

ABSTRACT

An undisclosed information is one of the important property for businessmen in running their business activities. As an asset, every businessman will always trying to protect such undisclosed information to other parties or their competitors. In this respect, if the undisclosed information is known by other party or competitor, it may harm its owner, especially in managing the business related to it. In order to protect the owner of undisclosed information, the Government of Indonesia enacted Law Number 5 of 1999 concerning the Prohibition of Monopoly Practice and Unfair Competition. Nevertheless, in the absence of such law, it does not mean that the undisclosed information is totally lack of protection. In fact, prior to the implementation of Law Number 5 of 1999 the undisclosed information has been acknowledged in many regulations. However, the enforcement of such regulations are not elaborated properly in detail provisions.

The protection of company secret is clearly regulated in Article 23 of Law Number 5 of 1999. However the trade secret agreement is excepted by this law, although it is protected by Article 23.

Since the implementation of Law Number 30 of 2000 regarding Trade Secret, the protection of trade secret is more favorable. Hence, the protection of trade secret can be Law Number 5 of 1999 and Law Number 30 of 2000. But it should be noted that it is only trade secret, which fulfills all of the criteria as determined by its

respective law. It means that, if there is any conspiracy in obtaining trade secret the Law Number 5 of 1999 prevails. In the absence of conspiracy, the Law Number 30 of 2000 is implementable.

