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From Cartel to Courtroom: Integrating Competition Leniency into the Justice Collaborator Framework for Effective *Bid Rigging* Prosecution

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Abstract

Bid rigging causes massive losses to Indonesia's State Budget accounting for 70 percent of procurement corruption cases. However, proving these cases remains extremely difficult because they rely on rare internal corporate testimony. This normative juridical study proposes adapting competition law's leniency program into anti-corruption frameworks following Government Regulation No 24 of 2025 on special handling and rewards for witnesses and perpetrators. Through statute conceptual comparative and case approaches findings reveal bid rigging's secretive nature exemplified by pier tender collusion cases necessitates corporate immunity incentives currently absent under corruption law Article 20 and corporate law Article 97 paragraph 3. The leniency mechanism supports follow the money and follow the suspect approaches essential for state budget recovery. Digital era adaptations become crucial as modern bid rigging uses Zoom WhatsApp coordination and PDNS tender manipulations demanding KPPU-KPK digital integration through KPPU platform AI evidence analytics and blockchain procurement audit trails.

Keywords: Bid Rigging, Tender Collusion, Leniency Program, Corruption

INTRODUCTION

State financial management constitutes a constitutional mandate that requires transparent and accountable implementation to ensure the greatest prosperity of the people. This is emphasized in Article 23 of the 1945 Constitution of the Republic of Indonesia **("UUD 1945")**, which states that

"All state expenditures and revenues must be determined by law and implemented openly and responsibly."

This means that every rupiah of state money must be regulated by law, supervised by the House of Representatives, and managed openly and accountably to the people.[1] However, in practice, this principle often does not work optimally due to the rampant practice of corruption in Indonesia. Prof. Mahfud MD, an Indonesian legal expert, emphasized that corruption in Indonesia is not only a matter of individual morality but has become a structural problem deeply rooted in the bureaucratic system and governance. This condition is also reflected in Indonesia's relatively high level of perceived corruption.

Based on data from the 2023 Corruption Perceptions Index (CPI) released by Transparency International, Indonesia scored 34 out of 100 and ranked 115th out of 180 countries.[2] This score shows a downward trend compared to previous years. This indicates a high risk of misuse of state finances, caused by low integrity in public sector governance in Indonesia. This has led to frequent corruption in public decision-making processes related to budget management. One of the sectors most vulnerable to such malpractice is government procurement of goods and services, as this sector involves large flows of public funds and a high degree of complexity among actors.

Government procurement of goods and services is one of the strategic instruments in the implementation of national development. In accordance with the provisions of Presidential Regulation **("Perpres")** Number 16 of 2018 concerning Government Procurement of Goods/Services and its amendments through Perpres Number 12 of 2021 and Perpres Number 46 of 2025, it is stated that through procurement, the state can distribute a large amount of public funds to meet the needs of infrastructure, technology, education, health, and basic services for the community.[3] However, the large budget allocation makes the procurement sector one of the areas most prone to irregularities, especially corruption. Corruption in procurement not only causes financial losses to the state but also results in a decline in the quality of public services, disrupts development, and reduces public trust in state institutions.[4]

The latest alleged corruption case, namely the procurement of laptops for elementary schools by the Ministry of Education, Culture, Research, and Technology (Kemendikbudristek) in 2021, is a clear example of weak corporate oversight and accountability in government procurement. In a project worth around Rp1.3 trillion in the initial stage (out of a total planned budget of nearly Rp18 trillion nationally), there were indications of overpricing and tender rigging involving several supplier companies. The unit price of the laptops, set at around Rp10 million per unit, was deemed disproportionate to the specifications of the goods received, which were only around Rp5-7 million per unit on the market.[5] In addition, there are indications that the companies that won the tender are affiliated with each other and used a "flag borrowing" modus operandi to split the procurement package. These alleged practices are currently being investigated by the Indonesian Attorney General's Office.

This case is not an isolated phenomenon. Corruption in the procurement of goods and services has repeatedly occurred through various methods, one of which is through *bid rigging*.

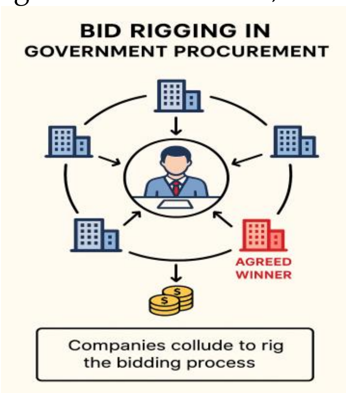

Image 1.1. Bid Rigging Practices in Procurement[6]

The practice of bid rigging in government procurement of goods and services remains one of the most difficult forms of business competition violations and corruption to uncover. According to the Organization for Economic Cooperation and Development **("OECD")**, more than 57% of cartel cases in the public sector worldwide involve bid rigging patterns. In

Indonesia, the Corruption Eradication Commission (KPK) noted that the goods/services procurement sector accounted for 70% of the total corruption cases handled by the KPK during 2004–2023.[7] Recurring patterns in these cases include price fixing, division of work packages, and manipulation of tender winners, all of which are strong indications of bid rigging. Exposing bid rigging requires internal evidence that is difficult to obtain because the practice is closed and involves many parties. The Business Competition Supervisory Commission (KPPU) reports that direct evidence such as communication between perpetrators, collusion documents, or cash flows is rarely obtained without the cooperation of one of the cartel members. KPPU data shows that more than 80% of successful tender collusion cases involve internal information from the perpetrators.[8]

The leniency mechanism (a policy of leniency for cartel participants who report) is an important instrument. Based on the experience of the European Union, the leniency policy contributes to more than 60–70% of new cartel cases being uncovered (European Commission, 2021). These incentives for leniency encourage private companies and individuals within them to report rather than face the risk of much heavier penalties. In Indonesia, the threat of criminal punishment for bid rigging is quite high. For example, Article 12 of the Anti-Corruption Law provides for 4-20 years imprisonment for bribery in procurement. With such severe penalties, the leniency policy provides a more rational alternative for perpetrators to switch from being collaborators to whistleblowers. Since the KPPU issued KPPU Regulation No. 4 of 2020 concerning Leniency Guidelines, the number of companies submitting initial consultations regarding leniency has increased by 30% in the first two years, indicating that this incentive is relevant and effective in attracting perpetrators to cooperate.[9]

Bid rigging is a form of horizontal collusion between companies participating in a tender, who secretly agree to determine the winner, divide up the project package, or raise their bids simultaneously, thereby turning what should be an open competitive process into a sham. In practice, bidding companies pretend to compete by submitting formal bids, but from the outset they have already determined who will be the winner, who will submit a higher price as a "decoy," and how the profits will be divided after the project is won. This scheme causes the price of goods or services to be much more expensive than market value, and the quality of goods received by the government is often not in accordance with the promised specifications.

Unfortunately, this practice is closed in nature, making it quite difficult to investigate from the outside, and sometimes requires an insider from the company involved in the collusion to expose it. So far, private sector initiatives as tender participants have been very low, because they will still be punished if caught, so they choose to remain silent. In fact, if the KPK obtains information about bid rigging from the early stages of the procurement process, it will greatly facilitate and accelerate the investigation process. Unfortunately, many cases of procurement corruption in Indonesia are only uncovered after the state has suffered enormous losses. For example, in the e-KTP corruption case in 2011–2014, the state suffered losses of more than Rp2.3 trillion, which only came to light after the price inflation scheme had been going on for years.[10]

Similar cases were also seen in the corruption of ship procurement at the Ministry of Transportation in 2016, as well as the procurement of the 123°BT 2021 orbit satellite, where the state suffered losses of hundreds of billions to trillions of rupiah before law enforcement officials managed to uncover the modus operandi. Even in more recent cases, such as the procurement of laptops by the Ministry of Education, Culture, Research, and Technology, indications of price markups and tender manipulation only came to light after public scrutiny, not through the initiative of the businesses directly involved in the tender.

This phenomenon reveals a fundamental weakness in the system for enforcing procurement corruption laws: the detection process tends to be reactive rather than preventive. This means that the law only comes into play after the state has actually suffered losses, rather than when collusion is taking place. It is at this point that the idea of adopting the concept of a leniency program in competition law arises, namely the granting of leniency to cartel whistleblowers, to then be reviewed for its possible application in law enforcement against bid rigging practices in Indonesia. Based on the experience of the European Union, leniency policies contribute to more than 60-70% of new cartel case disclosures (European Commission, 2021). These leniency incentives make private companies or individuals within them choose to report rather than bear the risk of much heavier penalties. In Indonesia, the threat of criminal penalties for bid rigging is quite high. For example, Article 12 of the Anti-Corruption Law provides for 4-20 years imprisonment for bribery in procurement. With such severe penalties, the leniency policy provides a more rational alternative for perpetrators to switch from being collaborators to whistleblowers.[11] Moreover, in today's digital age, methods of exposing cartels, tender fraud, and corruption should also keep pace with the times and technological developments, thereby strengthening the quality of evidence and expanding the scope of disclosure.

Several previous studies have discussed leniency programs and bid rigging practices in competition law and public procurement. First, research conducted by the European Commission explained that leniency policies have significantly increased cartel disclosures in the European Union. Second, OECD studies regarding bid rigging in public procurement processes may cause substantial state losses. Third, previous research in Indonesia also highlighted that law enforcement against procurement corruption tends to be reactive rather than preventive. Therefore, this study examines the potential and strategies for implementing a leniency program in handling bid rigging practices in government procurement of goods and services in Indonesia, taking into account legal and institutional aspects, as well as its integration in the digital era.

RESEARCH METHODS

This research was juridic normative law research, which is research that is positive in Indonesia. According to Peter Mahmud Mazuki, normative legal research is a legal research method conducted by examining legal norms, principles, doctrines, and regulations relevant to the legal issues being studied. The research approach used was normative legal research, which focuses on the study of positive legal norms applicable in Indonesia. The approach used included:

1. Statute Approach: This approach is carried out by analyzing laws and regulations relevant to the research theme. The primary legal materials studied include:
    a. This approach is carried out by analyzing laws and regulations relevant to the research theme. The primary legal materials studied include:

b. Law No. 5 of 1999 concerning Prohibition of Monopolistic Practices and Unfair Business Competition.
c. Regulations of the Corruption Eradication Commission (KPK) and the Business Competition Supervisory Commission (KPPU) governing the process of evidence and cooperation of perpetrators.

2. Conceptual Approach: This approach is used with the concept of analytical and adaptation process law. This approach is used by analyzing and adapting the legal concepts underlying the research. The key concept that is studied in depth is the Leniency Program (Conditional Recognition) in competition law. This concept will be dissected to identify its elements, mechanisms, and benefits in uncovering cartels, then points of contact and possibilities for its adaptation into the criminal law system on corruption will be sought, particularly to uncover bid rigging practices.
3. Comparative Approach: This approach is carried out by comparing regulations and implementation of leniency programs in other jurisdictions that are more mature, such as in the United States (through the Corporate Leniency Policy of the Department of Justice) and the European Union (through the Leniency Program of the European Commission). The aim is to extract best practices and principles that can be adopted into the Indonesian legal context.
4. Case Approach: This approach is used by analyzing decisions made by both the Business Competition Supervisory Commission (KPPU) and the Corruption Court (Tipikor) related to bid rigging cases. The purpose of analyzing these decisions is to:
   a. Identify the obstacles faced by public prosecutors in proving bid rigging corruption cases.
   b. Examine how evidence and witness testimony from business actors have been used thus far.
   c. Study the effectiveness of the KPPU's leniency program in uncovering bid rigging cases as violations of business competition.

RESULTS AND DISCUSSION

Results

<u>Characteristics of Bid Rigging that Imply Significant Losses to Indonesian APBN</u>

Bid rigging is a form of corruption in procurement that is collusive and highly covert. Although this practice is normatively prohibited by Article 22 of Law Number 5 of 1999 concerning the Prohibition of Monopolistic Practices and Unfair Business Competition, in the context of government procurement, this practice also causes financial losses to the state, thereby fulfilling the elements of a criminal act of corruption as stipulated in Articles 2 and 3 of Law Number 31 of 1999 in conjunction with Law No. 20 of 2001. In practice, business actors make mutual agreements to create pseudo-competition, for example through price fixing, cover bidding, or market allocation with the aim of ensuring who wins the tender and at what price. Thus, bid rigging falls under two legal regimes, namely business competition and criminal acts of corruption. As an illustration, the author outlines the characteristics of bid rigging in the following table:

Types of Practice	**Explanation**	**Impact**	**Case**
			Case of pier procurement

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Cover Bidding	Bidders submit fake bids with high/uncompetitive prices so that the predetermined winner appears reasonable.	The competition is just a formality; the winner has already been decided.	**(Central Jakarta Corruption Court No. 49/Pid.Sus-TPK/2014/PN.Jkt.Pst):** tender documents showed false competition, when in fact the winner had already been determined.
Bid Rotation	The winning bidder rotates between companies in different projects or different periods.	Project distribution is unfair, efficiency is lost.	**Tire cartel (KPPU Decision 08/KPPU-I/2012):** major tire companies took turns winning state-owned enterprise tenders to maintain price stability and market share.
Price Fixing	The companies participating in the tender agreed on a price higher than the market price in order to inflate the contract value.	Overpricing has occurred, causing losses to state finances.	**The e-KTP procurement case (2011–2014): the** price of hardware and software was raised far above market prices, causing the state to suffer losses of Rp2.3 trillion.
Market Allocation	The company divides regions or project packages so that there is no real competition in certain areas.	Concentration of projects in certain groups, covert monopolies.	**The case of the 123° BT orbital slot satellite project (2021):** indications of project division and provider arrangements, resulting in contracts being controlled only by certain groups.

Discussion

1. Overcoming Proof Challenges in Bid Rigging

In law enforcement practice, the Corruption Eradication Commission (KPK) relies on a number of legal and technical instruments to uncover corruption in the procurement of goods and services. This is in accordance with the provisions of Law Number 31 of 1999 concerning the Eradication of Corruption Crimes as amended by Law Number 20 of 2001 (Tipikor Law). One of the main articles is Article 2, paragraph (1) of the Corruption Eradication Law, which states that

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"Any person who unlawfully enriches themselves or others or a corporation that can harm state finances or the state economy shall be punished with imprisonment..."

This article emphasizes the importance of proving the element of state financial loss, which in the context of procurement is almost always associated with price mark-ups or abuse of the tender mechanism.

In addition, Article 3 of the Anti-Corruption Law provides a more specific formulation regarding acts committed by civil servants or state officials who abuse their authority, opportunities, or resources, resulting in financial losses to the state. In procurement cases, this article is often applied to officials who are members of the auction committee or parties from ministries/institutions who set tender specifications in such a way as to benefit certain companies. Proof of state losses is then supported by an official audit mechanism as stipulated in Article 15 of the Anti-Corruption Law, which opens up the possibility of attempts, aiding and abetting, and conspiracy in criminal acts of corruption. This article is crucial because bid rigging is essentially a form of clandestine agreement, so direct evidence in the form of confessions from perpetrators is very rare. Therefore, the KPK often relies on other evidence as permitted in Article 26A of the Anti-Corruption Law, namely

"other evidence in the form of information that is spoken, sent, received, or stored electronically..."

This legal basis provides legitimacy for the KPK to use wiretapping as the main instrument in proving the existence of tender rigging communications. Bid rigging is a highly secretive collusive crime. According to the OECD, more than 85% of public procurement cartels worldwide are carried out without written evidence such as letters of collusion, hidden contracts, or explicit emails. Most use patterns such as verbal meetings outside the office, personal communication (private WhatsApp, telephone), the use of proxies, and the exchange of information through third parties. This is in line with KPPU data from all tender collusion cases from 2018 to 2023, where only about 10-15% were found to have direct evidence. The rest were uncovered through indirect evidence (bidding patterns, similarities in documents, IP addresses, or affiliations). Since there is almost no smoking gun evidence, the verification process is highly dependent on internal information from one of the perpetrators.[12]

<u>Synergy Between Leniency and Justice Collaborator: Strategies For Providing Bid Rigging Under Government Regulation No. 24 of 2025</u>

The main difficulty in enforcing the law against bid rigging is that proof depends on insider evidence. The Corruption Eradication Commission (KPK) has so far only been able to uncover cases through wiretapping, document searches, or BPK/BPKP audits. In law enforcement practice, the Corruption Eradication Commission (KPK) relies on a number of legal and technical instruments to uncover criminal acts of corruption in the procurement of goods and services. This is in line with the provisions of Law Number 31 of 1999 concerning Eradication of Corruption Crimes as amended by Law Number 20 of 2001 (Tipikor Law). One of the main articles is Article 2 paragraph (1) of the Tipikor Law, which states that:

"Any person who unlawfully enriches himself or herself or another person or a corporation in a manner that may harm the state finances or the state economy shall be punished with imprisonment..."

This article emphasizes the importance of proving the element of harm to state finances, which in the context of procurement is almost always associated with price markups or abuse of the tender mechanism.

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In addition, Article 3 of the Anti-Corruption Law provides a more specific formulation regarding acts committed by civil servants or state officials who abuse their authority, opportunities, or resources, resulting in financial losses to the state. In procurement cases, this article is often applied to officials who are members of the auction committee or parties from ministries/institutions who set tender specifications in such a way as to benefit certain companies. Proof of state losses is then supported by an official audit mechanism as stipulated in Article 15 of the Anti-Corruption Law, which opens up the possibility of attempts, aiding and abetting, and conspiracy in criminal acts of corruption. This article is crucial because bid rigging is essentially a form of clandestine agreement, so direct evidence in the form of confessions from perpetrators is very rare. Therefore, the KPK often relies on other evidence as permitted in Article 26A of the Anti-Corruption Law, which sttes:

"other evidence in the form of information that is spoken, sent, received, or stored electronically..."

This legal basis provides legitimacy for the KPK to use wiretapping as the main instrument in proving the existence of tender rigging communications. Bid rigging is often classified as a criminal act of corruption (bribery, gratification, or tender rigging). However, the KPK and the police face major obstacles in uncovering coordination between perpetrators. According to KPK data (2023), 70% of corruption cases originate in the procurement sector, but only 6–9% are able to present evidence of collusion between providers (fellow vendors). The majority of cases only target state officials, not the cartel itself. The main obstacles are the difficulty of proving the existence of pre-bidding agreements, the lack of internal documents showing price fixing, and the fact that perpetrators use oral agreements, leaving almost no digital traces.

In the Central Jakarta Corruption Court Decision No. 49/Pid.Sus-TPK/2014/PN.Jkt.Pst, the panel of judges stated that proving the rigging of tender winners in the pier construction project was only possible because of the testimony of internal staff of the bidding companies who submitted internal documents. However, this pattern rarely occurs because the corporations involved risk criminal prosecution if they confess, based on Article 20 of the Corruption Law and Article 97 paragraph (3) of Law No. 40 of 2007 concerning Limited Liability Companies. As a result, there is no legal incentive for corporations to disclose bid rigging practices, so that similar cases, such as the alleged price inflation in the procurement of laptops by the Ministry of Education, Culture, Research, and Technology, are almost always revealed too late, after the state has already suffered losses.[13]

Previously, the absence of legal incentives for corporations to disclose their involvement revealed a fundamental gap in Indonesia's anti-corruption legal regime. Currently, positive law only recognizes individual justice collaborators, while there is no mechanism for conditional amnesty for corporations that report for the first time and provide significant evidence. As a result, the incentive for internal parties involved in illegal procurement activities to report such activities is low, as they will still be punished. In fact, if there were an incentive policy to waive penalties for tender participants who report, it would accelerate law enforcement by the Corruption Eradication Commission (KPK). In addition to accelerating enforcement, this step would be a preventive measure in saving state budget losses due to illegal procurement, because in fact many corruption cases are only revealed years after the case has passed, causing enormous losses to the state. However, the good news is that there is now Government Regulation (PP) Number 24 of 2025 on Special Handling and Rewards for Witnesses and Perpetrators, with the assistance of the Witness and Victim Protection Agency (LPSK).[14] This regulation actually provides

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protection for perpetrators of criminal acts who wish to provide information as justice collaborators to facilitate the disclosure of cases such as bid rigging.

2. Opportunities for Adapting the Leniency Program Concept in Proving Bid Rigging Corruption in the Digital Era

a. Advantages of the Leniency Program that Support the Follow the Money and Follow the Suspect Approaches

Unlike Indonesia, which still classifies bid rigging as an administrative violation under the Business Competition Law, a number of countries have integrated leniency programs into their criminal law enforcement frameworks. The European Union, through its Leniency Notice, grants full immunity from fines to the first whistleblower, while in the United States, the Department of Justice (DoJ) implements a Corporate Leniency Policy that allows corporations to be exempt from criminal cartel charges if they are willing to report and cooperate. The success of this scheme is also evident in South Korea, which uses leniency to uncover collusion in public project tenders. By comparing these practices, it is clear that leniency not only serves as a tool for disclosure, but also as an instrument for preventing state losses. This shows that incentives are the key to uncovering collusive crimes that are nearly impossible to uncover from the outside. Therefore, the concept of leniency needs to be adapted to the context of procurement corruption, with several adjustments:

(i) the recipient is only a corporation participating in a tender,
(ii) the conditions are full disclosure and significant evidence, and
(iii) the reward is a reduction or elimination of corporate penalties, not individual penalties, accompanied by legal protection for the whistleblower.

Government procurement of goods and services is one of the main instruments for distributing the state budget, but its legal mechanisms still contain a number of loopholes that corporations can exploit to engage in corrupt practices. Normatively, government procurement is regulated in Presidential Regulation (Perpres) No. 16 of 2018 concerning Government Procurement of Goods/Services, which was later amended by Perpres No. 12 of 2021. The evidence system at the KPPU has allowed for the use of indirect evidence (bidding patterns, ownership relationships, registration timelines, IP addresses). However, cases are often dismissed in court because judges still prioritize beyond a reasonable doubt or direct evidence. From 2020 to 2023, approximately 40% of KPPU decisions related to tenders were overturned at the appeal/court level because they were deemed insufficient in direct evidence. Judges still consider bidding patterns or similarities in documents as evidence that is “not legally strong.” This creates a normative gap in competition law enforcement that relies on indirect evidence, but court overturns require direct evidence that is nearly impossible to obtain without perpetrators coming forward. In this context, leniency programs are a highly strategic instrument, especially given that in the European Union, 70–80% of cartel disclosures originate from leniency programs. In South Korea, 60% of proven cartel cases from 2015 to 2021 began with leniency submissions. In Japan, 65% of major cartel cases were uncovered through leniency (JFTC 2020).[15]

In Indonesia, the value of government procurement losses in 2022 reached approximately Rp 2,045 trillion. Assuming that losses due to bid rigging account for 20–30% of this amount, the potential losses could reach Rp 400–600 trillion per year. The magnitude of this figure highlights the urgency of improving evidence and incentive mechanisms such as leniency. This is also a combined effort between the concepts of “follow the money” and “follow the suspect.” In this case, the “follow the suspect” concept focuses on finding suspects who are business entities or individuals. With the leniency program, cartel and corruption perpetrators can be exposed more

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efficiently. Meanwhile, the "follow the money" concept focuses on preventive efforts to prevent further state losses and to uncover state losses that have already occurred through tender fraud, etc.[16]

B. The Potential of Bid Rigging Proof Mechanisms in the Digital Age with Integrated Systems

To effectively implement the leniency program, an integrated mechanism between law enforcement agencies is certainly required. The era of digitalization has indeed brought many benefits in the form of technological advances and information media that continue to develop over time. However, these benefits often backfire, as criminals can commit crimes through online media such as Zoom, WhatsApp, and even official government websites. For example, we can refer to the data leaks in the procurement of goods/services and the management of the Temporary National Data Center (PDNS) that occurred between 2020 and 2024. During that period, PT AL repeatedly won tenders through the conditioning of specifications and the removal of critical requirements by officials, with the contract value increasing exponentially from IDR 60.3 billion in 2020 to IDR 350.9 billion in 2023.[17] This scheme was only uncovered after five years, causing a significant potential loss to the state budget from a total ceiling of Rp958 billion. If, in this case, there were mechanisms such as leniency, then the process of removing requirements, tender winner determination meetings, and practices that caused state losses could have been prevented at their root.

However, the question is how the reporting process can be channeled. When it comes to cartels, the institution that handles such practices is the KPPU. Meanwhile, criminal acts of corruption fall under the jurisdiction of the KPK and the Attorney General's Office. Therefore, there needs to be a clear bureaucratic flow between initial reporting and enforcement in order to achieve the best results. With this integrated digital mechanism, leniency and justice collaborators are no longer just passive programs that wait for reporters. These programs become part of a proactive early detection and rapid response system. When a perpetrator decides to cooperate, the path to uncovering the truth becomes short, confidential, and most importantly, directly touches on all legal aspects (administrative and criminal) of tender fraud. Thus, institutional harmonization in the digital era is not only about reporting procedures, but about creating a synergistic, intelligent law enforcement ecosystem capable of overcoming the speed and complexity of technology-based white-collar crime.

In 2025, KPPU launched a program called KPPU Mendengar. This program is an open platform for business actors to submit complaints or even reports if there are indications of business competition violations. However, if the report is made by a party or consortium, then the business actor can submit a complaint. The KPPU itself has a Law Enforcement Bureau, which is tasked with taking action/conducting raids in accordance with the provisions of the Criminal Procedure Code **("KUHAP")**, which is the procedural law for competition law. If it is found that the tender fraud has implications for state losses, then this becomes the domain of the Corruption Eradication Commission (KPK). Within the KPK itself, there is a Coordination and Supervision Bureau, which is tasked with institutional coordination. This can then be forwarded to the Attorney General's Office and the Police.

However, with the advancement of technology, the process of enforcing criminal acts such as bid rigging needs to adapt to new and explicit technologies in the digital era, such as the use of artificial intelligence (AI) in data search, disclosure of state financial databases, etc. If possible, this leniency can be accommodated in the Guidelines Regulation Article 11 on Cartels, with the possibility of coordination with the Corruption Eradication Commission (KPK) if state losses are found. As a repressive measure, it would be excellent if the RUU Perampasan Aset were passed immediately, as it would return lost state losses, and it is hoped that these losses could be used to support government programs such as infrastructure development, human resources, etc

CONCLUSION

Bid rigging is a hidden practice in the field. This makes it difficult to prove without reports from internal parties or tender participants directly. In this case, the leniency program is a program designed to provide incentives in the form of immunity for perpetrators. Currently, there is a Government Regulation No. that accommodates this with an institution. As a form of justice collaborator in business competition cartel cases, the leniency program has long been touted to be implemented in Indonesia. Once realized, the program will help uncover such crimes. Bid rigging is a form of cartel that also has the potential to cause losses to the state budget. Therefore, it would be ideal if the implementation of this program could also result in coordination between the KPPU and the KPK through an integrated system. Leniency also supports the “follow the money” and “follow the suspect” approaches. However, the challenge in today's digital era is that law enforcement agencies need to make many changes and adjustments in order to keep up with technological advances so that they can prosecute crimes such as bid rigging in Indonesia. In addition, it would be good if regulations such as the Asset Seizure Bill were immediately passed as a repressive measure, so that the state could recover losses from corruption, which currently has material offenses.

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