

COMPARATIVE LAW OF BUSINESS COMPETITION BETWEEN INDONESIA AND SINGAPORE

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Abstract

The significant phenomenon of economic globalization is related to the increasingly binding interdependence of relations between nations, especially pe. Of course, this must have legal regulations that regulate so that violations do not occur in the trade sector which could potentially give rise to violations in the business competition sector. This policy includes law enforcement, deregulation policies, foreign direct investment, and other policies related to business competition. Competition law is an important legal tool in encouraging healthy competition and protecting consumers. The theory used in analyzing this paper is comparative law and legal certainty. The conclusion obtained from his research is that Indonesia has Business Competition Law Number 5 of 1999 as the basis for regulating business competition. Singapore has a stronger legal framework in promoting fair competition and protecting consumers, namely the Competition Commission of Singapore (CCS). The country has an independent competition authority. For this reason, the author compares it with regulations prohibiting acts of unfair business competition..

Keywords: Legal Regulations, Institutions, Business Competition.

INTRODUCTION

Laws regulate every aspect of business competition, including what can and cannot be done to gain an advantage in the marketplace. Competition can also encourage innovation and development of new products to win the market (Elips, 1999). In 1999, an autonomous body known as the Business Competition Supervisory Commission (KPPU) was formed to monitor compliance with Law Number 5 of 1999, which prohibits monopolistic practices and unfair business competition in Indonesia. The President appoints nine KPPU commissioners, who report directly to the President, after consulting with the DPR RI. Some of the KPPU's responsibilities include supervising the implementation of alliances between large companies and micro, small and medium enterprises, providing advice and advice to the government regarding policies that could give rise to monopolistic practices or unfair competition in the business world, and enforcing laws and regulations related to that matter. to business competition. The public or corporations can submit complaints to the KPPU alleging monopolistic practices or unfair competition in the market. Violations of competition law can also be investigated and punished by these institutions (Dedie, 2009).

Legal policies related to business competition are a series of rules and regulations that regulate the actions of companies in the same industry, aimed at encouraging fair and healthy competition without monopolistic or cartel practices. This policy includes law enforcement, deregulation policies, foreign direct investment, and other policies related to business competition. This legal policy aims to protect consumers, encourage innovation, and ensure

the continuity of a healthy and sustainable economy. The Business Competition Supervisory Commission is one of the institutions in Indonesia that is entrusted with enforcing business competition laws and regulations (KPPU) (Daniel, 2010).

In a market economy, it is important to compare competition laws in Singapore and Indonesia in relation to business. The aim of business competition law is to protect consumers and encourage healthy competition in the market (Abdul, Benny, 1999). Regarding business competition in Indonesia, laws and regulations are regulated in Law Number 5 of 1999. Protecting consumers from deceptive business practices and developing a strong and fair market is the main objective of business competition law in Indonesia (Lubis, Andi Fahmi, 2009)

The Business Competition Law regulates business competition laws and regulations in Singapore. Singapore has strong regulations to protect consumers and encourage fair competition. Singapore has an independent competition authority, the Consumer Competition Commission. A comparison of business competition law policies between Indonesia and Singapore shows differences in approach and implementation. Singapore has a more independent competition authority, while Indonesia has older regulations. Requirements for legal norms in international business affairs. From the perspective of national life, it is clear that monopoly practices in the economy are rejected on both constitutional grounds (economic democracy) and cultural grounds (family principles) because they are detrimental to the people. As a result of the WTO, APEC, AFTA, NAFTA, EC, and other international agreements, every country is obliged to comply with business standard guidelines in various fields of life in international relations, especially in terms of the emergence of the phenomenon of economic globalization which means increasingly binding interdependence between nations (Nadir, 2015). Building a fair and healthy competitive environment between member countries is the goal of ASEAN business competition. The following are some of the main objectives of ASEAN business competition (Dharma, et. al, 1993): 1). Encouraging economic efficiency: Healthy competition encourages businesses to innovate and work more efficiently in producing and delivering goods and services. By doing this, the competitiveness of the ASEAN economy as a whole can increase; 2) Protecting consumers: By offering more choices, more affordable prices, and higher quality goods and services, intense competition between businesses helps protect consumer interests. Through effective regulation and supervision, business competition can prevent monopolistic or oligopoly practices that harm consumers; 3). Encourages innovation: Healthy competition encourages companies to

innovate in order to create new, better products and services. In highly competitive competition, the business world will strive to improve their technological capabilities, improve the quality of their output, and provide something more to customers; 4). Increasing investment and economic growth: Fair and transparent business competition can increase the attractiveness of investment in the ASEAN region. Regional economies can increase growth, create jobs, and raise living standards by attracting investment; 5). Encouraging regional economic integration: Healthy business competition is also part of efforts to realize ASEAN economic integration. By adopting similar competition policies in all member countries, it is hoped that equal opportunities will be created for companies in carrying out business activities throughout the ASEAN region.

RESEARCH METHODOLOGY

A systematic literature review or systematic analysis review (SLR) is a structured methodology for conducting reviews. SLR is useful for identifying gaps in the literature and topics of interest. With 3 main phases which include planning, implementation and reporting (Palomino et al., 2019), (Latifa & Ritonga, 2020). In the first phase, determine journal requirements that are appropriate to the research topic. Next, a structured identification and review was carried out in journals with the keywords climate changes and mental health in Indonesia. In the second phase, researchers define research questions, search strategies, study selection processes, quality assessments and data selection and synthesis. Finally, the researchers wrote down the research results based on the literature that had been collected.

The data sources used come from journal literature on a national and international scale obtained electronically through a systematic process in the journal library, namely Google Scholar. The literature available on Google Scholar until early January 2024 was reviewed. With the keywords climate change and mental health, 15 journals were found that fit the scope of the research. Researchers are looking for a relationship between climate change such as forest fires, increasing hot temperatures and extreme weather changes with mental health such as schizophrenia, anxiety, mood disorders and depression, suicide, aggressive behavior. The literature review is then divided into specific specifications for synthesis.

RESULTS AND DISCUSSION

Comparison of Legal Policies Related to Business Competition in Indonesia and Singapore

In order to protect the interests of society, increase the effectiveness and prosperity of the national economy, and provide a supportive environment for the business world, Law Number 5 of 1999 was passed. This prohibits monopolistic activities and unhealthy business competition. strong conditions for doing business that ensure all companies, no matter how big or small, have a fair chance of achieving success. In addition, we want to end monopolistic practices and unfair competition in the business world, and we want to see increased operational efficiency in the business world.

Unfair business competition and monopolistic practices are prohibited in Law Article 2 Number 5 of 1999. The business world in Indonesia is said to operate based on the principles of economic democracy, with a focus on balancing its own interests with the interests of the business world as a whole. Economic democracy as outlined in Article 33 paragraph 4 of the 1945 Constitution of the Republic of Indonesia is populist in nature and includes social justice for all Indonesian people. This idea has something to do with it.

Prohibited policies, procedures and agreements are detailed in Law Number 5 of 1999 which prohibits monopolistic practices and unfair business competition. Prohibited activities and dominant positions are also listed, along with the Business Competition Supervisory Commission, case handling protocols and sanctions.

Although Law Number 5 of 1999 prohibits monopolistic practices and unfair business competition, the Competition Act of 2004 regulates mergers and acquisitions as part of corporate competition. The standards for determining the effect of mergers and acquisitions on business competition are not stated in Indonesian Law Number 5 of 1999, which prohibits monopolistic practices and unfair competition. For clarification, see Articles 28 and 29 of the same law.

Since promoting healthy competition in the market depends on consumer protection, this topic is covered in Articles 19–23 of Law no. 5 of 1999, which prohibits monopolistic and unfair trading activities.

Singapore has more complex consumer protection regulations in Chapter IV of The Competition of Act 2004 including regulations regarding unfair sales practices, misleading advertising and remedial action for consumers who have been harmed.

Special institutions in Singapore and Indonesia are tasked with implementing laws relating to business competition; including the Competition Commission of Singapore (CCS) and the Business Competition Supervisory Commission (KPPU).

Comparison of the Role of KPPU with Similar Institutions Regarding Business Competition in Indonesia and Singapore

In order to fulfill its duties, each organization has its own function. KPPU was formed as a response to Law Number 5 of 1999 which prohibits the business world from carrying out monopolistic practices or unfair competition. Organizations like this have a special task to monitor how the Business Competition Supervisory Commission and Commissions are formed based on Law Number 5 of 1999. Announcement 75 of 1999 concerning the Establishment of the Business Competition Supervisory Commission.

KPPU is a quasi judicial body tasked with using judicial power and executorial authority on business competition issues (Nugroho, Susanti Adi, 2012). Article 30 Paragraph (3) of Law Number 5 of 1999 states that the KPPU is tasked with supervising the enforcement of laws that prohibit monopolistic acts and unfair business competition. The law is responsible to the President.

The KPPU has many authorities, including investigative authority, enforcement authority, and litigating authority, just like other judicial organizations (Hakum, Abdul, 1999). KPPU decisions are not binding and have permanent legal force (not final and binding); this isn't final yet. Therefore, business actors have the option to submit an appeal to the District Court if they are not satisfied with the KPPU's decision (Sapitri, Baiq Ervinna, 2015)

There are striking differences in the functions of comparable regulatory bodies in Singapore and the KPPU in Indonesia (Business Competition Supervisory Commission). In Indonesia, KPPU is an independent organization tasked with supervising commercial competition. They play an important role in reviewing business competition laws at national and regional levels (Nugroho, Susanti Adi, 2012).

In Singapore, a similar role is played by the Consumer Competition Commission (CCC) and the Competition Commission. These two institutions have a crucial role in maintaining the implementation and enforcement of laws related to business competition in the country. Singapore has a stronger legal framework in promoting healthy competition and protecting consumers (Anggraini, A. M. Tri, 2006).

This comparison highlights the differences in approach and implementation in business competition policy between Indonesia and Singapore. Singapore has a more independent competition oversight body and Indonesia has older regulations. Paying attention to harmonization of business competition policies between the two countries can be an important step towards healthy and fair competition in the region.

Regarding business competition law regulated in The Competition Act of 2004, Singapore has business competition authority with the Competition Commission of Singapore (CCS), which is the Supervisory Body that oversees business competition in Singapore. CCS, a department in the Ministry of Trade and Industry in Singapore, was officially established on January 1 2005. Its aim is to uphold the values of integrity, professionalism, passion and teamwork while ensuring that the market operates well to create opportunities and choices for businesses and consumers in Singapore (Anonymous, 2023). The authority possessed by CCS includes the authority to manage and enforce the Competition Act 2004 which empowers CCS to investigate and adjudicate anti-competitive business activities, issue directions to stop and/or prevent anti-competitive business activities, and impose financial sanctions.

CONCLUSION

Comparison between corporate antitrust laws in Singapore and Indonesia. Business Competition Law no. 5 of 1999 regulates business competition in Indonesia. Promoting fair and healthy competition in the market and protecting consumers from misleading corporate practices are the main objectives of this regulation. Singapore has a stronger legal framework to promote fair competition and protect consumers.

Based on a comparison of the role of the KPPU with similar supervisory institutions in Singapore, especially the Competition Commission of Singapore (CCS), there are differences in the approach and implementation of legal policies related to business competition between Indonesia and Singapore. Singapore has a competition authority that is

more independent and effective in conducting investigations and gathering evidence of violations. It is important to promote healthy and fair competition by strengthening business competition laws and procedures in Indonesia and by harmonizing laws between the two countries.

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