

ABSTRACT

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PROCEDURES FOR HANDLING THE CONSPIRACY IN TENDER IN PROCUREMENT OF GOVERNMENT GOODS/SERVICES (DECISION NUMBER 12/KPPU-L/2013)

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In order to enforce the competition law, Supervisory Commissions on Business Competition (KPPU) is given the authority to examine and decide cases related to alleged violation of Law number 5 Year 1999. One of the activities prohibited by Law number 5 Year 1999 is a tender conspiracy as stipulated by Article 22. Conspiracy in tender frequently found in the procurement of goods and service of the government. In examining, analyzing, and deciding cases, KPPU must follow the provisions contained in Regulation of The Commission for The Supervision of Business Competition No. 1 Year 2010 as in the case which has been decided by KPPU with number 12/KPPU-L/2013 concerning alleged conspiracy in the tender for the opening/construction of Tanjung Agung – Simpang Pagar Agung – Liang Lake road in Lebong Regency of Bengkulu Province Budget Year 2011. This research aims to examine and analyze the decision of KPPU number 12/KPPU-L/2013 regarding the procedure of handling the tender conspiracy in the procurement of government goods and services and the legal efforts made against the decision. The research method used in this research is normative legal research while the instrument of approach used is the statute approach and case approach. The data used are secondary data consisting of primary, secondary, and tertiary legal materials. The result of this research is KPPU in handling the case with decision number 12/KPPU-L/2013 has been in accordance with the procedure of handling case and the legal effort that can be filed against the decision of the KPPU is the objection legal remedy and the appeals of cassation.

Keywords : KPPU, conspiracy, tender, Law number 5 Year 1999, procurement of government goods / services

References: 27 (1995-2016)