

INDONESIA*			
COMPETITION FRAMEWORK			
Competition Law	The law of the Republic of Indonesia, no. 5 of 1999, concerning the Ban of Monopolistic Practices and Unfair Business Competition (“Competition Law”) was enacted in March 1999.		
Competition Authority	The Business Competition Supervisory Commission (“Commission”) was established by the Competition Law, article 30 and started functioning in March 2000. Website: http://eng.kppu.go.id/		
STATUS OF THE COMPETITION AUTHORITY			
Accountability			
Does the Competition Authority have obligations before the executive?	Yes	X	Obligations to report to the executive on on-going investigations upon request.
		X	The decisions of the Competition Authority may be vetoed by a ministry or by the executive branch.
		√	The Competition Authority has to report on an annual basis to the executive.
Does the Competition Authority have obligations before the legislature?	Yes	√	Obligation to publish an annual report on its activities.
		X	Obligation to stand before parliament and to respond to congressmen on an annual basis.
		X	Its activities are monitored by an independent auditor or by oversight committees.
Does the Competition Authority have obligations before the judiciary?	Yes	√	Decisions of the Competition Authority are subject to judicial review.
Independence			
Are the criteria for appointment and removal of the head/board members clear and transparent?	Yes	See Competition Law, article 31.	
Does the executive have powers to decide on specific cases based on public interest?	No	However, note that under article 30 of the Competition Law, the Commission is only accountable to the President.	
Does the executive retain decision-making powers over the Competition Authority?	No	However, note that under article 30 of the Competition Law, the Commission is only accountable to the President.	
Is the Competition Authority obliged to publish its reasoned decisions to ensure transparency?	Yes	See Competition Law, article 36.	
Is there a provision of the national budget allocated by law to the Competition Authority to ensure its proper functioning?	Yes	See Competition Law, article 37.	
Can the Competition Authority be financed by its own means (notification fees, fines, etc.)?	No		
GOVERNANCE OF THE COMPETITION AUTHORITY			
Is the Competition Authority governed by a single chairman or by a collegiate body?	Collegiate body	See Competition Law, article 31.	
Are the heads appointed by a minister?	No	Under article 31(2) of the Competition Law, the heads are appointed and dismissed by the President upon the approval of the House of Representative.	
Are the heads appointed by representatives of more than one government branch?	Yes	See Competition Law, article 31(2).	
Is there a fixed period during which removal is prohibited?	No		
Is the tenure of the heads renewable?	Yes	See Competition Law, article 31(3).	
Are the heads required to have certain minimum qualifications (degree in law or economics, age, experience)?	Yes	See Competition Law, article 32.	
ARCHITECTURE			
Is the Competition Authority a stand-alone agency with an independent physical location or is it part of a bigger entity such as a Minister?	Stand-alone agency	See Competition Law, article 30.	
POLICY-MAKING AGENTS -DIVERSIFICATION-			
How many agencies are responsible for competition enforcement?	One agency.		
Do sector regulators have competition policy enforcement mandate?	No		

Have the Competition Authority and other agencies signed protocols or memoranda of understanding?	No		
POLICY DUTIES			
Does the Competition Authority have exclusive mandate on competition or multiple mandates?	Exclusive competition mandate	X	Concurrent consumer protection mandate.
		X	Concurrent IP mandate.
		Other mandates: N/A	
PORTFOLIO INSTRUMENTS			
Law Enforcement			
Does the Competition Authority have powers to investigate cartels?	Yes	See Competition Law, article 35.	
Does the Competition Authority have powers to conduct dawn raids at premises?	No	See Competition Law, articles 41 and 42.	
Can the Competition Authority investigate <i>ex officio</i> cases?	Yes	See Competition Law, article 35.	
Does the Competition Authority have powers to accept leniency applications?	No		
Does the Competition Authority have powers to accept seek criminal punishment?	Yes	See Competition Law, articles 48 and 49.	
Advocacy			
Can the Competition Authority issue opinions on draft legislation?	Yes	See Competition Law, article 35. The opinions are not binding.	
Is the executive and/or the legislature obliged to request the opinion of the Competition Authority when drafting legislation that may impact competition?	No	See Competition Law, article 35(e).	
Rulemaking			
Can the Competition Authority issue guidelines or other type of secondary legislation?	Yes	X	Guidelines on the calculation of fines.
		√	Guidelines on merger control.
		√	Guidelines on the economic analysis of abuse of dominance cases.
Research & Reporting			
Can the Competition Authority carry out market studies?	Yes	See Competition Law, article 35.	
Can the Competition Authority report to the legislature on the results of market studies?	Yes	Article 35(g) of the Competition Law requires a periodic reporting.	
DECISION-MAKING FUNCTIONS			
Aggregated Functions			
Does the Competition Authority make the decision to investigate and to prosecute cases?	Yes		
Does the Competition Authority make guilty findings?	Yes		
Does the Competition Authority impose punishments?	Yes		
Is there a single body that carries out the investigation and the guilty findings within the Competition Authority?	Yes		
Can the Competition Authority's decisions be appealed to a court?	Yes		
Disaggregated Functions—Prosecutorial Model			
Are there different authorities that make the decision to investigate and to prosecute cases?	No		
Are disputes presented for decision to a separate entity/tribunal?	No		
* Data based on public sources.			