Linking Anti-trust laws with industrial development: Highlighting the prevalence of Anti-trust laws within the Indonesian manufacturing sector

by M. Afif Hasbullah

Submission date: 26-Mar-2023 11:18AM (UTC+0700)
Submission ID: 2046568254
File name: 5_Afif_IJCJR_274_286.pdf (458.44K)
Word count: 6615
Character count: 39411

IJCJS

Copyright © 2022 International Journal of Criminal Justice Sciences (IJCJS) – Official Journal of the South Asian Society of Criminology and Victimology (SASCV) - Publisher & Editor-in-Chief – K. Jaishankar ISSN: 0973-5089 January – June 2022. Vol. 17 (1): 274–286. DOI: 10.5281/zenodo.4756105 / IJCJS is a Diamond Open Access (Authors / Readers No Pay Journal). Indexed in Scopus and Emerging Sources Citation Index (Web of Science).

This is an Open Access article distributed under the terms of the Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium, provided the original work is properly cited.

Linking Anti-trust laws with industrial development: Highlighting the prevalence of Anti-trust laws within the Indonesian manufacturing sector

M. Afif Hasbullah[1]
Universitas Islam Darul Ulum, Lamongan, Indonesia

Abstract

The manufacturing sector in Indonesia is one of the largest contributors to the GDP of the country, especially in the 1980s after the reduction of oil prices, the government of Indonesia mainly focused on the promotion of different non-oil products exports, encouraging the manufacturing sector to provide a large number of opportunities for various organizations. As a result, the competition in the manufacturing sector has largely increased in Indonesia, encouraging different illegal activities and mergers. Therefore, the development of law no. 5 regarding the "Prohibition of Monopolistic Practices and Unfair Business Competition" (UULPM) in 1999 effectively promoted healthier competition between the competitors. An independent body, "the Supervisory Commission on Business Competition (KPPU)," was held responsible for implementing this legislation for effective outcomes. Thus, this study mainly aims to determine the linkage between anti-trust laws and industrial development in Indonesia. For this purpose, different "Indonesian Competition Law" practices were observed in the context of the manufacturing sector in Indonesia. The results obtained from this study showed that the number of illegal activities in the manufacturing sector in Indonesia has gradually increased over the years, and the number of cases presented to the KPPU remains unresolved due to economic and political pressure. Therefore, it has been recommended that the KPPU should be provided with the status of a state agency and it should be provided with enough authority and resources to ensure the implementation of anti-monopoly law in the manufacturing sector in Indonesia to promote fair competition between the firms resulting in the economic and industrial development of the country.

Keywords: Anti-trust Laws; Manufacturing Sector; Industrial Development; Anti-monopoly Law; Competition Law; Indonesia

[1] Faculty of Law, Universitas Islam Darul Ulum, Lamongan, Indonesia.
E-mail: afif@unisda.ac.id

© 2022 International Journal of Criminal Justice Sciences. Under a Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International (CC BY-NC-SA 4.0)

1. Introduction

The manufacturing sector is one of the fastest industries in Indonesia. It contributes about 19.25% to the total GDP of Indonesia (Wahjudi, 2020). As a result, the competition in the manufacturing industry in Indonesia has encouraged many companies to use illegal procedures, contracts, or mergers to carry out essential activities. This has promoted the development and implementation of different anti-trust laws. These laws generally proscribe unlawful business activities and mergers, giving the court autonomy to decide which business practices are illegal or not based on the provided facts (Prananingtyas, Disemadi, & Zakiyah, 2020). The first anti-monopoly or anti-trust law (law no. 5 regarding the "Prohibition of Monopolistic Practices and Unfair Business Competition" (UULPM)) was formulated in 1999 in Indonesia and was implemented in 2000 (Simbolon, 2018). This law is also known as Competition Law. It was expected that enacting this law would effectively promote fair competition between different business actors. An independent body, "the Supervisory Commission on Business Competition (KPPU)," was entrusted with the implementation of this legislation to achieve the required outcomes (Milenia & Tresnawati, 2022). Figure 1 shows different cases of illegal activities observed in 2020 in Indonesia in different businesses.

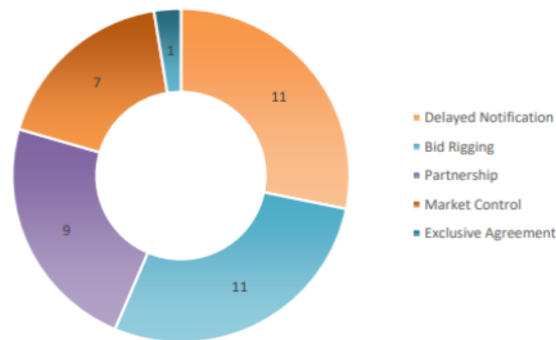

Figure 1. Cases types in Indonesia
Source: (ICC, 2020)

Therefore, in the context of the "Indonesia Competition Law" (ICL) (article. 36), the KPPU was responsible for obtaining the reports associated with the violation of this law (Saputra & Emovwodo, 2022). It also has the authority to conduct different investigations incorporating the summoning of the witnesses and any individual who might have any information regarding the violation of this law (Tampubolon, Lele, & Kumorotomo, 2020). It also encourages the KPPU to stipulate and determine the nonexistence or existence of losses on society or business individuals' parts. Moreover, the KPPU also makes decisions regarding cases and implements important administrative sanctions. According to Syarief (2021), the implementation of UULPM effectively improves the country's economic growth by implementing administrative sanctions on business players and entrepreneurs. The fines obtained by the KPPU are

© 2022 International Journal of Criminal Justice Sciences. Under a Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International (CC BY-NC-SA 4.0)

transferred to the State's treasury as "non-tax income" (Anggraini, 2020). Therefore, the implementation of ICL in manufacturing is crucial to ensure the effective economic growth of the county.

In the context of ICL, big manufacturing companies are considered bad business actors as they perform according to a certain process, while small manufacturing firms are considered good business actors (Shaohua et al., 2021). Illegal mergers and monopolistic activities are increasing rapidly in Indonesia's manufacturing sector, impacting the overall contribution of this sector to the economic growth of the country (Yolanda, 2020). Thus, the prevalence of anti-trust laws in Indonesia's manufacturing sector needs to be promoted to ensure effective industrial development in Indonesia. Thus, the main purpose of this study is to determine the association between anti-trust laws and industrial development (focusing on the manufacturing sector) in Indonesia. In order to achieve this aim, different objectives are formulated, which include (a) to determine the historical background of anti-trust laws in Indonesia, (b) to investigate different practices of Indonesian Competition Law (ICL), and (c) to discuss different law case in the context of the prevalence of anti-trust laws within the manufacturing sector in Indonesia. Recommendations were also provided to improve the prevalence of anti-trust laws in the manufacturing sector in Indonesia.

This study has proven to be effective in determining the linkage between anti-trust laws and industrial development in Indonesia considering the implementation of Competition law or anti-monopoly law in the manufacturing sector in Indonesia. Almost no past study focused on the prevalence of anti-trust laws in the context of the manufacturing sector in Indonesia. Thus, the present study will be effective in filling this research gap.

1.1 Method

For this study, "the normative juridical approach" was used. Legal research includes researching, tracing, and studying secondary data associated with research material, laws and legislations, and associated policies. For this purpose, anti-trust laws and competition laws in the context of Indonesia were considered. Other sources for data collection included Hein Online, JSTOR, NEXIS, Wiley Online Library, and West law.

2. Literature Review

2.1 Anti-trust Laws

Anti-trust laws are the regulations important for encouraging competition between different companies by limiting any firm's market power (Lambert, 2020). These laws help in ensuring that acquisitions and mergers don't establish monopolies. They also break up the organizations that have developed into monopolies. According to Agulhon and Mueller (2022), anti-trust laws also prevent the collusion of different firms. It also prevents cartel formation, limiting the competition via different strategies, for instance, price fixing. Therefore, due to the complex nature of decisions regarding the selection of practices, for limiting competition, the concept of anti-trust law has developed into a legal specialization (Indrayati & Djajanto, 2021). Anti-trust laws include the broad group of federal and State laws developed to ensure fair competition in the business world (Sawyer, 2019; Yudiansah, 2020). The key laws which have been effective in setting the ground for snit-trust regulation include the Clayton Act, the Federal Trade Commission Act, and

© 2022 International Journal of Criminal Justice Sciences. Under a Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International (CC BY-NC-SA 4.0)

the Sherman Act. However, the Interstate Commerce Act was also effective in determining the grounds for anti-trust regulations, but it is less influential than prior Acts. The “Interstate Commerce Act” was passed by Congress in 1887 due to increasing public demand to regulate the railroads (Steren, 2022). Therefore, this Act was beneficial in ordering railroads to impose a fair fee on passengers. The railroads were also emphasized to present these fees to the public. It was one of the initial examples of ant-trust laws, but it was found to be less effective than the “Sherman Act” passed in 1890 (Paul, 2021). This Act outlawed the conspiracies and the contracts restraining monopolizing industries to stop fixing prices and competing individuals in the business. It was also found to be effective in preventing the division of markets and attempts to rig bids (Townsend, 2019). This Act also presented certain fines and penalties for violating the presented terms.

The “Federal Trade Commission (FTC) Act” was passed by Congress in 1914, which banned deceptive practices or acts and unfair competition procedures (Ward, 2022). Later on, in 1914, the “Clayton Act” was also passed, which addressed other important issues to ensure fair competition in a business that was not discussed by the Sherman Act (Marinescu & Posner, 2019). For instance, the Clayton Act has forbidden the appointment of the same individual to make important decisions regarding competing corporations. However, developing and implementing anti-trust laws in developing nations are also crucial to ensure the effective industrial performance of such countries to improve their GDP. Therefore, the enactment of UULPM in 2000 in Indonesia has proven to be efficient in promoting fair competition between different firms in Indonesia (Sugarda & Wicaksono, 2018).

2.2 Anti-trust Laws and Industrial Development

The promotion of anti-trust laws in both developed and developing countries are considered to be vital to ensure effective industrial development. These laws are effective in prohibitingany monopolistic and illegal activities in the business world, leading to effective industrial development (Melamed, 2020). For instance, in 2000, FMC was found to be responsible for promoting collusion with Asahi Chemical Industry (ACI) to promote the market division for a primary binder (microcrystalline cellulose) which is largely used in developing pharmaceutical tablets (Parker, Petropoulos, & Van Alstyne, 2021). Therefore, FTC banned FMC from the micro-crystalline cellulose distribution to the associated competitors for at least 10 years in the US. The firm was also banned from promoting any products from ACI for at least five years. This emphasizes strict compliance with anti-trust laws in business (Baker, 2019; Zulfadli et al., 2019). Anti-trust laws have also been effective in preventing big rigging and providing equal opportunities for all companies in the market. It helps prevent the formation of a cartel which might influence a nation's industrial development (Biasi, 2018).

Therefore, in the context of developing countries, the development of different industrial sectors is vital to ensure the effective economic growth of the nation. Similarly, in the context of Indonesia, KPPU has proven to be effective in implementing ICL to prohibit monopoly and other illegal activities such as price fixing strategies and illegal mergers in the industrial world to obtain significant outcomes such as improved productivity and economic growth of the country (Najicha & Hermawan, 2019).

© 2022 International Journal of Criminal Justice Sciences. Under a Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International (CC BY-NC-SA 4.0)

2.3 Anti-trust Laws in Manufacturing Sector

The manufacturing sector largely contributes to a country's development and economic growth. Therefore, the promotion of anti-trust laws in this sector is vital to promote fair competition among the competitors leading to positive outcomes (Gundlach, Frankel, & Krotz, 2019). Examples of the contribution of anti-trust laws in dealing with certain illegal activities in the manufacturing industry have also been presented over the years. For instance, in the case of *"Abbott Laboratories v. Portland Retail Druggists,*[2]*"* the respondent was accused of selling pharmaceutical products at a lower price to certain pharmacies which opposed the Robinson-Patman Act, and the respondent was found to be guilty of implementing price fixing strategy which is an illegal activity in the manufacturing sector (Besley, Fontana, & Limodio, 2021).

Similarly, in the case of *"Apple v. Pepper,*[3]*"* Apple could be sued by the customers for anti-trust damages in the context of delivered goods. In this case, the damages were also observed, which were promoted by third parties in the context of price fixing strategies (Wright et al., 2019). This shows the significance of the implementation of anti-trust laws in manufacturing sectors to obtain effective outcomes. Thus, the present study focuses on the prevalence of anti-trust laws in the manufacturing sector in Indonesia.

3. Results and Discussion

3.1 Historical Background of Anti-Monopoly Law in Indonesia

The initial anti-monopoly law, UULPM, was developed in 1999. The main aim of this law was to prohibit unfair competition and prohibition of monopolistic activities in the business world in Indonesia. This law was enacted on September 5, 2000 (Zakiyah et al., 2019). KPPU was appointed to ensure the implementation of this law. This law was initially originated in 1997 in the 1st "Memorandum of Economic and Financial Policies" (MEFP). In this Memorandum, the government of Indonesia focused on the policies which were needed to be implemented to ensure assistance from the "International Monetary Fund" (IMF). These policies were also found to be effective in developing a strategy to promote structural reforms, which might be efficient in transforming the "high-cost economy" of Indonesia into a more competitive, efficient, and open economy (Wibisono, Purnama, & Al Istiqomah, 2018). To attain this transformation, the formulated strategy focused on the promotion of foreign investments and trade. It also incorporated the deregulation of domestic activities and the acceleration of the privatization program (IMF I).

Moreover, in 1998, the "Supplementary Memorandum of Economics and Financial Policies" was signed in which the government of Indonesia decided to promote competitive conditions in particular areas of the market to improve its economic growth. Therefore, the Indonesian government was also committed to developing certain anti-monopoly laws to promote fair competition in the business world (Munandar, Asikin, & Suhartana, 2020). It also focused on prohibiting anti-competitive practices in the corporate world. Initially, the government of Indonesia developed important regulations in 1998, promoting essential guidelines regarding

---

[2] 425 U.S. 1 (1976)
[3] 587 US _ (2019)

© 2022 International Journal of Criminal Justice Sciences. Under a Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International (CC BY-NC-SA 4.0)

acquisitions, mergers, and exits. The government completed the broader draft of the law in December 1998 (IMF III).

3.1.1 Association between Indonesian and German Governments

An agreement was signed between the Indonesian and German governments in August 1998, which was effective in supporting the drafting procedure and implementation of the Anti-monopoly law in Indonesia. For this purpose, support from top German experts was provided to the Indonesian government in developing important rules and regulations regarding the prohibition of monopoly and other illegal practices in the business world in Indonesia. In this regard, the operational support was provided by a "German Technical Assistance Agency," which was known as "Gesellschaft fuer Technische Zusammenarbeit" (GTZ) (Islamey, 2017). Moreover, the support from other international organizations such as the World Bank, Ausaid, CISA, and USAID was also effective in providing technical and financial resources for the Indonesian government to ensure the establishment and implementation of an effective Anti-monopoly law in the country.

Therefore, certain reforms were also made in the anti-monopoly policy of Indonesia. In these reforms, the business actors outside Indonesia were also included in the reformed policy. Additionally, the maximum fines were increased from IDR 25 billion to IDR 500 billion in the reformed Anti-Monopoly Law in Indonesia (Yetti, Fahmi, & Triana, 2021).

3.2 Indonesian Competition Law (ICL) Practices

The role of competition policy is more than just implementing and promoting the anti-monopoly law. Therefore, this policy is crucial in promoting government policies that are effective in encouraging competition among the producers (Tambunan, 2016). These government policies protect and preserve competition among independent buyers and sellers in associated unregulated markets. An accurate competition policy integrates two important parts, which include (a) competition-promoting and market-opening policies that increase the competition in local and national markets (e.g., deregulation of policies, liberalization of foreign trade and investments policies, SOEs' privatization, and regulated industries' deregulation) and (b) competition law (also known as anti-monopoly or anti-trust law) was developed to prohibit anti-competitive practices in the business (Hartanto & Sulaksono, 2019). Therefore, anti-monopoly law is part of ICL, and it is important in supporting the framework of ICL, promoting anti-competitive strategies in the business world.

3.2.1 Anti-Monopoly Law

The main purpose of anti-monopoly law is to encourage and manage different competition objectives, including protecting small firms or controlling economic power. These factors are considered to be inconsistent with the efficiency of the market. They are also not compatible with the main objectives of these laws. Anti-monopoly law was developed to protect and manage the competitive procedure, and it does not care about the competitors, whether they are small or large (Fauzie, Soeparno, & Pratomo, 2022). Moreover, in 1982, the oil boom ended, and the government of Indonesia took initiatives to promote competition-promotion and

© 2022 International Journal of Criminal Justice Sciences. Under a Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International (CC BY-NC-SA 4.0)

marketing-opening policies to increase the efficiency of the economy. It has also been found to be effective in promoting a competitive private sector that focuses on foreign investors. This was considered to be effective in increasing the exports of non-oil products to overcome the gap faced by a decline in exports of oil products (Khairazi, 2021). These policies mainly included trade-related reforms to decrease bias in trade and to liberalize foreign investments to improve more export-oriented projects leading to the country's economic growth.

3.2.3 Challenges of ICL

KPPU in implementing and enforcing ICL faces different challenges. These issues include dawn raid authority, procedural law, merger notification, institutional status, leniency program, class action lawsuit, indirect evidence, private litigation, and cross-border enforcement legal aspects (Posroito, 2022). Therefore, these issues are needed to be overcome to achieve effective implementation of ICL in Indonesia.

3.3 Prevalence of Anti-trust Laws in the Manufacturing Sector in Indonesia

The manufacturing sector in Indonesia is rapidly growing, providing various opportunities for different firms and individuals. As a result of this, the number of illegal mergers, monopolistic and illegal practices is also continuously rising in the manufacturing sector in Indonesia. However, in 2014, about 302 cases were handled by KPPU, and 203 were found guilty (Durianto, Riyadi, & Santiago, 2021). Among these cases, different illegal activities were noted, which included price fixing, illegal mergers, big rigging, control market, and delayed notification. However, predatory pricing strategies have rapidly emerged in the manufacturing sector in Indonesia. This illegal activity is often considered irrational (Sirait & Siregar, 2018).

Therefore, in the case of *"PT Conch South Kalimantan Cement,"* the company was found to be dealing with predatory pricing as presented in *"the Business Competition Commission Council (KPPU) Case Decision Number: 03/KPPU-L/2020"*(Zaid, 2022). Therefore, in the context of predatory pricing, different elements are needed to be fulfilled, which explains the complicated nature of this strategy. According to KPPU, this strategy is an illegal activity stating that "PT Conch South Kalimantan Cement" must be fined billions of IDR (Aidi & Farida, 2021). However, according to ICL, different business actors involved in this case were the associated market, competitors, low price fixation, and shutting down or eliminating the competitors' business. Different monopolistic activities were also observed by the KPPU (Widiyanti et al., 2019).

Many cartel cases in the manufacturing industry were also presented in front of the KPPU. Most of these remained unresolved due to higher pressure from the government and other agencies. For instance, *"KPPU Decision No. 08/KPPUI/2005"* regarding "Cartel Sugar Import, Technical and Verification Services" was revoked by the Supreme Court. Similarly, *"KPPU Decision No. 24/KPPUI/2009"* associated with the cooking oil cartel was also revoked by the Supreme Court (Ahmad, Hamzah, & Aripin, 2020). At the same time, *"KPPU Decision No. /17/KPPUI/2010"* regarding Pharmaceutical Drug Cartel (focusing on amlodipine) was also canceled by the Supreme Court (Disemadi & Roisah, 2019; Nugraheni, 2017).

© 2022 International Journal of Criminal Justice Sciences. Under a Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International (CC BY-NC-SA 4.0)

This shows that the manufacturing sector in Indonesia is largely influenced by political instability and economic outcomes. This results in the promotion of illegal activities and mergers in the manufacturing sector, which increases unfair competition in the local and international markets (Asri, Murjiyanto, & Hertanto, 2021). This emphasizes the prevalence of anti-trust laws in the manufacturing sector in Indonesia to achieve effective outcomes.

4. Recommendations

The following recommendations can be considered to improve the prevalence of ICL in the manufacturing sector in Indonesia to promote fair competition between the associated firms:

- The KPPU must be strengthened by providing it the state agency status. The employees of the KPPU should be made civil servants so that they become more vigilant regarding promoting effective anti-monopoly policies in the manufacturing sector in Indonesia.
- The KPPU must be given the authority to carry out different investigations, raids, and seizure orders. This will be effective for the KPPU as it will be responsible for checking, obtaining, and keeping the associated documents and conducting certain examinations in the manufacturing sector.
- Different leniency programs should be adopted to prove cartels in the manufacturing industry in Indonesia.
- The regulations regarding procedural law must be clarified to avoid various interpretations. The procedure for presenting an objection in response to a decision made by the KPPU should also be managed like different judicial procedural provisions (for instance, the civil procedural law and criminal procedure code). This will effectively promote equal opportunities in Indonesia's manufacturing sector.
- The implementation of an anti-monopoly policy must be ensured in different operations (such as production, imports/exports, employee management, etc.) of the manufacturing sector in Indonesia to ensure its contribution to the country's industrial development, leading to improved GDP of the nation.

5. Conclusion

Initially, due to limited resources and awareness, no focus was given to promoting a conducive business environment in Indonesia. Later on, in the 1980s, the oil prices gradually decreased, encouraging the government of Indonesia to focus on the promotion of other exports. As a result, the Indonesian government focused on main deregulations to diversify the "economic structure." This helped the nation to reduce its higher dependency on oil exports. In the 1990s, the Indonesian government took an important step and signed an "ASEAN free trade agreement" and also promoted other WTO commitments (Asmah, 2022). The integrated policies were found to have an effective impact on exports of non-oil products, improving the country's economic growth. This has provided various opportunities for the manufacturing sector in Indonesia. Therefore, considering the promotion of higher competition in Indonesia, the government started to focus on developing and implementing anti-trust laws in the business world to ensure the country's industrial development and economic

© 2022 International Journal of Criminal Justice Sciences. Under a Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International (CC BY-NC-SA 4.0)

growth by promoting fair competition between the firms. For this purpose, the Indonesian government focused on enforcing competition law to encourage fair and healthy competition between the business actors. Finally, in 1999, law no. 5 (UULPM) was developed by the government of Indonesia, which prohibited monopolistic and other illegal activities in the corporate world. It was also known as anti-monopoly or anti-trust law (Purwaningsih, 2019). Therefore, ICL is a part of competition policy that helps promote effective competition policies and regulations. An independent body KPPU is considered to be responsible for implementing ICL.

Therefore, the present study mainly focuses on the association between anti-trust laws and industrial development in Indonesia. For this purpose, the prevalence of anti-trust laws in the manufacturing sector of Indonesia was observed. It has been observed that higher competition in the manufacturing sector has promoted various illegal activities such as illegal mergers, market control, fixed pricing, bid rigging, delayed notification, and others. Therefore, KPPU faced different challenges in implementing ICL, such as class action lawsuits, indirect evidence, private litigation, and cross-border enforcement legal aspects. However, many cartel cases in the context of the manufacturing sector in Indonesia were presented before the KPPU. Still, they all remained unresolved due to political pressure and other economic issues. Thus, there is an urgent need to promote effective anti-trust laws in the manufacturing sector in Indonesia to achieve effective outcomes.

6. Research Implications

The present study has been beneficial in providing different practical and theoretical implications. This study has proven efficient in improving the knowledge regarding different anti-trust laws practiced in Indonesia. It has also helped identify different issues faced by KPPU in implementing ICL, which effectively provided important recommendations to overcome these issues. Moreover, the recommendations provided in this study can also effectively promote the development of new anti-trust laws in Indonesia and other developing countries to improve the industrial development of the associated country. Additionally, this study has also improved the literature in the context of anti-monopoly law in Indonesia.

The present study also holds practical significance. For instance, the present will effectively promote the prevalence of anti-trust laws in the manufacturing sector to promote fair competition and prohibit different illegal activities from providing equal opportunities for different businesses. This study will also effectively encourage the government and policymakers to develop and implement important anti-trust policies and regulations to promote safe and healthy competition in the global market. This will ultimately lead to the economic growth of the nation. Additionally, the management of manufacturing firms will also become well aware of the significance of implementing anti-trust laws, motivating them to take important measures to promote such rules and policies to contribute to industrial development leading to effective outcomes.

7. Limitations and Future Research

Every research occupies a few limitations or shortcomings, which can efficiently motivate future researchers to address these issues. Similarly, the current research

© 2022 International Journal of Criminal Justice Sciences. Under a Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International (CC BY-NC-SA 4.0)

also includes a few limitations which can be discussed in future studies. First, it has been observed that the present study only focused on the involvement of anti-trust laws in the context of the manufacturing sector in Indonesia. The researcher bias largely influenced this mode of research. This prevented an effective understanding of the significance of the prevalence of anti-trust laws in other industrial sectors. Secondly, the current research largely focused on the anti-monopoly law or ICL in the context of anti-trust laws in Indonesia, and not much focus was given to the associated provisions or policies due to limited data availability.

Thus, future research studies can focus on implementing anti-trust laws in different industrial sectors in different countries around the world to have a broader perspective regarding the association between anti-trust laws and industrial development. Future studies can also emphasize associated policies, legal procedures, and legal provisions to better understand the implementation of anti-trust laws and policies.

References

Agulhon, S., & Mueller, T. M. (2022). How the Drafting of the Clayton Antitrust Act Helped Spread the Managerial Approach to Efficiency. *Administration & Society*. https://doi.org/10.1177/00953997221133488

Ahmad, A., Hamzah, & Aripin, A. (2020). Two decades of Indonesian business competition law: Implementation, enforcement and contribution to the economy. *The Journal of Research on the Lepidoptera, 51*(2), 277-292. https://doi.org/10.36872/LEPI/V51I2/301096

Aidi, Z., & Farida, H. (2021). Regulatory Development of Objection Legal Efforts to the Indonesia Competition Commission (KPPU) Decision After the Enactment of Law No. 11 of 2020 Concerning Job Creation. In *ICOLEG 2021: Proceedings of the 2nd International Conference on Law, Economic, Governance, ICOLEG 2021, 29-30 June 2021, Semarang, Indonesia* (pp. 345). European Alliance for Innovation. http://dx.doi.org/10.4108/eai.29-6-2021.2312663

Anggraini, A. M. T. (2020). The role of SMEs in the economic development of Indonesia: a study of competition law and policy in the field of retail industry. *Proceeding on International Conference of Science Management Art Research Technology, 1*(1), 168-174. https://doi.org/10.31098/ic-smart.v1i1.38

Asmah. (2022). The role of business competition law in online business: A comparative study of United Kingdom and Indonesia. *Cogent Social Sciences, 8*(1), 2142398. https://doi.org/10.1080/23311886.2022.2142398

Asri, D. P. B., Murjiyanto, R., & Hertanto, R. (2021). Optimal deterrence: Exploring business cartels in Indonesia and their impact on the economy. *Problems and Perspectives in Management, 18*(4), 504-516. http://dx.doi.org/10.21511/ppm.18(4).2020.40

Baker, J. B. (2019). *The antitrust paradigm: restoring a competitive economy*. Harvard University Press. https://doi.org/10.4159/9780674238947

Besley, T., Fontana, N., & Limodio, N. (2021). Antitrust policies and profitability in nontradable sectors. *American Economic Review: Insights, 3*(2), 251-265. https://doi.org/10.1257/aeri.20200316

Biasi, M. (2018). 'We will all laugh at gilded butterflies'. The shadow of antitrust law on the collective negotiation of fair fees for self-employed workers. *European Labour Law Journal, 9*(4), 354-373. https://dx.doi.org/10.1177/2031952518810640

© 2022 International Journal of Criminal Justice Sciences. Under a Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International (CC BY-NC-SA 4.0)

Disemadi, H. S., & Roisah, K. (2019). The enforcement of business competition law by the police: An Indonesian experience. *Lentera Hukum, 6*(2), 203-212. https://doi.org/10.19184/ejlh.v6i2.12013

Durianto, D., Riyadi, S., & Santiago, F. (2021). Price Balance for the Good of Consumers and Business Actors. In *ICLSSEE 2021: Proceedings of the 1st International Conference on Law, Social Science, Economics, and Education, ICLSSEE 2021, March 6th 2021, Jakarta, Indonesia* (pp. 329). European Alliance for Innovation. http://dx.doi.org/10.4108/eai.6-3-2021.2305979

Fauzie, S., Soeparno, W. S. I., & Pratomo, W. A. (2022). The Influence of Efficiency on Interest Rate Loan in Indonesia Banking in regards to The Implementation of Expected Credit Losses. *Journal of Governance Risk Management Compliance and Sustainability, 2*(1), 63-67. https://doi.org/10.31098/jgrcs.v2i1.910

Gundlach, G. T., Frankel, R., & Krotz, R. T. (2019). Competition policy and antitrust law: implications of developments in supply chain management. *Journal of Supply Chain Management, 55*(2), 47-67. https://doi.org/10.1111/jscm.12196

Hartanto, J. A., & Sulaksono, S. (2019). Applications of good corporate governance relating to shareholders, commissioners, and directors of limited liability companies in Indonesia. *Problems and Perspectives in Management, 17*(3), 410-420. http://repository.narotama.ac.id/id/eprint/652

ICC. (2020). *The 2020 Annual Report of ICC*. Indonesia Competition Commission. https://eng.kppu.go.id/wp-content/uploads/ICC-ANNUAL-REPORT-2020.pdf

Indrayati, B. R., & Djajanto, L. (2021). Discretional Accrual and Ownership on Corporate Performance With Firm Value as Mediation: Evidence From Consumption Good and Basic Industry Chemistry in Indonesia Stock Exchange. *PalArch's Journal of Archaeology of Egypt/Egyptology, 18*(4), 6945-6957. https://archives.palarch.nl/index.php/jae/article/view/7365

Islamey, M. E. (2017). *An Analysis Towards The Term" Agreement" Under Article 5 Law No. 5 Year 1999 Concerning The Ban on Monopolistic Practices And Unfair Business Competition And Its Relation to Cartel Practices In Indonesia In Case Study:(KPPU Decision No. 08/KPPU-I/2014 Concerning Tire Cartel).* (Doctoral dissertation). Universitas Gadjah Mada. http://etd.repository.ugm.ac.id/home/detail_pencarian/112323

Khairazi, R. (2021). The Objectivity of the Business Competition Supervisory Commission in Deciding Business Competition Cases in Indonesia. *Indonesia Private Law Review, 2*(1), 1-10. https://doi.org/10.25041/iplr.v2i1.2146

Lambert, T. A. (2020). Mere Common Ownership and the Antitrust Laws. *Boston College Law Review, 61*(8), 2912-2963. https://www.proquest.com/openview/adf1fbe81b81420077a0472e2f269b20

Marinescu, I., & Posner, E. A. (2019). Why has antitrust law failed workers? *Cornell Law Review, 105*(5), 1343-1394. https://dx.doi.org/10.2139/ssrn.3335174

Melamed, A. D. (2020). Antitrust Law and Its Critics. *Antitrust Law Journal, 83*, 269-292. https://policycommons.net/artifacts/2089728/antitrust-law-and-its-critics/2845026/

Milenia, S., & Tresnawati, T. (2022). Blockchain Application: Indonesian Competition Law's Perspectives. *Law Review, 22*(1), 001-023. http://dx.doi.org/10.19166/lr.v0i1.5421

Munandar, M., Asikin, Z., & Suhartana, L. W. (2020). Procurement of Goods and Services by PT PLN (Persero) Mataram Branch Anti-Monopoly Perspective and Unfair Business Competition. *International Journal of Multicultural and Multireligious Understanding, 7*(3), 256-267. http://dx.doi.org/10.18415/ijmmu.v7i3.1526

© 2022 International Journal of Criminal Justice Sciences. Under a Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International (CC BY-NC-SA 4.0)

Najicha, F. U., & Hermawan, S. (2019). Law in the Globalization and its influence on economic development and environmental preservation based on pancasila and the Indonesian Constitution of 1945. In *3rd International Conference on Globalization of Law and Local Wisdom (ICGLOW 2019)* (pp. 317-321). Atlantis Press. https://doi.org/10.2991/icglow-19.2019.78

Nugraheni, L. U. (2017). *A Legal Analysis Towards the Usage of Indirect Evidence on the Fulfilment of Cartel Elements in Automatic Scooter's Price in Indonesia Pursuant to Law No. 5 of 1999 (Case Study: KPPU Decision No. 04/KPPU-I/2016).* (Doctoral dissertation). Universitas Gadjah Mada. http://etd.repository.ugm.ac.id/penelitian/detail/132198

Parker, G., Petropoulos, G., & Van Alstyne, M. (2021). Platform mergers and antitrust. *Industrial and Corporate Change, 30*(5), 1307-1336. https://doi.org/10.1093/icc/dtab048

Paul, S. (2021). Recovering the Moral Economy Foundations of the Sherman Act. *The Yale Law Journal, 131*, 175. https://www.yalelawjournal.org/pdf/131.Paul_ujda2i7f.pdf

Posroito, S. M. (2022). Himbara Cooperation Activities (Association of State-Owned Banks) in terms of Indonesian Business Competition Law. *Budapest International Research and Critics Institute-Journal (BIRCI-Journal), 5*(3), 20938-20949. https://doi.org/10.33258/birci.v5i3.6113

Prananingtyas, P., Disemadi, H. S., & Zakiyah, N. (2020). The Indonesian Business Competition Law: How the Police Plays a Role. *Jurnal Hukum Novelty, 11*(1), 105-113. https://core.ac.uk/download/pdf/324200553.pdf

Purwaningsih, E. (2019). Intellectual Property Rights in Supporting Entrepreneurship in Indonesia Micro Small Medium Enterprises Scale. *Journal of Advanced Research in Law and Economics (JARLE), 10*(39), 336-347. https://doi.org/10.14505//jarle.v10.1(39).35

Saputra, R., & Emovwodo, S. O. (2022). Indonesia as Legal Welfare State: The Policy of Indonesian National Economic Law. *Journal of Human Rights, Culture and Legal System, 2*(1), 1-13. https://doi.org/10.53955/jhcls.v2i1.21

Sawyer, L. P. (2019). US antitrust law and policy in historical perspective. In *Oxford Research Encyclopedia of American History*. Oxford University Press. https://doi.org/10.1093/acrefore/9780199329175.013.623

Shaohua, Z., Yahya, F., Pham, H., & Waqas, M. (2021). Do transparency and anti-monopoly policies matter for financial development? Evidence from a panel ARDL-PMG approach. *Journal of Applied Economics, 24*(1), 1-16. https://doi.org/10.1080/15140326.2020.1838113

Simbolon, A. S. (2018). The Amounts of anti trust law in Indonesia. In *International Conference on Business Law and Local Wisdom in Tourism (ICBLT 2018)* (pp. 138-140). Atlantis Press. https://doi.org/10.2991/icblt-18.2018.33

Sirait, N. N., & Siregar, M. (2018). Correlation between Competition Law Cases and Corruption (Case Study: Indonesia). In *1st Economics and Business International Conference 2017 (EBIC 2017)* (pp. 125-137). Atlantis Press. https://doi.org/10.2991/ebic-17.2018.22

Steren, E. J. (2022). Antitrust Law. In *Laws of Medicine: Core Legal Aspects for the Healthcare Professional* (pp. 327-347). Springer. https://doi.org/10.1007/978-3-031-08162-0_22

Sugarda, P., & Wicaksono, M. R. (2018). Power to the people: enhancing competition law enforcement in Indonesia through private enforcement. *Asia Pacific Law Review, 26*(2), 127-146. https://doi.org/10.1080/10192557.2019.1567054

© 2022 *International Journal of Criminal Justice Sciences*. Under a Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International (CC BY-NC-SA 4.0)

Syarief, E. (2021). Challenges of implementing anti-monopoly and unfair competition law in creating market efficiency in Indonesia. *International Journal of Law, 7*(2), 160-164. http://repository.uib.ac.id/id/eprint/3747

Tambunan, T. T. H. (2016). Competition Law and SMEs in Indonesia. In *Competition Law, Regulation and SMEs in the Asia-Pacific: Understanding the Small Business Perspective* (pp. 276-291). Singapore: ISEAS Publishing. https://doi.org/10.1355/9789814695817-018

Tampubolon, T. T., Lele, G., & Kumorotomo, W. (2020). Cartel and Political Corruption: Insight from Beef Imports Collusion in Indonesia. In *Annual Conference of Indonesian Association for Public Administration (IAPA 2019)* (pp. 224-240). Atlantis Press. https://doi.org/10.2991/aebmr.k.200301.012

Townsend, J. B. (2019). *Extraterritorial Antitrust: The Sherman Antitrust Act and US Business Abroad*. Routledge.

Wahjudi, E. (2020). Factors affecting dividend policy in manufacturing companies in Indonesia Stock Exchange. *Journal of Management Development, 39*(1), 4-17. https://doi.org/10.1108/JMD-07-2018-0211

Ward, P. C. (2022). *Federal trade commission: Law, practice and procedure*. Law Journal Press.

Wibisono, M. G., Purnama, A., & Al Istiqomah, F. (2018). Indonesia's Economic Development Policy as Implementation of Pancasila as the Identity of Indonesia. *Transformasi Global, 5*(2), 80-92. https://doi.org/10.21776/jtg.v5i2.121

Widiyanti, R., Hidayat, N., Setianto, N., Mastuti, S., & Muatip, K. (2019). Vertical Integration of Broiler Industries in Indonesia (Analysis of Case Decisions Number 02/KPPU-I/2016). *IOP Conference Series: Earth and Environmental Science, 372*(1), 012005. https://doi.org/10.1088/1755-1315/372/1/012005

Wright, J. D., Dorsey, E., Klick, J., & Rybnicek, J. M. (2019). Requiem for a paradox: The dubious rise and inevitable fall of hipster antitrust. *Arizona State Law Journal, 51*, 293-369. https://dx.doi.org/10.2139/ssrn.3249524

Yetti, Y., Fahmi, F., & Triana, Y. (2021). Anti Monopoly Legal Perspective on Rubber Sales as a Leading Product of The Asean Economic Society in Siak District. In *The 1st International Conference on Human Rights (ICHR), 12-13 April 2021, Makassar, Indonesia* (pp. 91-96). Alauddin University Press. http://repositori.uin-alauddin.ac.id/id/eprint/19425

Yolanda, N. (2020). Position of Verdict KPPU in Indonesia. In *Proceedings of the 1st International Conference on Management, Business, Applied Science, Engineering and Sustainability Development, ICMASES 2019, 9-10 February 2019, Malang, Indonesia*. EAI. http://dx.doi.org/10.4108/eai.3-8-2019.2290728

Yudiansah, B. (2020). Function of the Commission for the Supervision of Business Competition and the Prohibition of Monopoly Practices. *Indonesia Private Law Review, 1*(2), 77-86. https://doi.org/10.25041/iplr.v1i2.2055

Zaid, Z. (2022). The Unicorn Is a Myth No More: A Ratio Decidendi Analysis on First Official Predatory Pricing Case in Indonesia. *Jurnal Penegakan Hukum Dan Keadilan, 3*(1), 48-59. https://doi.org/10.18196/jphk.v3i1.13099

Zakiyah, N., Prananingtyas, P., Disemadi, H. S., & Gubanov, K. (2019). Al-Hisbah Contextualization in the Business Competition Law in Indonesia. *Al-'Adalah, 16*(2), 249-262. https://doi.org/10.24042/adalah.v16i2.5365

Zulfadli, M., Miru, A., Borahima, A., & Sitorus, W. (2019). Leniency program to prove the cartel in the enforcement of business competition law. *Journal of Law, Policy and Globalization, 87*, 126-131. https://doi.org/10.7176/JLPG/87-14

© 2022 International Journal of Criminal Justice Sciences. Under a Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International (CC BY-NC-SA 4.0)

Linking Anti-trust laws with industrial development: Highlighting the prevalence of Anti-trust laws within the Indonesian manufacturing sector

ORIGINALITY REPORT

7%	6%	4%	5%
SIMILARITY INDEX	INTERNET SOURCES	PUBLICATIONS	STUDENT PAPERS

PRIMARY SOURCES

#	Source	%
1	forestsnews.cifor.org Internet Source	3%
2	Submitted to Florida International University Student Paper	1%
3	www.atlantis-press.com Internet Source	1%
4	eudl.eu Internet Source	1%
5	eprints.leedsbeckett.ac.uk Internet Source	<1%
6	jurnal.ugm.ac.id Internet Source	<1%
7	lifescienceglobal.com Internet Source	<1%
8	M Afif Hasbullah. "Legal Policy of Independent Learning Independent Campus (MBKM)	<1%

Program in Indonesia: Tracing the Literature", AL-ISHLAH: Jurnal Pendidikan, 2022
Publication

9	Submitted to University of Leeds Student Paper	<1 %
10	mpra.ub.uni-muenchen.de Internet Source	<1 %
11	Azri Zulfikar Lutfi. "The Phenomenon of Underage Motorbike Riders in Junior High School Students: A Critical Review of Juvenile Delinquency", Journal of Indonesian Social Sciences and Humanities, 2020 Publication	<1 %
12	dspace.uii.ac.id Internet Source	<1 %
13	scholarcommons.sc.edu Internet Source	<1 %

Exclude quotes On
Exclude bibliography On
Exclude matches Off