

Indonesia: KPPU transitions to new leadership

In brief

2023 ends with a leadership transition at the Indonesian Competition Commission (Komisi Pengawas Persaingan Usaha, "**KPPU**"), as the House of Representatives of the Republic of Indonesia (Dewan Perwakilan Rakyat, "**DPR**") announced the nine new KPPU Commissioners in its **plenary session on 5 December 2023**. One day earlier, the current KPPU Commissioners released **a report on their performance and achievements**. We briefly discuss the backgrounds of the incoming KPPU Commissioners and the performance report from the current KPPU Commissioners in this article.

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The incoming KPPU Commissioners

The new KPPU Commissioners will take the baton of leadership at KPPU on their inauguration by the President of the Republic of Indonesia.

The newly selected KPPU Commissioners and their brief backgrounds are as follows (in alphabetic order):

- **Aru Armando**, the current Director of Mergers & Acquisitions of KPPU
- **Budi Joyo Santoso**, the former officer at the Indonesia Deposit Insurance Corporation (Lembaga Penjamin Simpanan)
- **Eugenia Mardanugraha**, academic in economic studies at the Faculty of Economy of the University of Indonesia
- **Gopprera Panggabean**, the current Director of Investigation of KPPU
- **Hilman Pujana**, the current Head of Regional Office VI (Makassar) of KPPU
- **M. Fanshurullah Asa**, the former Chair of the Oil and Natural Gas Downstream Regulatory Agency (BPH Migas) and former Member of Parliament
- **Moh. Noor Rofieq**, the current Senior Investigator of KPPU
- **Mohammad Reza**, the current Expert Staff on Legal Affairs for the Commission of KPPU
- **Rhido Jusmadi**, academic in law studies at the Faculty of Law of the Trunojoyo Madura University

KPPU Commissioners' performance report

With the leadership transition on the horizon, the departing KPPU Commissioners released a performance report through a press release on 4 December. They revealed the following developments since they took up office on 27 April 2018:

- They have issued 111 antitrust and/or competition decisions, six of which were resolved through (change of behaviour) commitments. Late merger filings lead the caseloads (42.8%), followed by bid rigging (38.1%), conduct (12.4%), and small-micro enterprise partnerships (6.7%). The two cases with the highest fines were the cooking oil cartel (total fines of IDR 71.2 billion, approx. USD 6.1 million) and the special transportation charter (total fines of IDR 49 billion, approx. USD 4.2 million).

- Since its introduction of the Competition Compliance Certification Program in 2022, KPPU received 43 registrations, out of which seven certifications have been granted. This program allows corporations to get compliance credit and benefits for more lenient sanctions if KPPU finds the company to be in violation of the Competition Law. The certification process with KPPU involves interactive and intensive sessions between the company and KPPU over six to ten months.
- They investigated 59 cases of unfair contract terms in small-micro enterprise partnerships.
- There is an increase in the execution rate of final and binding decisions, indicating that the various initiatives launched by KPPU to engage with law enforcers are beginning to yield results.

The current KPPU Commissioners also disclosed the challenges that they have not been able to overcome during their tenure, including the long overdue amendment of the Indonesian Competition Law and KPPU institutional reform.

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