



KPPU, Prohibition of Monopoly and Unfair Business Competition: Policy and Organizational Perspective

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Abstract: *National improvement within the monetary field, will boost up the fulfillment of people's welfare. A wholesome monetary lifestyle calls for identical possibilities for residents to do commercial enterprise. The coverage of prohibiting monopoly and unfair commercial enterprise opposition is a strategic remember for the countrywide economy. The established order of the Business Competition Supervisory Commission (KPPU) with state/authority's policies is an essential step in the direction of monetary democratization. Using normative juridical strategies and literature, it seems that the choice of the state/authorities through issuing Law Number five of 1999, Government Regulation Number forty four of 2021, and Presidential Decree Number seventy five of 1999 is a public coverage concerning the essential function of KPPU and the prohibition of monopolistic practices and unfair commercial enterprise opposition. This is an important basis for the KPPU's determination of operational policies. There are arrangements for KPPU's organizational dimensions in the three regulations, namely objectives, formalization, standardization, hierarchy of authority, specialization, professionalism, and organizational size, some of which are not regulated adequately. This will determine the effectiveness of the implementation of its duties and authorities as a supervisory agency. KPPU is also faced with challenges and political contexts that are not easily aligned with the independent nature of its organization. In the context of democracy, KPPU needs to strengthen its position by continuously improving the quality of its performance. It is necessary to improve several dimensions of the KPPU's organization in the regulations that govern it.*

Keywords: *Business Competition; Monopoly; Organization; Policy*

Introduction

The constitution guarantees the right of every citizen to do business in accordance with his interests so as to obtain economic benefits. The state or government must be present and ensure that economic life, especially business opportunities for economic actors can take place fairly. With its various regulatory instruments and institutions, the state must take various measures to ensure that there is no monopoly and unfair business competition.

The issuance of Law Number five of 1999 alongside political and constitutional reforms is a strategic step for us to recognize monetary democracy. This became then observed up via way of means of the issuance of Presidential Decree (Keppres) Number seventy five of 1999 regarding the Business Competition Supervisory Commission (KPPU) and KPPU Regulation (Perkom) Number 01 of 2014 regarding the Organization and Work Procedures of the KPPU. In the state-of-the-art development, Government Regulation (PP) Number forty four of 2021 regarding the

Implementation of the Prohibition of Monopolistic Practices and Unfair Business Competition became additionally issued.

The presence of those 4 policies is largely public policy. This is due to the fact the entirety is decided with the aid of using state / authorities establishments according with the authority they've according with the charter and legal guidelines and policies, in addition to address public problems, with inside the shape of monopolistic practices and unfair enterprise competition. In the context of public policy, there are various things related to the presence of the four regulations. Among them are aspects of goals, actors, institutions, policy systems, policy components, and policy hierarchies. The existence of the KPPU based on Law Number 5 of 1999 opens a new chapter in the struggle for the formation of economic democratization as mandated by Article 33 of the 1945 Constitution.

As an independent institution, its presence is a great contribution to the just life

of the national economy. Monopolistic practices and unfair business competition that are very likely to occur by business actors are a big challenge for this institution. Various business interests are likely to occur collaboratively with elements of political power. Therefore, carrying out the duties and authorities of the KPPU in accordance with the mandate of this law, will be a test for him in participating in strengthening Indonesia as a democratic country as well as a country of law.

Therefore, the regulation of various dimensions of the KPPU organization in the four state regulations will contribute to its success rate in carrying out its duties, functions, and authorities. From a public policy perspective, it is very important to evaluate the substance of the policy regarding the organizational dimensions of the KPPU and other related aspects, which are contained in the four regulations, as future improvements.

This study aims to analyze KPPU, the prohibition of monopolies and unfair business competition from the perspective of organizational dimensions and public policies as referred to in Law Number 5 of 1999, Government Regulation Number 44 of 2021, Presidential Decree Number 75 of 1999, Perkom Number 01 of 2014 and several other regulations.

Literature Review

Business

The inherent powers of the Skills Supervisory Board relate to corporations as commercial organizations. According to Boone and Kurtz (2006), organizations encompass all non-earnings sports in addition to organizations that offer fundamental items and offerings to the financial system. Thus, Pride, Hughes, and Kapoor (2014) outline firms as prepared efforts of people to supply and promote items and offerings for earnings and to fulfill social wishes to be successful, an enterprise have to carry out 3 sports. It must be regulated, responsive, and profitable.

Parsons cited by Narayanan and Nath (1993) mentions 4 types of organizations, including production organizations. It further states that a production organization

manufactures something or a product. Thus, referring to the organizational typology of Parson, the organization of the company includes the organization of production.

Public Policy

Aspects of KPPU life are closely related to the public interest because monopolistic competition and unfair business competition are contrary to public expectations. Therefore, the regulations on supervision are basically public policy. This is consistent with the opinion of Gerston (2010) argues that public policy is the combination of fundamental decisions, commitments and actions taken by those who hold or influence positions of governmental power. Post et al. (1999) as a plan of action implemented by government officials to achieve general goals affecting the majority of a nation's citizens.

In this regard, Gerston (2010) mentions the additives of public coverage, particularly troubles, actors, assets, institutions, and government. It is similarly said that troubles are on the public agenda; actors presenting, interpreting, and responding to those troubles; assets suffering from the problem; organizations that cope with troubles; and the extent of presidency that offers with the problem. Countries or governments are very strategic in growing this public coverage. This is constant with Michael's (2006) view that the general public coverage manner as we understand it might now no longer paintings without the kingdom. It is the kingdom that offers the premise for collective decision-making, the implementation and execution of these decisions, and the approach to extrade others.

Organization

According to Robbins (1990), a business enterprise is a consciously coordinated social entity with especially described obstacles that operates especially constantly to attain a not unusual place aim or set of desires. Other professionals outline it as an area in which human beings come collectively to perform tough responsibilities to attain an aim. Pfiffner and Presthus (1960) outline business enterprise because the law of people and

capabilities in hard work relationships. Organizations search for styles of capabilities and duties to make certain desires are aligned and aligned thru control.

The organizational structure and contextual dimensions, as well as other organizational aspects regulated by law will determine posture and performance in the supervision of business competition. Theoretically, the organizational measurement in step with Daft (1992) includes structural dimensions and contextual dimensions. The structural dimensions of management offer labels to explain the inner traits of an organization. They create a foundation for measuring and evaluating organizations. It is in addition said that the structural measurement includes specialization, hierarchy of authority, professionalism, and employee's ratio. Further, it's miles stated that the contextual measurement characterizes the complete organization. Among them are size and purpose. They describe organizational preparations that influence the structural dimensions.

Method

This study uses a normative legal approach, combining desk research, and coverage assessment. According to Marzuki (2015), it's miles categorized as prison studies performed with the aid of using inspecting library substances or secondary data, or normative prison studies or library law (Soekanto & Mamudji, 2015). Referring to Howlet and Ramesh (1995), technique assessment is certainly considered one among 5 administrative opinions that have a look at the organizational strategies used to perform projects, which include running guidelines and procedures. One form of coverage evaluation is coverage content material studies, wherein the evaluation tries to explain a proof of the beginning and improvement of a selected coverage (Hill, 1997). The seek is carried out on facts recorded in prison form, so it's miles frequently known as record evaluation studies or content material evaluation.

According to the goal of the observe, the researchers targeted on all the statutory files

concerning the Supervisory Board of Trade Competition, the prohibition of monopoly and the prohibition of unfair change competition, in addition to secondary information received from different applicable files for this, researchers use record technology. The files worried through this observe are Law No. five of 1999, Government Regulation No. forty four of 2021, Presidential Regulation No. seventy five of 1999, Presidential Regulation No. 01 of 2014 and different applicable files.

Result and Discussion

Profile, Hierarchy and Policy Context

In line with its characteristics, the will of the state regarding the prohibition of monopolies and unfair business competition which are aspirations of the public interest, obviously a public policy. This is consistent with Anderson's (1978) assertion that active forms of public policy are legitimate and authoritative and Gerston's (2010) level of government dealing with issues, provisions on the prohibition of monopoly and unfair trade competition included in various state/government regulations. Law No. 5 of 1999, Government Regulation No. 44 of 2021, Presidential Decree No. 75 of 1999 and Presidential Decree No. 01 of 2014 are the legitimacy of public order. This agrees with the view of Stillman II (2010) that one of the identities of public management is rooted in regulation and connected to its application.

Law Number 5 of 1999 was passed on May 5, 1999, consisting of 53 articles, and relating to the KPPU, regulated in Articles 30 to 36. PP Number forty four of 2021 which changed into set up on February 2, 2021 includes 25 articles and no much less than 7 articles associated with KPPU, monopoly and unfair competition. As a prison basis, amongst others, it's miles referred to as Law Number five of 1999 and Law Number eleven of 2020 regarding Job Creation. Presidential Decree No. 75/1999, exceeded on July 8, 1999 and which includes sixteen articles. As a prison basis, amongst others, it's miles referred to as Law Number five of 1999, and in its development, it's been amended via way of

means of Presidential Regulation Number 80 of 1999.

Perkom No. 01 of 2014 which was established on February 10, 2014 consisting of 115 articles. This regulation, among others, mentions Law Number 5 of 1999 and Presidential Decree Number 75 of 1999 as the legal basis, as well as revoking and declaring KPPU Decree Number 04/Kep/I/2010 concerning the Organization and Work Procedures of the KPPU Secretariat is no longer valid. The replacement or change of a regulation is not carried out without cause because it occurs as a result of an in-depth study of the development of the business and trade environment. There is a relationship of interdependence between state institutions and various external factors that require them to determine something in response. The establishment and ratification of public policy by authorized institutions/officials is in line with one of the categories of public policy according to Anderson (1978), known as coverage choices, that is, choices made with the aid of using public officers who authorize or offer course and content material to public coverage actions.

Various state/government regulations exist at the vertical level, consistent with the hierarchical structure of the public policy process described by Bromley (1989). This means that Law No. 5 of 1999 and various other laws relating to monopoly and unfair trade competition are at the policy level, Government Regulation No. 44 of 2021 and Presidential Decree No. 75 of 1999 are at the organizational level, while the year 2014 No. 01 Perkom is at the operational level. From a public policy perspective, the promulgation of Law No. 5 of 1999 has become a legal benchmark set by national organizers at national level, with more operational translation by national organizers or lower levels of government.

The existence of such a hierarchy is also in line with Gerston's (2010) formulation of levels of government in the constitutional structure of Indonesia, and the principle of hierarchy stated in Article 7(2) of Law No. 12 of 2011 regarding the development of laws and

regulations. That is, the established policy of prohibiting monopoly and unfair business competition should conform to the principle that lower-level legislation should not conflict with higher level legislation after evaluating each type of legislation.

Various state/authorities guidelines issued as public coverage exhibit the interdependence among state/authorities our bodies and their surroundings. This is steady with Robert Eystone's announcement that public coverage is the connection of a governmental unit to its surroundings (Anderson, 1978). This is steady with Dunn's (1981) argument approximately political systems. A political system, or the general institutional version of policymaking, includes the interrelationships among 3 elements: public coverage, political stakeholders, and the political surroundings. The enactment of Law No. 5 of 1999 and numerous different legal guidelines regarding monopoly and unfair exchange opposition, Government Regulation No. 44 of 2021 and Presidential Decree No. 75 of 1999 is of route basically a shape of coverage public. It is a state/authorities reaction to the political surroundings with inside the shape of public needs and expectancies for wholesome enterprise opposition in the framework of financial democracy on the alternative hand, the promulgation of numerous national/governmental guidelines can even have an effect at the political surroundings.

In the context of the general public coverage device concerning efforts to construct a commercial enterprise environment characterized via way of means of healthful competition, the DPR, and the president who act as legislators act as policy makers, the President as the head of government as policy makers who are more operational in nature, KPPU as policy implementers and as technical policy makers as well as business actors and the public in general as policy targets.

All of these regulations are issued because of the role of stakeholders in the policy against monopoly and unfair business competition, including state/government agencies, government, and social actors (non-governmental actors). State actors, i.e.

state/government officials, presidential agencies, legislatures, business competition watchdogs, government bureaucrats, and community actors along with entrepreneurs/enterprise actors have their very own factors known as political stakeholders. The reputes of decision-makers at the extent of legislative and govt bodies, with inside the framework of the political machine, they're a part of this political machine whose powers and responsibilities are enshrined withinside the diverse legal guidelines that modify it. The prohibition of monopoly and unfair business opposition as a public coverage has a courting of mutual affect among the actors of this coverage. Schematically, this could be visible with inside the Figure 1.

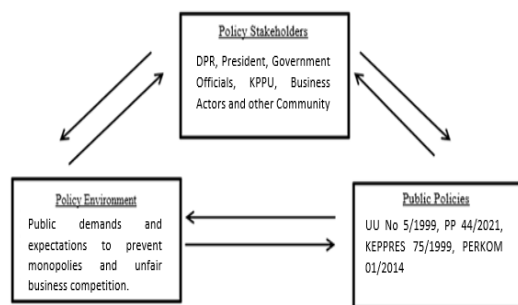


Figure 1. KPPU's Regulations in the Policy System

Source: Adaptation from Dunn (1981)

Based at the idea of Bromley (1989) and adapting it, with inside the implementation of this coverage there might be a sample of interplay that happens at the extent of coverage implementers, commercial enterprise actors, and network contributors as coverage targets. As a part of the dynamics of democracy, the truth is that there might be many responses from the general public and stakeholders to this coverage to the authorities and KPPU so that it will be conveyed in diverse forums. One of those aspirations is associated with limitations and troubles while the KPPU incorporates out its duties, features, and authorities. Therefore, it's far very vital to have a goal assessment of the implementation components inclusive of enter from those coverage stakeholders as a foundation for enhancing destiny policies. Another component that needs to additionally acquire

interest is the assessment of the substance of the coverage due to the fact proper coverage is the preliminary capital for the powerful implementation of this coverage. Schematically, the hierarchy and coverage method of prohibiting monopolistic practices and unfair commercial enterprise opposition may be visualized in Figure 2.

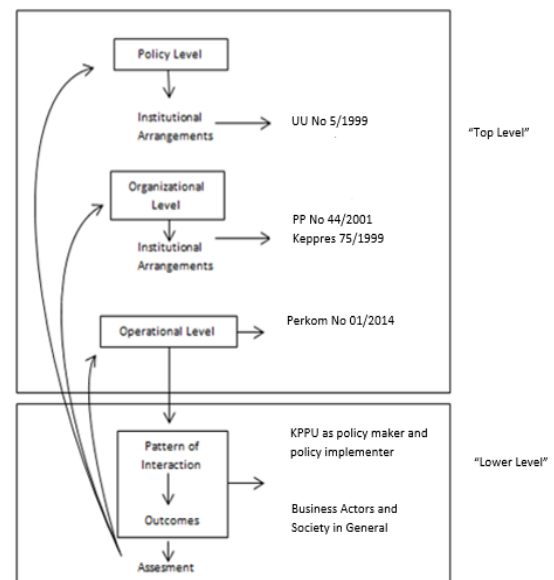


Figure 2. Policy Hierarchy Related to KPPU

Source: Adapted from Bromley (1989)

KPPU's Organizational Dimensions

Organizational dimensions in keeping with Daft (1992) consist of structural and contextual dimensions. According to him, the structural size offers labels that describe the inner traits of a company. They offer the idea for measuring and evaluating agencies. It is in addition stated that the structural dimensions consist of specialization, electricity hierarchy, specialization, and worker relations. Furthermore, the contextual size characterizes the complete company. These consist of length and because they describe organizational preparations that have an effect on structural dimensions.

From a public policy perspective, it is very appropriate and important that there are arrangements for these intentions and objectives. This is consistent with Anderson's (1978) notion that one of the concepts of public policy is that what matters to us is intentional rather than deliberate behavior

rather than random behavior or chance. Regarding organizational goals, Daft (1992) indicates that goals are usually written as a standing statement of the intentions of the company, hence the purpose of setting up this committee as stated in Article 1, paragraph 18 of Law No. 5 of 1999 and Article 2 of Law No. 75 of 1999. Presidential policies have performed an essential position in reaching justice in financial existence in the context of the KPC as an agency, consistent with Siagian (2008), the life of organizational dreams which are clear, ideal, and understood through everybody with inside the agency is one of the traits of a great agency.

According to Article 1 variety 18 of Law Number 5 of 1999, KPPU is a fee fashioned to oversee enterprise actors in wearing out their enterprise in order now no longer to perform monopolistic practices and or unfair enterprise competition. Based on Article 30 paragraph (1), the KPPU became mounted to oversee the implementation of the regulation at the prohibition of monopolies and unfair enterprise competition. Therefore, this is related to the interests and fate of society in general, especially those engaged in business activities. Referring to Parsons' opinion regarding the four categories of organizations, the KPPU can be categorized as a political organization, that is, a political organization with an interest in ensuring that society achieves its goals (Narayanan & Nath, 1993).

Although KPPU based on Law Number 5 of 1999 and PP Number 44 of 2021 is not referred to as a state institution or an independent state institution and is only referred to as an independent institution, but in Presidential Decree Number 75 of 1999 it is also referred to as a non-structural institution. It is stated in Article 1 paragraph (2) that as a non-structural institution, the KPPU is independent from the influence and power of the government and other parties. In its position as an independent institution, it is not called a state institution which also results in its members not being referred to as state officials, thus potentially reducing its authority as an independent institution. This is different from other independent institutions that are

explicitly listed in the law that regulates them as state institutions, such as the KPK and the Ombudsman of the Republic of Indonesia.

The organization, which turned into fashioned at the start of political and constitutional reforms in 1999 primarily based totally on Article 30 paragraph (2) of Law Number 5 of 1999, is an impartial group impartial of the influence and strength of the authorities and different events. The confirmation that it's far loose from the influence and strength of the authorities and different events is likewise regulated in Article 6 paragraph (1) of Presidential Regulation Number 75 of 1999. The inherent confirmation of "independence" as one of the hallmarks of the organization, in addition to the phrase "no matter the have an effect on and strength of the authorities and different events", regarding the supervision of enterprise actors could be very strategic, because their responsibilities and government are very touchy associated with the enterprise hobbies of positive events. There is a big mission for its individuals to reveal themselves via most overall performance as a group this is now no longer inferior. In addition, as said through Kasenda (2021) that there are barriers confronted through KPPU, each internally and externally. Among them aren't but financially impartial and demanding situations in regulation enforcement with inside the area of enterprise opposition supervision.

The affirmation in Article 12 of Perkom Number 01 of 2014 that the KPPU has the function of supervising and enforcing laws that prohibit monopolistic practices and unfair business competition is very important and strategic in the context of legal and democratic circumstances. In fact, according to Fadhilah (2019) the KPPU does not have extraterritorial authority in enforcing competition law and is not regulated in Law Number 5 of 1999. From the administrative and organizational side, the supervisory function attached to the KPPU as referred to in Article 1 number 18 of Law Number 5 of 1999, Article 1 number 8 of PP Number 44 of 2021, and Article 2 of Presidential Regulation Number 75 of 1999 is an important affirmation of the characteristics

of this organization. This is a characteristic of organizations that must be present to guarantee the rights of the people in conducting business guaranteed by the state through independent state institutions. According to Silalahi (2013) supervision is an activity that intends to prevent deviations in the implementation of activities or work and take corrective actions if there are deviations from what has been planned. Other experts define supervision as the process of observing the implementation of all organizational activities to ensure that all work carried out proceeds according to a predetermined plan (Siagian, 2008).

The aspect of accountability in organizations, especially those related to institutions whose duties are closely related to the public interest, is very important in regulating state/government regulations. Article 30 of Law Number 5 of 1999 and Article 1 paragraph (2) of Perkom Number 01 of 2014 country that the KPPU is accountable to the president. Regarding duty and authority, Henry Fayol noted that managers have to be capable of provide orders. The government gave them this right. However, alongside authority is going duty. Wherever authority is exercised, duty arises. To be effective, the authority of the supervisor has to be identical to his responsibilities (Robbins, 1990).

The size of the organization is regulated in Article 31 of Law Number 5 of 1999 and Article 9 of Presidential Decree Number 75 of 1999, that the KPPU consists of a chairman who concurrently serves as a member, a vice chairman who is also a member, and at least seven members. The existence of a regulation that does not limit the number of members to a minimum of seven people is inappropriate, because it opens the opportunity to determine the number of members in accordance with the political tastes of the President or members of the DPR as stipulated in Article 31 paragraph (2). The size of the organization according to Daft (1992) is the size of the organization reflected in the number of people in the organization. This is different from the regulation of the number of members of other independent institutions, such as the Corruption Eradication Commission,

Information Commission, Ombudsman of the Republic of Indonesia, The General Election Commission, and The Indonesian Broadcasting Commission. However, this is different from what is stated in Article 9 of Perkom Number 01 of 2014 that the number of members other than The Chairman and Deputy Chairman is limited to seven people, at least seven people.

The provisions of the seven tasks of the Commercial Competition Supervisory Commission mentioned in Article 35 of Law No. 5 of 1999 and the seven tasks mentioned in Article 4 of Presidential Regulation No. 75 of 1999 are very important for the existence of this organization Likewise, the regulation of the 12 competences stipulated in Article 36 of Law No. 5 of 1999 and the confirmation of competences in Article 3 of PP No. 44 of 2021 The existence of the three functions of the KPPU stipulated in Article 5 of Presidential Decree No. 75 of 1999 is also an important part of the provisions relating to the organizational dimension in national/governmental regulations In the context of organizational standards, the powers of regulators as regulators and law enforcement agencies exist, and the regulation of monopolies is an important factor supporting the effective functioning of their responsibilities and functions. According to Surbakti (1999), authority is energy but energy does not usually come withinside the shape of authority, authority is valid energy, and energy does not usually have legitimacy Authority is the ethical proper to make and enforce political selections In this context, ethical rights correspond to the values and norms of society, which includes legislation.

The dimension of professionalism is implicitly regulated in Article 32 letter f of Law Number 9 of 1999, that the requirements for KPPU members are experienced in the business field or have knowledge and expertise in the field of law and or economics. This in the implementation of the recruitment process for its members can lead to a double interpretation. Moreover, it is not explained in the explanatory section of this law. This is different from what is regulated in the

recruitment of KPK members/commissioners, The Ombudsman of The Republic of Indonesia, and The State Civil Apparatus Commission, which explicitly regulates formal education requirements. Professionalism according to Daft (1992) is the level of formal education and training of employees. Professionalism is considered high when employees need long-term training to hold a job in the organization.

The existence of the secretariat as a support force as referred to in Article 34 paragraph (2) of Law Number 5 of 1999 which assists the KPPU, as well as Article 8 letter b and Article 12 of Presidential Regulation Number 75 of 1999 shows its arrangement as one of the basic elements of the organization. In addition, more specifically, Article 14 to Article 95 of Perkom Number 01 of 2014 mentions the existence of the Secretariat General so as to further strengthen the supporting elements of the organization. In this regard, Henry Mintzberg cautioned that the guide group of workers as the individual that fills the group of workers unit, which affords oblique guide offerings for the organization (Robbins, 1990). This is in step with Siagian's (2008) opinion approximately the lifestyles of organizations of employees, particularly the ones whose foremost challenge is to perform sports that translate the primary responsibilities into sports, and whose challenge is to perform assisting sports for the easy strolling of the wheels and organizational mechanisms.

This is consistent with the view of Siagian (2008) that there are two types of employees, namely those whose main task is to carry out activities that translate the main tasks into activities, and those who carry out activities to support a smooth process. mechanisms. Since the decision-making process involving monopoly and business competition involves broad public interests, it must be conducted within the framework of organizational norms and regulations. In this context, Daft (1992) argues that organizational decision making is formally defined as the process of identifying and solving problems. This process consists of

two main steps: problem identification phase and problem resolution phase.

Article 21 of PP No. 44 of 2021 provides for the existence of regulations of KPPU to support the performance of its duties as determined by KPPU. Although Law No. 5 of 1999 and the Presidential Decree did not give KPPU the power to formulate the regional regulations of this KPPU, Law No. 75 of 1999 as a more operational decision maker regarding the prohibition of monopolistic practices and unfair trade competition, its status is very important. On the organizational level, it contributes a lot to the smooth running of organizational tasks, since it involves the regulation of norms and activities in a formalized and standardized form in accordance with the scope of its regulatory powers and the application of the provisions relating to the monopoly and unfair commercial competition. This is consistent with what Daft (1992) said that formalization is related to the amount of documentation written in organizational documents, including procedures, activity descriptions, regulations, and coverage manuals standardization is the diploma to which comparable paintings sports are completed in a uniform manner.

The existence of working groups as stipulated in Article 13 of Presidential Regulation No. 75 of 1999 and Article 97 of Perkom No. 01 of 2014 as well as Expert Staff as regulated in Article 99 of Perkom No. 01 of 2014 is very important by paying attention to organizational elements because it shows expertise. In this regard, Robbins (1990) called it technostructure, that is, an analyst, who has the responsibility to influence certain forms of standardization in organizations.

Conclusions and Suggestions

Monopoly and unfair business competition are public problems whose handling requires the role of the state in the public interest. The issuance of Law Number 5 of 1999 was followed by the issuance of several derivative regulations, namely PP Number 44 of 2001, Presidential Decree Number 75 of 1999, and Perkom Number 01 of 2014, basically public policy. There is the

involvement of various policy actors at the community and state/government levels in the process of forming the policy. The arrangement of various organizational dimensions in the four regulations has been carried out. Several dimensions have been regulated, including standardization, formalization, hierarchy of authority, organizational size, professionalism, and organizational goals. There are several policy substances related to organizational dimensions that need to be refined.

Limiting the space for movement with government interference in pricing and production, the need for policy setting that connects conventional business actors with digital-based business actors, as well as pricing for each product on the market.

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