ABSTRACT

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UNFAIR BUSINESS COMPETITION IN PROCUREMENT TENDER SEED OIL PALM IN CITY BANJARBARU

(xvii + 80 pages; 4 schemes ; 3 tables)

The amount of business opportunities that promise oil palm plantation sector impact on the development of law in Indonesia. Oil palm plantations is directly related to competition law. The author here focuses on competition law in terms of the tender palm oil sector. Unfair competition can be found in the tender, in which the activity of winning bidders, which is an act of conspiracy. To watch is to compare the tender documents from the participants prior to submission. At the time of carrying out the tender, the government and participants should refer to the Act No. 5 of 1999 on the prohibition of monopolistic practices and unfair business competition. This must be done to prevent bid rigging, which could cost the state and the bidders who honestly and cleanly tender without doing conspiracy. Of the many cases of unfair competition and conspiracy tenders that have been handled by the KPPU (Commission For The Supervision Of Business Competition), the authors raise the bid rigging case decisions regarding the procurement of oil palm seedlings in a polybag in South Kalimantan Plantation Office in 2006 (Case No.01/Pdt/KPPU/2008 / PN.Bjb). Procurement of Goods or Services South Kalimantan Plantation Office has conducted a tender which in turn sued because of unfair competition by bidders. In this case, the investigation team of Commission found strong evidence of collusion between the Party I, Party II, and the Party III, where the similarity documents in common source of supply of seeds. The legal research in this case show how the KPPU solving the bid rigging. The outcome of the court decision Banjarbaru less precise, because the defendants were ultimately punished with fine, but it is considered legal tender.

References 23 (1954 – 2011)