

## Contiguity of Law Violations in the Context of Business Competition and Corruption in Bid Rigging Cases

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### Abstract

*Contiguity can be found in law violations regarding business competition and corruption in bid rigging cases. The purpose of this study was to determine the intersection of unlawful acts in the context of tender conspiracy and corruption. It is assumed that all corruption cases stem from bid rigging, both horizontally and vertically. Bid rigging is considered a violation of Article 22 of Law Number of 1999 concerning the Prohibition of Monopolistic Practices and Unfair Business Competition (Anti-Monopoly Law) but is later considered an act of corruption based on Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning the Eradication of Corruption (Anti-Corruption Law). The method used in handling these cases is determined by the Business Competition Supervisory Commission (BCSC). The results showed that in making decisions regarding bid rigging, the BCSC used an interpretation method derived from doctrines. From a law enforcement perspective, there are overlapping laws and regulations. For this reason, a joint investigation is needed between the BCSC and other law enforcement institutions (the Corruption Eradication Commission, the Attorney General's Office, and the Police) to determine whether or not any laws are violated in the context of business competition and corruption in cases of bid rigging.*

**Keywords:** *Law Violations, Bid Rigging, Corruption.*

### Introduction

Bid rigging in the procurement of goods and services for the government is the most frequent case handled by the Business Competition Supervisory Commission (BCSC). In 2019, 62% of the 164 public reports handled by the BCSC were related to bids. There was a total of 33 decisions, 31 of which were declared to have violated the Anti-Monopoly Law. The fines amounted to Rp. 165.624.174.188, - which consisted of cases of bid rigging (54.5%), merger and acquisition notification delays (36.5%), cartels (6%), and monopolistic practices (3%).[]

Business competition in the procurement of goods and services is commonly related to bid rigging, either horizontally or vertically, or even a combination of both. [] in the US Antitrust Law, conspiracy is defined as an act of fraud in a bid. Bid rigging is an agreement between bid participants or competitors (or potential bid participants/competitors), either as sellers or buyers, to determine the winner of a contract. [] The BCSC has successfully revealed that in the procurement of goods and services, vertical bid rigging occurs when the bid committee or its superiors either directly or indirectly intervene to determine the winner. In some cases, it is related to government policies. [] Even though government policies regarding the procurement of goods and services have developed to ensure fair business competition, there are still gaps that can be exploited. []

The types of violations stated in Article 22 of the Anti-Monopoly Law and the types of corruption stated in Article 2 Paragraph (1) of the Anti-Corruption Law have similar elements, namely the violation of the law. In fact, violations stated in Article 22 that are handled by the BCSC also contain elements of corruption and manipulation which are the domain of the general courts (district courts and specialized anti-corruption courts). This can be seen in cases in which the procurement of goods and services is carried out by the central or regional government with the source of funds being the state or regional budget. Mark-ups or other illegal actions can be found in bids that contribute to state losses. []

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Article 22 of the Anti-Monopoly Law and Article 2 Paragraph (1) of the Anti-Corruption Law do not further explain the criteria or interpretation of an act that qualifies as a violation of the law. The second element of the Guidelines of Article 22 formulated by the BCSC states that a violation of the law has “elements of conspiracy” while the fifth element mentions “the element of unfair business competition”.

The Elucidation of Article 2 Paragraph (1) of the Anti-Corruption Law states that corruption is a violation of both formal and material laws. However, the elucidation has been declared by the Constitutional Court [ ] to be contrary to the 1945 Constitution and has no binding legal force. In this case, it is declared to have violated Article 1 Paragraph (1) of the Criminal Code concerning the principle of legality.[ ]

The Anti-Monopoly Law also contains provisions regarding criminal sanctions, namely in chapter VIII part two. The second part of Article 48 Paragraph (2) regulates basic crimes, including violations of Article 22 that can qualify as criminal acts.

The spirit of enforcing the business competition law against violations of Article 22 concerning bid rigging is contained in elements of (which can cause) unfair business competition as a consequence of the rule of reason. When associated with the provisions of Article 48 Paragraph (2) in conjunction with Article 22 of the Anti-Monopoly Law and Article 2 Paragraph (1) of the Anti-Corruption Law, there is a slice of the concept of law violation involving multidisciplinary legal knowledge. This is due to the element of law violation in Article 22 of the Anti-Monopoly Law also being present in Article 2 Paragraph (1) of the Anti-Corruption Law.

Therefore, it will be interesting to analyze the decision of the BCSC regarding violations of Article 22 concerning bid rigging by identifying an action as a violation of law while investigating a bid rigging case. As an institution, the BCSC participates in enforcing the business competition law which has previously succeeded in identifying suspected criminal acts or elements against the law in investigations regarding violations against Article 22. The BCSC employee will then submit the information to their superior, relevant officials, the Prosecutor's Office, or the Corruption Eradication Commission (CEC) to ensure legal action is taken in accordance with the applicable laws.

In the United States, bid rigging was first prohibited in Article 1 of the Sherman Act of 1890.[ ] The article implies that collective acts can be considered a conspiracy. Collective action is considered illegal if it is an agreement made by two or more people to conduct illegal acts. [ ] In 1982 and 1988, more than half of the criminal cases filed by the Antitrust Division of the Department of Justice involve bid rigging and price-fixing in the auction market.[ ]

This paper analyzes a problem regarding the contiguity of law violations in the context of business competition and corruption in bid rigging cases handled by the BCSC. It is formulated as follows: Is the Anti-Monopoly Law harmonized with the Anti-Corruption Law in handling bid riggings that cause state financial losses?

The problem was analyzed using a normative juridical approach, which refers to legal norms contained in statutory regulations and court decisions. Doctrinal research analyzes law as it is written in the books, and as it is decided by the judge through a judicial process. The data were analyzed in a qualitative descriptive manner. The legal materials used are the Anti-Monopoly Law, the Anti-Corruption Law, Law Number 48 of 2009 concerning Judicial Power, and BCSC Regulation Number 2 of 2010 concerning Guidelines for Article 22 of Law Number 5 of 1999 concerning Bid Rigging.

## Results and Discussion

### *Tender Conspiracy Cases Involving Corruption*

Several cases clearly show the commitment and attitude shown by the BCSC in enforcing the Business Competition Law and law enforcement in general. The Medan Representative Office of the BCSC has notified the North Sumatra High Prosecutor's Office regarding the findings of evidence of corruption as a follow-up to the BCSC decision Number 41/KPPU-L./2008 concerning Bid Rigging in the Procurement of TVs, DVDs, and Antennas at the Education Office of North Sumatra in the 2007 Fiscal Year. In this case, it was found that out of the 5 (five) suspects questioned by the BCSC, 3 (three) of them were found guilty, namely: the Committee for the Procurement of Goods and Services Using the State Budget of the Education Office of North Sumatra (suspect I), PT Pelita Jaya Mandiri (suspect II), and Former Deputy Director of PT Pelita Jaya Mandiri, Abdul Wahid Soenge (suspect V). In this decision, the BCSC imposed a joint fine of Rp. 1.900.000.000, - (one billion and nine hundred million rupiahs) for PT Pelita Jaya Mandiri (suspect II) and Abdul Wahid Soenge (suspect V). In addition, the BCSC also relayed this information to several related institutions and agencies, including the Governor of North Sumatra, the North Sumatra Audit Board, and the local District Attorney to enforce a deterring penalty for users and suppliers of goods and services. This will hopefully ensure that gaps in the procurement of goods and services in the future can be minimized by tightening the rules and applying sanctions. []

This case started after the BCSC received a report on an alleged violation of the Anti-Monopoly Law concerning the Bid for Procurement of TVs, DVDs, and Antennas at the Education Office of North Sumatra in 2007 Fiscal Year. In order to win the bid, suspect II cooperated with suspect V by loaning the company and then determining the bid price. The conspiracy did not only occur horizontally but also vertically by involving suspect I, who declared suspect II as the winner even though it is a company that does not meet the requirements.

In its decision, the commission panel assessed that the act of loaning a company carried out by suspect II and suspect V is a violation of the law even though there had been an agreement beforehand. This is because this action has violated the principles of fair business competition and the provisions of Presidential Decree Number 80 of 2003 concerning Guidelines for the Implementation of Goods and Services Procurement for the Government. [] The panel also stated that suspect I had committed an illegal act by facilitating suspect II and suspect V in winning the bid; suspect I ensured suspect II passes each evaluation stage and even determining them as the winner. According to the development of interest rates and business risks, the fair profit in and a quo bid is 12%. Therefore, the commission panel concluded that there is an excessive profit. []

The actions of suspects I, II, and V are highly manipulative and may even be considered corrupt. Suspicions of bribery to suspect I were confirmed when it was proven that suspect II passed each evaluation stage and even made to be the winner. These parties have caused the state to suffer losses due to the excessive profit received by suspect II, which on and a contrario basis is the result of the markup conducted by suspect II that was facilitated by suspect I.

Although the alleged corruption crime has been explained by the commission panel and relayed to the local prosecutor to treat the case as a criminal one, there has been no positive response from the local District Attorney to date to carry out an investigation aimed at providing a deterrent effect, both for users and providers of goods and services.

### *Harmonization of Law Enforcement against Violations of Article 22 of the Anti-Monopoly Law and Article 2 Paragraph (1) of the Anti-Corruption Law*

In law enforcement, three elements must always be considered, namely: legal certainty (rechtssicherheit); legal benefit (zweckmassigkeit); and legal justice (gerechtigkeit). The law must be enforced and implemented; everyone expects the law to be enacted in practical situations. The consequent enforcement of the law will lead to legal certainty, which is justifiable protection against arbitrary actions. []

In the context of legal usefulness, the law is the demands or hopes of the general public. Law is created for humans, so it must provide benefits for the public. In addition, law enforcement cannot harm the public or civil unrest will rise. It must also achieve justice, as the law itself is not synonymous with justice. As laws are general and binding in nature, their application must take into account various facts and circumstances (casuistic). []

Satjipto Rahardjo stated that law enforcement is a social process, which is not a closed process but rather one that involves the environment. Therefore, it can be said that the process of law enforcement involves an exchange of actions with humans, social elements, cultures, politics, and so on. Soerjono Soekanto details the factors that influence law enforcement as follows: The legal factors themselves; Law enforcement, namely the parties who form or implement the law; Facilities that support law enforcement; The general public, namely the environment in which the law is applied, and; Culture, namely the creations, creativity, and taste which are based on the human initiative in social life. These five factors are closely related, are the essence of law enforcement, and are the measure of the effectiveness of law enforcement. []

As with any other law, there is no point in being as perfect as any written regulation in the business competition law if it cannot be embodied in practice. Through the Anti-Monopoly Law, the BCSC was formed in order to better enforce the law.

**Figure 1.** Comparison Conception between Article 2 Corruption Act dan Article 22 Anti Monopoly Law

Comparison	Corruption Act	Anti Monopoly Law
Pasal	<p>Article 2 (2):            “Any person who unlawfully commits an act of enriching himself or another person or a corporation that can harm the state's finances or the state's economy shall be punished with life imprisonment or imprisonment for a minimum of 4 (four) years and a maximum of 20 (twenty) years. a year and a fine of at least Rp. 200,000,000.00 (two hundred million rupiahs) and a maximum of Rp. 1,000,000,000.00 (one billion rupiah)”.</p>	<p>Article 22:            “Business actors are prohibited from conspiring with other parties to regulate and or determine the winner of the tender so as to result in unfair business competition”.</p> <p>Article 48 (2):            “Violation of Article 22 is punishable by a minimum fine of Rp. 5,000,000,000 (five billion rupiahs) and a maximum of Rp. 25,000,000,000,- (twenty-five billion rupiah), or imprisonment instead of a fine for a maximum of 5 (five) months”.</p>

Even though the conception of Article 2 of the Anti-Corruption Law clearly includes law violations, Article 22 of the Anti-Monopoly Law only contains the phrase “against the law” in the Guidelines for Article 22 concerning the Prohibition of Bid Rigging formulated by the BCSC. The main criminal sanctions regulated in Article 48 in conjunction with Article 22 of the Anti-Monopoly Law is a minimum fine of Rp. 5.000.000.000, - (five billion rupiahs) and a maximum fine of Rp. 25.000.000.000, - (twenty five billion rupiahs), or imprisonment in lieu of a fine of up to 5 (five) months. In contrast, Article 2 Paragraph (1) of the Anti-Corruption Law enforces life imprisonment or imprisonment for a minimum of 4 (four) years and a maximum of 20 (twenty) years and a fine of at least Rp. 200.000.000, - (two hundred million rupiah) and a maximum of Rp. 1.000.000.000. - (one billion rupiah).

These two laws create a conflicting impression in law enforcement. The criminal sanctions in the Anti-Monopoly Law emphasize fines while the Anti-Corruption Law emphasizes imprisonment, even though they are accompanied by fines that can be replaced by imprisonment. The Anti-Monopoly Law aims to create equality between large, medium, and small business actors to create fair business competition. Therefore, it is very appropriate that the sanctions target not the business itself, but rather the capital of the business actor to deter them from repeatedly violating the law. If they do, they will find themselves with a shortage of capital or even none at all.

Even though there are criminal provisions in the Anti-Monopoly Law, only law enforcement officials, namely the Police, the Attorney General's Office, and judges are authorized to enforce them. The BCSC is limited to administrative duties, including its authority to impose administrative sanctions in accordance with Article 47 of the Anti-Monopoly Law. If this is applied to both national and international laws, it will become the precursor to the provisions of Article 22 concerning bid rigging.

For example, the Anti-Monopoly Law states that bid rigging is categorized as an illegal activity. The United Nations Conference on Trade and Development (UNCTAD) categorizes conspiracy (specifically collusive bidding) into restrictive agreements or arrangements. [ ] In contrast, bid rigging is defined by the OECD (Organization for Economic Co-operation and Development) as a special form of collusive pricing carried out by several business actors to coordinate or harmonize project or contract bids among themselves. [ ] According to Article 22 of the Anti-Monopoly Law, the conception of bid rigging does not follow both in full, in particular the concept stated by the OECD, because bid rigging under Article 22 has its characteristics. The similarity between Article 22 and the OECD concept regarding bid rigging is that both consider it an illegal act.

Bid rigging and corruption cannot be separated. In various offers and meetings between the bid committee and business actors, bribes are considered as an act of corruption.

Various legal products, the most recent being the Presidential Regulation Number 172 of 2014 concerning the Third Amendment to Presidential Regulation Number 54 of 2010 concerning Goods and Services Procurement for the Government applies to project bids within the Ministry, Non-Departmental Government Institutions, Regional Governments, and SOEs/ROEs. This provision is intended to ensure the state/regional budget can be managed more efficiently and effectively to improve public welfare. In reality, many acts of conspiracy were conducted which negatively impact the state/regional budget. The winner of the bid receives a large sum of profits while the losses are borne by the public.

The Indonesian government has also tried to create a clean state administration as an effort to create a government system that is free of corruption, collusion, and nepotism. With the existence of Presidential Regulation Number 54 of 2010 concerning Procurement of Goods and Services for the Government, bids for government projects sourced from the state/regional budget are ensured to run efficiently, openly, and competitively. Therefore, the goods and services being procured must be affordable and of quality to ensure the improvement of public services.

The enforcement of business competition law in Indonesia requires hard work and serious effort from all parties involved, namely the Police, the Attorney General's Office, the Corruption Eradication Commission, and the judiciary. All parties must be able to acknowledge the importance of the business competition law being enforced honestly and optimally.

The BCSC is the spearhead of business competition law enforcement. Therefore, the capability, honesty, and seriousness of the BCSC staff will determine the effectiveness and capabilities of the business competition law in practice. Previously, it was stated that in enforcing the business competition law based on the Anti-Monopoly Law, the BCSC is authorized to impose administrative sanctions on business actors who violate the law. These include all individuals or business entities, legal or non-legal, that are established and domiciled or carrying out business activities within the jurisdiction of the Republic of Indonesia, either individually or collectively through an agreement.

The enforcement of business competition law, particularly in cases of bid rigging involving non-business actors, often plays an important role in the occurrence of the bid rigging itself. Take, for example, the committee for the procurement of goods and services. In various BCSC decisions, it is clear that the committee has committed acts of conspiracy which resulted in unfair business competition.

In the BCSC Decision Number 41/KPPU-L/2008, the Committee for the Procurement of Goods and Services through the Budget of the Education Office of North Sumatra as suspect I have ensured suspect II (one of the business actors) passes each evaluation stage and has even declared them the winner. The



BCSC considered this a violation of the law as this shows unfair business competition. From this example, it is quite clear that the BCSC can only impose sanctions on business actors, while other involved parties are untouched.

Regarding this case, the BCSC could only relay information regarding the bid rigging to other law enforcement institutions, with the hope that they take legal action in accordance with the applicable law. This transfer of information is an embodiment of Article 44 Paragraph (5) of the Anti-Monopoly Law, which states that the panel's decision is "sufficient preliminary evidence" for investigations. The investigators are the police or civil servants who are given special authority to carry out investigations.

If the panel considers the reported party to have not carried out at least 2 (two) orders, the panel may submit the case to police investigators for criminal proceedings following Article 48 of the Anti-Monopoly Law. In other words, does the inclusion of criminal provisions in the Anti-Monopoly Law whose enforcement mechanisms depend on monitoring the decisions of the BCSC prove to be effective? Meanwhile, the criminal sanctions regulated in Article 48 of the Anti-Monopoly Law are fines, which are the same as administrative sanctions stipulated in Article 47 of the Anti-Monopoly Law.

Deepening the harmonization of business competition law enforcement by the BCSC and criminal law enforcers will likely stem an interesting discussion. Therefore, starting from the aforementioned statement, regarding the enforcement of business competition law (by the BCSC and the general court), especially in cases of bid rigging which also contains elements of corruption, it is possible to have three different law enforcement incidents.

First, the BCSC proves a bid rigging conspired by the business actor and other parties (for example the bid committee), and the general or the specialized anti-corruption court declares the business actor and other parties proven to have committed acts of corruption. In this case, there are no matters regarding legal problems or law enforcement. It only matters whether or not the parties have taken or will take legal actions. Second, the BCSC proves a bid rigging while the court declares the innocence of the parties regarding corruption. Finally, the BCSC does not prove a bid rigging but the court finds the parties guilty. In the context of law enforcement harmonization, the second and third possibilities are riddled with legal problems.

Business competition law is in the realm of civil law. Therefore, the decisions of the BCSC are more 'compensative' in nature. Violations according to civil law are broader than according to criminal law, as there is a legality principle in criminal law. The decision of the BCSC regarding bid rigging can conflict with the verdict of the general court or the specialized anti-corruption court, as there is a clear difference in the definition of a law violation between civil and criminal law.

If studied outside of an academic environment, for example, the 'an-sic' law enforcement study, it must first be distinguished whether or not the law was enforced using the Anti-Monopoly Law (for example, the Anti-Corruption Law or the Criminal Code). This is to determine if the enforcement of criminal law outside the Anti-Monopoly Law can be carried out by investigators in parallel with the investigation of alleged violations of Article 22 concerning Bid Rigging by the BCSC. If the investigation of the violation of the Anti-Monopoly Law can only be carried out when the BCBS considers that the suspected party has not carried out at least two orders from the commission panel, the case will be delegated to the investigator to be processed as a criminal violation.

Conflicting decisions between the BCBS and the general court regarding enforcement of the Anti-Monopoly Law are very unlikely to happen as the initial investigation itself was initiated by the decision of the BCBS which is considered 'sufficient preliminary evidence'.

Therefore, conflicts, as referred to above, show that there is disharmony in the enforcement of the business competition law. This becomes a problem as the actions of business actors and/or other parties are illegal acts not according to material law, but rather according to the BCSC's decision. Even though the possibility of this conflict is minimal, the panel of judges examining cases of corruption or other criminal acts will

nevertheless take into account the results of the BCSC's investigation. The spirit of integrated law enforcement and the reluctance of judges to be examined by the supervisory agency may also be supporting factors.

## Conclusions

Harmonization in law enforcement can be achieved because even though a case has multiple dimensions (intersections of civil law and criminal law), each has its own space. Article 48 of the Anti-Monopoly Law has accommodated criminal law enforcers to take part in enforcing the business competition law, even if there are still weaknesses in its operational definition, patterns of criminal law enforcement mechanisms, and so on.

In the context of law enforcement, two branches are against bid rigging, namely criminal case investigators and the BCSC regarding the violation of Article 22. Therefore, the law should not be enforced in an overlapping manner, but rather prioritize the handling of criminal cases (while maintaining coordination between institutions). This is because the standard of law violations has higher accountability. The basis of formal law (legalistic positivist) which has been violated by the parties examined will facilitate the BCSC in declaring that the reported party has committed an illegal act. A joint investigation is needed between the BCSC and other law enforcement institutions (Corruption Eradication Commission, Attorney General's Office, and the Police) in handling law violations regarding business competition and corruption in cases of bid rigging.

## References

- Komisi Pengawas Persaingan Usaha, Laporan Tahunan 2019: Capaian Besar Dimulai dari Transformasi Diri, Jakarta: KPPU RI, p. 23. 2019.
- BCSC Regulation Number 2 of 2010 concerning Guidelines for Article 22 of Law Number 5 of 1999 concerning Bid Rigging, p. 7-8. 2010
- Vondrak, Frank J., "Preventing and Detecting Bid Rigging, Price Fixing, and Market Allocation in Post-Disaster Rebuilding Projects: An Antitrust Primer for Agents and Procurement Officials", <https://www.justice.gov/atr/preventing-and-detecting-bid-rigging-price-fixing-and-market-allocation-post-disaster-rebuilding>., accessed on Friday, 12 March 2021.
- Hukumonline.com., "Masih Ada Dualisme Pengaturan Pengadaan Jasa Konstruksi: Persinggungan Keppres Nomor 80 Tahun 2003 dengan UU Jasa Konstruksi berpotensi menimbulkan masalah korupsi dan persaingan usaha tidak sehat", <https://www.hukumonline.com/berita/baca/hol15371/masih-ada-dualisme-pengaturan-pengadaan-jasa-konstruksi->., accessed on Friday, 12 March 2021.
- Anisah, Siti., and Raharjo, Trisno., "Batasan Melawan Hukum Dalam Perdata dan Pidana Pada Kasus Persekongkolan Bid". *JH Ius Quia Iustum* 25 (1), pp. 24-48. 2018.
- Saleh, K. Wantjik., *Tindak Pidana Korupsi dan Suap*. Jakarta: Ghalia Indonesia. p. 51. 1983.
- Constitutional Court Decision Number 003/PUU-IV/2006 on 25 July 2006.
- Adji, Indriyanto Seno., "Overheidsbeleid Dalam Perspektif Tindak Pidana Korupsi di Indonesia", *Jurnal Keadilan*, Number 2 (4). p. 11. 2006.
- Sirait, Ningrum Natasya., *Asosiasi dan Persaingan Usaha Tidak Sehat*, Medan: Pustaka Bangsa Press. p. 10. 2003.
- Doyle, Michael A., and Kenny, Michael P., "The Statute of Limitations Applicable of Criminal Enforcement of the Sherman Act: Restraint of Trade or Enjoyment of the Spoil?", *Arizona State Law Journal* 183. 1986.
- Poter, Robert H., and Zona, J. Douglas., "Detection of Bid Rigging in Procurement Auctions". *Journal of Political Economy* Vol. 101 (3), p. 518. 1993.
- The BCSC decision Number 41/KPPU-L/2008 concerning Bid Rigging in the Procurement of TVs, DVDs, and Antennas at the Education Office of North Sumatra in the 2007 Fiscal Year. p. 42. 2008.
- The Republic of Indonesia Presidential Decree Number 80 of 2003 concerning Procurement Guidelines of Goods and Services for the Government has been amended seven times, the last with a Republic of Indonesia Presidential Decree Number 95 of 2007, which then was revealed and declared invalid since 1 January 2011. Instead, the Republic of Indonesia Presidential Decree Number 54 of 2010 concerning Procurement of Goods and Services for the Government was issued and made into effective since 6 August 2010 which now has been amended by the third Republic of Indonesia Presidential Decree Number 172 of 2014.
- The BCSC decision Number 41/KPPU-L/2008 concerning Bid Rigging in the Procurement of TVs, DVDs, and Antennas at the Education Office of North Sumatra in the 2007 Fiscal Year. 2008.
- Mertokusumo, Sudikno., *Mengenal Hukum Suatu Pengantar*, Yogyakarta: Liberty, p. 160. 2005.
- Mertokusumo, Sudikno., *Mengenal Hukum Suatu Pengantar*, Yogyakarta: Liberty, p. 160. 2005.
- Soekanto, Soerjono., *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum*, Jakarta: Rajawali Pers, p. 5. 2011.

United Nations Conference on Trade and Development (UNCTAD), Model Law on Competition: Substantive Possible Elements for a Competition Law, Commentaries and Alternative Approaches in Existing Legislations, United Nations, New York and Geneva, p. 21. 2004.

Organization for Economic Co-operation and Development (OECD), Glossary of Industrial Organization Economics and Competition Law, p. 16.