

The Competition law enforcement concerning tender: Indonesian experiences

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Abstrak

Bid rigging is an interesting problem to be examined, since it is a serious problem that is very influential in the development of Indonesia. Bid rigging practices are mostly encountered in the process of goods procurement and services provided by the government. Presumably, bid rigging practices have been rampant since the government actively encouraged for the development of Indonesia, commencing in the 1980s. Although bid rigging is deemed as corruption with severe punishments for offenders, not many offenders have been put to trial and sentenced. Since the Law of the Republic of Indonesia No 5 of 1999 Concerning the Ban on Monopolistic Practices and Unfair Business Competition (commonly referred to as the Competition Law) came into effect in 2000, bid rigging constitutes to an infringement of the Competition Law stipulated in Article 22 of Law No 5 of 1999. This is mostly reported to and investigated by the KPPU.² As contained in the Annual Report of the KPPU, in 2010, there were 215 reports from the public regarding violation against competition law, where 175 reports were on bid rigging, and the remaining 40 cases pertained to non-tender cases.³ 218 cases were decided by the Commission as of 2000 to 2012. A total of 147 decisions (67%) were bid rigging violations, while the rest of them were non-tender cases.