ABSTRACT

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JUDICIAL REVIEW OF TENDER CONSPIRACY BY LAW NUMBER 5 OF 1999 (DECISIONS NUMBER 02/KPPU-L/2011)

Every business actors conducting business will face competition from other business actors, each business actors has a desire to be superior. Competition may result in unfair competition. One form of prohibited by the Act No. 5 of 1999 contained in Article 22 concerning collusive tendering, hinder the competition may cause unfair business competition. Conspiracy is a joint effort undertaken by actors with the initiative of any other party and by any means certain of winning bidders. Conspiracy often occur in the tender project of government. Conspiracy in the tender occur between the bidders or bidders with the bid committee. Many reports of alleged violations of fair business accepted by the Commission for the supervision of business competition (KPPU) regarding collusive tendering, one of them is the decision of Commission for the supervision of business competition (KPPU) No. 02/KPPU-L/2011 concerning construction tender Tenggarong road, Samboja border with Balikpapan Department of Public Works Sub Samboja, Kutai Kartanegara district. The formula of problem is how the implementation of the tender and the decision Commission for the supervision of business competition (KPPU) No. 02/KPPU-L/2011 in tender way Tenggarong, Samboja border with Balikpapan, Department of Public Works Sub Samboja, Kutai Kartanegara district, is in accordance with Law No 5 of 1999. The research method used in the thesis is a normative legal research, the object of which legal norms, the approach used is the approach of legislation and case approach. The nature of the analysis used in the study is a qualitative analysis. The results of this study is that the Road Tenggarong Samboja tender, border with Balikpapan, Department of Public Works Sub Samboja, Kutai Kartanegara district is that Commission for the supervision of business competition (KPPU) decision is in accordance with the provisions of law No. 5 of 1999.

Reference: 18 (1958-2011)