COMPARISON OF BUSINESS COMPETITION INSTITUTIONS BETWEEN INDONESIA AND THAILAND AS A FORM OF STRENGTHENING THE INDONESIAN BUSINESS COMPETITION SUPERVISING

Abstract
Competition is a necessity in the business world, business actors are no stranger to competition between business actors in carrying out their business activities. This is done solely for profit. The state established the Business Competition Supervisory Commission (KPPU) as a form of the state’s presence in protecting business actors who have acted honestly in carrying out their business activities. This research aims to identify problems related to the duties and authorities of the Commission for the Supervision of Business Competition in Indonesia and Thailand to then carry out a comparative study. The method used by researchers is a normative juridical approach. According to Soerjono Soekanto, the normative juridical approach is legal research conducted by examining literature or secondary data as the basis for research by conducting a search of regulations and literature related to the problem under study.

Keywords: Business Competition, Indonesia, KPPU, Thailand, Trade Competition

Abstrak

Kata Kunci: Indonesia, KPPU, Persaingan Usaha, Persaingan Perdagangan, Thailand,
INTRODUCTION

Competition is a necessity in the business world, business actors are no strangers to competition between business actors in carrying out their business activities. This is done solely for profit. This competition can have a positive impact on the business world itself because this competition can encourage business actors to innovate the goods and services that will be produced, and society/consumers from competition between business actors will benefit, among others, in the form of getting more choice of goods with guaranteed quality and reasonable prices of goods. Competition occurs when there are several business actors engaged in the same/similar line of business, jointly running a company in the same area of operation (same marketing), each trying their best to outperform the others to gain the maximum profit. (Utami & Adipradana, 2017) However, not all business actors respond positively to this competition, in practice there will be many business actors who choose fraudulent or unsavory methods to gain profits, such as engaging in monopolistic practices that can cause or create an unfair business competition climate.

The negative/bad impacts of monopolistic practices and unfair business competition do not only affect the business climate and actors, but can spread to the detriment of society and the state. When a business actor or group of business actors engages in monopolistic practices and unfair business competition, the competing business actors who have a smaller scale will find it difficult to enter the market and cause the products on the market to become diversified. This will have an impact on society as consumers will lose their choice of goods needed (substitutes), and ultimately there will be no significant competitors in the relevant market. As a result, the goal of competition, namely the efficiency of consumers and producers, is not achieved.

The negative impact of no competition is monopolistic practices and unfair business competition. Monopolistic practices occur when only one or several business actors are able to enter a market, resulting in obstacles to other business actors entering the same market and creating unfair business competition. Based on Law number 5 of 1999 concerning the Prohibition of Monopolistic Practices and Unfair Business Competition, monopolistic practices are the concentration of economic power by one or more business actors which results in the control of the production and or marketing of certain goods and or services giving rise to unfair business competition and could be detrimental to the public interest. Unfair business competition is competition between business actors in carrying out production and or marketing activities of goods and or services that are carried out in an unfair or unlawful manner or impede business competition.

Against market distortions due to monopolistic practices and the occurrence of unfair competition, it is possible for state intervention to adopt policies to foster a conducive business climate through the creation of fair business competition, and guarantee certainty of equal business opportunities for every business actor, so as to achieve three fundamental objectives of business competition (Jusmadi, 2014):

1. Increasing the allocation of resources that can properly meet consumer demand;
2. Support the pressure in the company's business to be able to work better and generate innovation; And
3. Enlarge the participation of the market to pursue opportunities in order to increase the potential productivity and creativity they have.
The state established the Business Competition Supervisory Commission (KPPU) as a form of the state's presence in protecting business actors who have acted honestly in carrying out their business activities. Article 36 paragraph 2 of Law Number 20 of 2008 mandates KPPU as an institution established and tasked with overseeing business competition as stipulated in laws and regulations, to supervise the implementation of partnerships in an orderly and orderly manner. Law Number 5 of 1999 concerning Prohibition of Practices Monopoly and Unfair Business Competition explains that the duties and powers of the Business Competition Supervisory Commission are as follows:

1. Task:
   a. Conduct an assessment of agreements that may result in monopolistic practices and or unfair business competition as stipulated in Articles 4 to 16;
   b. Conduct an assessment of the business activities and or actions of business actors that may result in monopolistic practices and or unfair business competition as stipulated in Articles 17 to 24;
   c. Conduct an assessment of whether or not there is an abuse of the dominant position which may result in monopolistic practices and or unfair business competition as stipulated in Articles 25 to 28;
   d. Take action following the authority of the Commission as regulated in Article 36;
   e. Provide advice and considerations on Government policies related to monopolistic practices and or unfair business competition;
   f. Compile guidelines and or publications related to this law;
   g. Provide regular reports on the results of the Commission's work to the President and the House of Representatives.

2. Authority:
   a. Receiving reports from the public and or from business actors regarding allegations of monopolistic practices and or unfair business competition;
   b. Research allegations of business activities and or actions of business actors that may result in monopolistic practices and or unfair business competition;
   c. Carry out investigations and or examinations into cases of alleged monopolistic practices and or unfair business competition reported by the public or by business actors or found by the Commission as a result of its research;
   d. Summarize the results of investigations and/or examinations regarding the presence or absence of monopolistic practices and/or unfair business competition;
   e. Summon business actors suspected of having violated the provisions of this law;
   f. Summon and present witnesses, expert witnesses, and anyone who is deemed to know of violations of the provisions of this law;
   g. Request the assistance of investigators to bring business actors, witnesses, expert witnesses, or any person referred to in letters e and f, who are not willing to comply with the Commission's summons;
   h. Request information from Government agencies concerning investigations and or examinations of business actors who violate the provisions of this law;
   i. Obtain, examine, and or evaluate letters, documents, or other evidence for investigation and or examination; Decide and determine whether or not there is a loss on the part of other business actors or the community;
j. Notify the Commission's decision to business actors who are suspected of engaging in monopolistic practices and or unfair business competition;

k. Imposing sanctions in the form of administrative measures on business actors who violate the provisions of this law.

KPPU is an institution that must be strengthened to create a healthy business climate. "Right now we are entering the era of the Industrial Revolution 4.0, it's only natural that the rules regarding supervision of business actors are renewed, don't be unsupportive for the interests of the nation, everything must be regulated and managed properly, the point is social justice for all Indonesian people, don't want to dominate all the time" explained Azam. (KPPU, 2019)

KPPU Commissioner Chandra Setiawan explained the role of KPPU after the reform era such as dismantling the sms cartel, providing advice regarding the aviation industry, and eradicating other cartels. "KPPU is committed to safeguarding the nation's economy, KPPU has uncovered many cartel cases, such as the SMS cartel, and provided suggestions and considerations in the aviation industry. This is one of the reasons why the KPPU must exist and its institutions must be strengthened based on the law. I ask the DPR and the government to immediately finalize the new LMPUTS Law (Law No. 5 of 1999), "said Chandra. (KPPU, 2019)

Based on the description above, the research team is interested in examining through normative juridical comparisons Business competition supervisory institutions between Indonesia and Thailand regarding the duties and authorities of KPPU in each country with the title "Comparison of Business Competition Institutions between Indonesia and Thailand as a Form of Strengthening the Indonesian Business Competition Supervisory Commission".

RESEARCH METHODS

Legal research is a scientific activity, which is based on certain methods, systematics and ideas, which aims to study one or several certain legal phenomena, by analyzing them, and carrying out in-depth examination of the legal facts, to then seek a solution to the problems. problems that arise in the symptoms concerned. (Soekanto, 2008). To obtain truth that can be trusted for its validity, a study must use a method that is appropriate to the objectives to be achieved beforehand. Methodology essentially provides guidance on the ways in which a person studies, analyzes and understands the environment he or she faces. (Soekanto, 2008)

The approach method used by researchers is a normative juridical approach. According to Soerjono Soekanto, the normative juridical approach is legal research conducted by examining literature or secondary data as the basis for research by conducting a search of regulations and literature related to the problem under study. (Soekanto & Mamudji, 2001). Normative law research does not always connote juridical norm research. In general, research on juridical norms is understood to only be legal research that limits the norms contained in statutory regulations. Meanwhile, normative legal research is broader. (Marzuki, 2005)

According to Johnny Ibrahim, normative legal research is a scientific research procedure to find truth based on scientific logic from a normative perspective. The normative side here is not limited to statutory regulations. This is as stated by Peter Mahmud, legal research is normative research but not only researching positivist law. Norms are not only interpreted
as positive law, namely rules made by politicians who have a higher position as stated by John Austin or rules made by the authorities as stated by Hans Kelsen. (Ibrahim, 2013)

RESULTS AND DISCUSSION
Arrangements Regarding the Duties and Authorities of the Commission for the Supervision of Business Competition in Indonesia

The provisions in the 1945 Constitution are the foundation of the state which must be used as guidelines in Indonesia. The government promulgated Legislation Number 5 of 1999 concerning the Prohibition of Monopolistic Practices and Unfair Business Competition as an embodiment of the 1945 Constitution.

Article 33 Paragraph (4). The Commission for the Supervision of Business Competition (KPPU), which has the mandate to supervise and enforce business competition law as stipulated in Law Number 5 of 1999 concerning the Prohibition of Monopolistic Practices and Unfair Business Competition, is a non-structural institution which is an organ for this country in implementing development. Law No. 5 of 1999, has mandated the scope of duties and authorities of the Business Competition Supervisory Commission (KPPU). (Wirdayani, 2019)

The Business Competition Supervisory Commission (KPPU) is a law enforcement agency in the field of business competition and the status given to KPPU is as a supervisor of the implementation of the Business Competition Law. KPPU is a manifestation of the implementation of the Business Competition Law which mandates the establishment of an institution to enforce the Business Competition Law. KPPU is a quasi-independent institution that is free from influence and government power and other parties and is responsible to the President. (Chandra & Widiyastuti, 2017)

The duties of the Commission and the authority of the Business Competition Supervisor in handling violations of the law in business competition need to be carried out in accordance with the applicable laws and regulations. The Business Competition Supervisory Commission is authorized to supervise business competition and impose sanctions in the form of administrative actions.

Competition law regulates disputes between business actors, in which a business actor feels harmed by the actions of other business actors. Therefore, business competition disputes are civil disputes. Business competition disputes between business actors can be carried out by associations established by business actors, if there are no public elements in the matter in dispute. However, the settlement will encounter various obstacles if there is no volunteerism to implement the decision of the defeated party. This is because an association is not authorized to confiscate or impose public sanctions. (Fadhilah, 2012)

The enactment of Law Number 5 of 1999 not only brought new winds to business competition regulations in Indonesia which had so far been spread out in various laws and regulations but also created a new institution, namely the Business Competition Supervisory
Commission (KPPU). (Siswanto, 2004) Law Number 5 Year 1999 concerning the Prohibition of Monopolistic Practices and Unfair Business Competition, regulates the duties of the Commission for the Supervision of Business Competition, as stated in Article 35. The duties of the Commission include:

1. Conduct an assessment of agreements that may result in monopolistic practices and or unfair business competition as stipulated in Articles 4 to 16;
2. Conduct an assessment of the business activities and or actions of business actors that may result in monopolistic practices and or unfair business competition as stipulated in Articles 17 to 24;
3. Conduct an assessment of whether or not there is an abuse of a dominant position which can result in monopolistic practices and or unfair business competition as stipulated in Articles 25 to 28;
4. Take action following the authority of the Commission as regulated in Article 36;
5. Provide advice and considerations on government policies related to monopolistic practices and or unfair business competition;
6. Compile guidelines and or publications related to this Law;
7. Provide regular reports on the results of the work of the Commission to the President and the House of Representatives.

KPPU is a law enforcer and is a very appropriate institution to resolve business competition issues which has a multi-function role that can resolve and accelerate the handling of business competition cases, this opinion was expressed by Syamsul Maarif as quoted by Rachmadi Usman in his book entitled Law on Business Competition Procedures in Indonesia. (Usman, 2004) The business opportunities created over the past three decades have not made all people able and able to participate in development in various economic sectors. The development of private businesses during this period, on the one hand, was marked by various forms of government policies that were not quite right so the market became distorted. On the other hand, the development of private businesses is mostly a manifestation of conditions of unfair business competition. (Explanation on Law Number 5 of 1999 concerning the Prohibition of Monopolistic Practices and Unfair Business Competition.) related relationship between decision-makers and business actors, either directly or indirectly, thus further exacerbating the situation. The implementation of the national economy does not refer to the mandate of Article 33 of the 1945 Constitution and tends to show a very monopolistic style.

Entrepreneurs who are close to the power elite get excessive conveniences that have an impact on social inequality. The emergence of conglomerates and a small group of strong entrepreneurs who are not supported by a true entrepreneurial spirit is one of the factors that makes economic resilience very fragile and unable to compete. Taking into account the situation and conditions mentioned above requires us to examine and reorganize business activities in Indonesia so that the business world can grow and develop healthily and correctly, create a climate of fair business competition, and avoid the concentration of economic power in certain individuals or groups. , among others, in the form of monopolistic practices and unfair business competition which are detrimental to society, and are contrary to the ideals of social justice. Therefore, it is necessary to draw up a Law on the Prohibition of Monopolistic Practices and Unfair Competition which is intended to uphold the rule of law.
and provide equal protection for every business actor to create fair business competition. (Explanation on Law Number 5 of 1999 concerning the Prohibition of Monopolistic Practices and Unfair Business Competition) At the beginning of its establishment, the Business Competition Supervisory Commission (hereinafter referred to as KPPU) carried out a very tough task in dealing with the dynamics of the business world during a multidimensional crisis covering Indonesia at that time. At that time the flow of conflict in the Indonesian business world was very strong. Unfair business competition practices are considered "commonplace", coupled with the existence of collusion between business actors and those in power. To carry out its duties properly, the law provides ammunition in the form of broad authority to KPPU. In addition, KPPU is also given a limited period in handling a case, this aims to guarantee business certainty. (Simbolon, 2013)

Law Number 5 of 1999 concerning Prohibition of Monopolistic Practices and Unfair Business Competition (hereinafter referred to as UULPM), KPPU can handle cases based on two working mechanisms, namely based on reports submitted to KPPU or on the initiative of KPPU in observing phenomena that occur in the world business. The decision made by KPPU is binding but not final because it is still possible for the reported party to submit an objection to the KPPU decision to the District Court where the reported domicile is domiciled as stipulated in Article 44 paragraph (2) UULPM, even this legal process can also take place up to the Supreme Court level. (MA). This process shows that there is a balanced control function between KPPU, PN, and Supreme Court in implementing business competition law enforcement. KPPU in carrying out its duties and authorities requires a clear direction of view, so that what is the goal can be formulated carefully and can be planned appropriately. The point of view of KPPU as an independent institution carrying out the mandate of the UULPM is: "Become an Effective, Credible Business Competition Supervisory Agency to Improve People's Welfare". (Simbolon, 2013) Article 30 paragraph (1) UULPM stipulates that KPPU supervises the implementation of UULPM; (2) determines that KPPU is an independent institution that is free from the influence of government power and other parties; (3) determines that in carrying out its duties, the KPPU is responsible to the President. KPPU members are appointed by the President after obtaining the approval of the House of Representatives. The Commission's duties and authorities are regulated in Article 35 and Article 36 of the UULPM in detail, then reaffirmed in Article 4 of Presidential Decree Number 75 of 1999. In the context of implementing Article 34 paragraph (1) of the UULPM, Presidential Decree of the Republic of Indonesia No. 75 of 1999 concerning the Commission for the Supervision of Business Competition. Through Presidential Decree No. 75 of 1999 Article 1 paragraph (1) established the Commission for the Supervision of Business Competition, hereinafter referred to as the Commission. Paragraph (2) of Presidential Decree 75 of 1999 states that the Commission as referred to in paragraph (1) is a non-structural institution that is independent of the influence of government power and other parties. Article 1 number (18) of the UULPM defines the Commission for the Supervision of Business Competition as a commission established to supervise business actors in carrying out their business activities so that they do not engage in monopolistic practices or unfair business competition. Presidential Decree No. 75 of 1999 concerning KPPU has been amended by Presidential Decree No. 80 of 2008 concerning Amendments to Presidential Decree No. 75 of 1999 concerning the Commission for the Supervision of Business Competition (Simbolon, 2013)
Understanding that consumer protection questions the legal protection provided to consumers in their efforts to obtain goods and services from possible losses due to their use, consumer protection law can be said to be the law governing providing legal protection to consumers to fulfill their needs as consumers. The form of protection for consumers has many dimensions, one of which is: Forms of Legal Protection Provided Through a Regulation. (Bukido & Bamatraf, 2017)

The form of legal protection referred to here is legal protection provided by laws and regulations so that the rights of consumers are not harmed or to protect consumers from fraudulent acts of business actors or acts of monopolistic practices and unfair business competition by business actors against consumers. (Bukido & Bamatraf, 2017)

The regulations governing consumer protection, in general, are Law Number 8 of 1999 concerning Consumer Protection. This law regulates the rights and obligations of consumers and business actors contained in articles 4 to 7 with the aim that consumers and business actors can find out what their rights and obligations are. (Bukido & Bamatraf, 2017) Law Number 8 1999 concerning Consumer Protection. Article 3. Consumer protection aims to:

a Increasing consumer awareness, ability and independence to protect themselves;
b Raising the dignity of consumers by preventing them from negative excesses in the use of goods and/or services;
c Increasing consumer empowerment in selecting, determining, and demanding their rights as consumers;
d Creating a consumer protection system that contains elements of legal certainty and information disclosure as well as access to information;
e Growing awareness of business actors regarding the importance of consumer protection so that honest and responsible attitudes grow in doing business;
f Improving the quality of goods and/or services to ensure the continuity of the business of producing goods and/or services, the health, comfort, security and safety of consumers.

This Law on Consumer Protection was formulated concerning the philosophy of national development that national development, including the development of laws that provide protection for consumers, is in the framework of building a complete Indonesian human being based on the state philosophy of the Republic of Indonesia, namely the state ideology Pancasila and the state constitution, the 1945 Constitution. (Explanation of Law Number 8 Year 1999 Concerning Consumer Protection.)

Law Number 30 of 2014 Concerning Government Administration. Article 1 point 5. Authority is a right owned by a government agency and/or official or other state administrators to make decisions and/or take actions in administering government. Article 1 point 6. Government Authority, hereinafter referred to as Authority, is the power of Government Agencies and/or Officials or other state administrators to act in the realm of public law.

Baiq Ervinna Sapitri, authority is the power of a person, group of people, an institution (in this case KPPU) over a certain group of people or power over a certain field (namely the field of business competition law), while authority is the ability to act KPPU granted by law that applies to relationships and legal actions. (Explanation of Law Number 8 of 1999 concerning Consumer Protection.) Law Number 5 of 1999 concerning the Prohibition of Monopolistic Practices and Unfair Business Competition, regulates the authority of the
Business Competition Supervisory Commission, as stated in Article 36. The Commission's authorities include:

a. Receiving reports from the public and/or business actors regarding allegations of monopolistic practices and/or unfair business competition;
b. Conduct research on allegations of business activities and or actions of business actors that may result in monopolistic practices and or unfair business competition;
c. Conducting investigations and or examinations into cases of alleged monopolistic practices and or unfair business competition reported by the public or by business actors or found by the Commission as a result of its research;
d. Conclude the results of investigations and or examinations regarding the presence or absence of monopolistic practices and or unfair business competition;
e. Summon business actors suspected of having violated the provisions of this law;
f. Summon and present witnesses, expert witnesses, and anyone who is deemed to know of violations of the provisions of this Law;
g. Requesting assistance from investigators to bring business actors, witnesses, expert witnesses, or any person referred to in letters e and f, who are not willing to comply with the Commission's summons;
h. Requesting information from Government agencies concerning investigations and or examinations of business actors who violate the provisions of this Law;
i. Obtain, examine, and or evaluate letters, documents, or other evidence for investigation and or examination;
j. Decide and determine whether or not there is a loss on the part of other business actors or the public;
k. Notifying the Commission's decision to business actors suspected of engaging in monopolistic practices and or unfair business competition.
l. Imposing administrative sanctions on business actors who violate the provisions of this law.

Explanation of Article 36 letter (g) What is meant by investigators are investigators as meant in Law Number 8 of 1981. The above provisions divide the KPPU's authority into 3 categories: (Risnain, 2014) First, investigative powers. Article 36 letters (a), (b), (c) and (d) authorize KPPU to 1) receive reports from the public and or from business actors regarding allegations of monopolistic practices and or unfair business competition, 2) conduct research on alleged business activities and or actions of business actors which may result in monopolistic practices and or unfair business competition, 3) conduct investigations and or examinations of cases of alleged monopolistic practices and or unfair business competition reported by the public or by business actors or found by the Commission as research results, 4) conclude the results of investigations and or examinations regarding the presence or absence of monopolistic practices and or unfair business competition.

Second, authority demands business actors. Article 36 letters (e),(f),(g),(h),(i).: (e) summon business actors who are suspected of having violated the provisions of this law, (f) summon and present witnesses, expert witnesses, and everyone who is deemed to know the violation of the provisions of this law; (g) requesting the assistance of investigators to present business actors, witnesses, expert witnesses, or any person referred to in letters e and f, who are not willing to comply with the Commission's summons, (h). request information from
Government agencies concerning investigations and or examinations of business actors who violate the provisions of this law, (i) obtain, examine, and or evaluate letters, documents, or other evidence for investigation and or examination. Third, judicial authority. Authority to impose sanctions on business actors. The KPPU’s authority is a super and special authority given by law to KPPU because KPPU is given the authority to impose sanctions in the form of administrative actions on business actors who violate the provisions of the business competition law. (Risnain, 2014)

What is interesting is the KPPU’s authority to decide and impose sanctions on business actors. The authority to adjudicate and impose sanctions on KPPU belongs to the KPPU which is not owned by other independent institutions. This raises the question of whether KPPU is a judicial institution or an administrative institution. Regarding the institutional status of KPPU in the judicial system in Indonesia, it is interesting to quote Jimly Assidiqie's opinion “….it is clear that in essence, KPPU is a judicial institution in a broad sense, or at least it can be called a semi-judicial institution. As an administrative judicial institution, the function of KPPU can be classified within the state administrative court environment, but when viewed from the field of rights disputes it resolves, this commission can also be categorized as being within the general court environment.” (Risnain, 2014)

Article 46 paragraph (2) of Law Number 5 of 1999 the execution of the KPPU’s decision must go through a District Court decision. If the KPPU legal remedies do not have the authority to accept legal remedies, the defeated party has objections to the KPPU’s decision, according to Article 44 paragraph (2) can submit to the District Court, further legal remedies can appeal to the Supreme Court (Article 45 paragraph 3). (Usman, 2004) KPPU will use its authority in obtaining one or more pieces of evidence to handle cases of unfair business competition and cartels, but KPPU still feels that the authority granted in Article 36 of Law Number 5 of 1999 concerning Prohibition of Monopolistic and Competition Practices Unhealthy business, still does not support the KPPU’s performance in carrying out its duties. (Risnain, 2014)

KPPU as the commission tasked with enforcing Law Number 5 of 1999 concerning the Prohibition of Monopolistic Practices and Unfair Business Competition, has an important role in enforcing business competition law, particularly the role of investigators and KPPU commissioners in assessing a business activity that may result in monopolistic practices and unfair business competition. (Risnain, 2014) An important authority that the KPPU does not have in carrying out its duties, particularly in handling suspected cartel cases related to monopolistic practices and unfair business competition, is the authority to carry out searches and confiscations. KPPU considers that without the authority to carry out searches and seizures, especially in handling suspected cartel cases related to monopolistic practices and unfair business competition, KPPU's performance has not been able to proceed optimally and has not been effective in its implementation. (Risnain, 2014) Ateng Syafrudin, there is a difference between the meaning of authority and authority, he argued that: "We must distinguish between authority and authority. Authority is what is called formal power, a power that comes from the power given by law, while authority only concerns a certain part of authority. (Syafrudin, 2000)

According to Philipus M. Hadjon, every government action is required to be based on legal authority. This authority is obtained through three sources, namely attribution,
delegation, and mandate” (Hadjon, 1994). Law Number 30 of 2014 Concerning Government Administration. Article 1 point 22. Attribution is the granting of Authority to Government Agencies and/or Officials by the 1945 Constitution of the Republic of Indonesia or Law. Article 1 point 23. Delegation is the delegation of Authority from a higher Government Agency and/or Official to a lower Government Agency and/or Official with responsibility and accountability fully transferred to the recipient of the delegation. Article 1 point 24. The mandate is the delegation of Authority from a higher Government Agency and/or Official to a lower Government Agency and/or Official with responsibility and accountability remaining with the mandate giver. The duties and authorities of the Business Competition Supervisory Commission in handling business competition law violations are regulated in Law Number 5 of 1999 concerning the Prohibition of Monopolistic Practices and Unfair Business Competition to provide legal certainty regarding the Duties and authorities of the Business Competition Supervisory Commission.

**Business Competition Supervisory Agency in Thailand**

Until now ASEAN countries do not have the same perception regarding business competition, especially in the context of the Asean Free Trade Area (AFTA). Of the 10 ASEAN member countries, it turns out that only Indonesia, Thailand and the Philippines have laws on business competition. Even then, only Indonesia has an independent agency that oversees business competition, through the Business Competition Supervisory Commission (KPPU). Meanwhile, Thailand only has an inter-departmental institution under the Director General of Domestic Trade.

ASEAN does not yet have joint rules or union rules regarding business competition. On the other hand, since 2003 Indonesia has pioneered the holding of the "ASEAN Conference on Fair Competition Law and Policy" forum in March 2003 in Bali. The forum was then followed by "The 2nd ASEAN Conference on Competition Policy and Law" in June 2006 in Bali. However, these meetings were limited to "recognizing and identifying problems in developing the effectiveness of business competition law and policy" at the ASEAN level.

Besides Indonesia, there are two ASEAN countries that already have business competition laws, namely Thailand and the Philippines. Thailand has a Trade Competition Act 1999, while the Philippines already has a law that has prohibited monopolistic practices since 1925 which was adopted from the US's Sherman Act 1840. However, until now only Indonesia has an independent institution that oversees business competition, through the KPPU.

Law No. 5 of 1999 Prohibition of Monopolistic Practices and Unfair Business Competition can also be enforced against foreign business actors conducting business activities within the jurisdiction of the Indonesian state. Because article 1 point 5 of Law no. 5 of 1999 states, "Business actors are every individual or business entity, whether in the form of a legal entity or not a legal entity that is established and domiciled or carries out activities within the jurisdiction of the Republic of Indonesia, either alone or jointly through agreements, organizes various business activities in the economic field.

In addition, in article 16 of Law no. 5 of 1999 stipulates that business actors are prohibited from entering into agreements with other parties overseas which contain provisions that can result in monopolistic practices and or unfair business competition. Violation of article 16 of Law no. 5 of 1999, can be subject to administrative action (article 35
letter a) as well as criminal sanctions (article 48 paragraph [1]). Until now there has been no business competition supervisory agency at the ASEAN level. Thus, supervision of business competition in ASEAN countries is regulated by the laws of each country.

CONCLUSION

Based on the explanation as described above, in this case the writer draws the following conclusions from this writing:

The task of the Commission for the Supervision of Business Competition is in handling business competition law violations such as evaluating agreements, business activities and or actions of business actors, abuse of dominant position, which can result in monopolistic practices and or unfair business competition. The Commission for the Supervision of Business Competition can take actions, suggestions and considerations on government policies related to monopolistic practices and or unfair business competition and prepare guidelines and or publications as well as provide periodic reports on the results of the Commission's work to the President and the House of Representatives.

The authority of the Business Competition Supervisory Commission in handling business competition law violations includes receiving reports from the public, conducting research, and/or assessing letters, documents or other evidence for investigation and examination and concluding the results of investigations and summoning business actors, witnesses and expert witnesses as well request investigation assistance and decide or determine whether or not there is a business actor who is suspected of having violated the provisions of the law.

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