETITION  
COMMISSION  
NUMBER 3 YEAR 2021  
REGARDING  
THE MAKING OF REGULATIONS OF INDONESIA  
COMPETITION COMMISSION

LIST OF DRAFT REGULATIONS OF  
INDONESIA COMPETITION COMMISSION

No.	Title	Content Material	Mandate of Laws and Regulations	Initiator	Remarks

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CHAIRMAN OF INDONESIA COMPETITION  
COMMISSION,

Sgd.

KODRAT WIBOWO