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Integrated Enforcement of Corruption and Bid Rigging in Public Procurement: A KPK-KPPU Collaboration Model

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Keywords:

public procurement; corruption; bid rigging; KPK; KPPU; integrated enforcement

ABSTRACT

Public procurement misconduct may simultaneously constitute corruption and bid rigging, although Indonesian enforcement continues to separate criminal and competition-law dimensions. This study examined the jurisdictional boundaries of the Corruption Eradication Commission and the Indonesia Competition Commission and developed an integrated enforcement model for dual-character cases. Normative legal research employed statutory, conceptual, and case approaches. The study found material differences in protected interests, evidentiary thresholds, procedures, and remedies, while existing cooperation had not comprehensively governed case classification, lawful data transfer, enforcement sequencing, or procedural safeguards. The proposed model combines joint risk screening, case triage, a lawful data gateway, coordinated parallel or sequential proceedings, calibrated remedies, and policy feedback. It preserves institutional autonomy, reduces duplicated fact-finding, and treats digital procurement indicators as early-warning signals rather than conclusive evidence.

Keywords (Indonesian):

pengadaan publik; korupsi; persekongkolan tender; KPK; KPPU; penegakan terintegrasi

ABSTRAK

Penyimpangan pengadaan publik dapat sekaligus memenuhi karakter korupsi dan persekongkolan tender, sedangkan penegakannya masih memisahkan dimensi pidana dan persaingan usaha. Penelitian ini menguji batas kewenangan Komisi Pemberantasan Korupsi dan Komisi Pengawas Persaingan Usaha serta merumuskan model penegakan terintegrasi untuk perkara berkarakter ganda. Penelitian hukum normatif menggunakan pendekatan perundang-undangan, konseptual, dan kasus. Hasil penelitian menunjukkan perbedaan kepentingan hukum, ambang pembuktian, prosedur, dan pemulihan, sementara kerja sama yang tersedia belum mengatur secara rinci klasifikasi perkara, pemindahan data, urutan penindakan, dan perlindungan prosedural. Model yang diajukan memadukan penyaringan risiko, konferensi klasifikasi, gerbang data yang sah, proses paralel atau berurutan, kalibrasi pemulihan, dan umpan balik kebijakan. Model tersebut mempertahankan kemandirian lembaga, mengurangi pengulangan pemeriksaan fakta, dan menempatkan data digital sebagai instrumen peringatan dini, bukan bukti konklusif.

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A. Introduction

Government procurement connects public budgets with infrastructure, health services, education, and routine administration. The governing framework covers the process from identifying needs to accepting completed work, which means that integrity risks arise long before bids are opened and continue after a contract is awarded.[1] Planning choices, technical specifications, owner estimates, qualification requirements, bid evaluation, contract amendments, payment approval, and performance supervision can each be manipulated. These decision points also create opportunities for two different forms of wrongdoing. Public officials may exchange authority for private benefits, while firms may coordinate bids to eliminate genuine rivalry. A single procurement package may therefore contain both corruption and bid rigging, even though Indonesian institutions process those dimensions under separate legal regimes. Because procurement decisions shape access to essential public services, failures in procurement governance can also deepen inequalities in the enjoyment of legally protected social rights.[2] Distributional effects also warrant attention to unequal care burdens and access experienced by workers and other affected groups.[3]

Enforcement data demonstrates the scale of the problem. The Corruption Eradication Commission reported that 446 of 1,782 matters handled by April 2026, approximately twenty-five percent, concerned public procurement.[4] The figure

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[1] Republic of Indonesia, *Peraturan Presiden Nomor 46 Tahun 2025 tentang Perubahan Kedua atas Peraturan Presiden Nomor 16 Tahun 2018 tentang Pengadaan Barang/Jasa Pemerintah*, Lembaran Negara Republik Indonesia Tahun 2025 Nomor 67, art. 1(1).

[2] Dafirly Salsadilla Dosanto, Riski Ananda Kusuma Putri, Alya Synthia Kurniawati, Muhammad Thufail Ariiq, Siti Fadila Nuramelia, Misshouw Meilany Putri, and Muhammad Abdul Azis, "Tanggung Jawab Hukum Pemerintah Atas Ketimpangan Fasilitas Pelayanan Kesehatan dalam Pemenuhan Hak Atas Kesehatan di Indonesia," *Jurnal Multidisiplin Indonesia* 4, no. 1 (2026): 258–274, https://doi.org/10.62007/joumi.v4i1.849.

[3] Alya Synthia Kurniawati, Riski Ananda Kusuma Putri, Muhammad Thufail Ariiq, and Muhammad Abdul Azis, "Kesenjangan Keadilan Perawatan bagi Perempuan Pekerja Informal di Indonesia: Analisis Gender dan Hukum," *JES: Jurnal Ekonomi dan Sosial* 1, no. 4 (2026): 251–257.

[4] Komisi Pemberantasan Korupsi, "25 Persen Perkara Terkait PBJ, KPK Ingatkan Titik Rentan Korupsi Sektor Pengadaan," April 20, 2026, https://www.kpk.go.id/id/ruang-

reflects recurring patterns such as advance allocation of projects, commitment fees, tailored specifications, controlled eligibility requirements, and predetermined winners. A KPK governance study also found that electronic procurement did not eliminate vulnerabilities in planning, pricing, evaluation, contract implementation, payment, and supervision.[5] Digitisation improves traceability, but it does not prevent officials and firms from moving collusive conduct to pre-tender design, informal communication, corporate affiliation, subcontracting, or contract execution.

Public procurement scholarship identifies recurring indicators of corruption and collusion, including restricted competition, repeated awards to the same suppliers, unusually short bidding periods, abnormal price dispersion, and decisions inconsistent with competitive conditions.[6] Research on bid rigging further identifies cover bidding, bid rotation, market allocation, bid withdrawal, and the use of affiliated companies as apparently independent competitors.[7] These indicators do not themselves prove liability. They instead show that procurement data can reveal patterns requiring institutional inquiry. The legal challenge begins when the same pattern may support an administrative competition case, a criminal corruption investigation, or both.

Article 22 of Law Number 5 of 1999 prohibits undertakings from conspiring with other parties to arrange or determine a tender winner in a manner capable of producing unfair competition.[8] KPK, by contrast, performs prevention, coordination, supervision, monitoring, investigation, prosecution, and other

informasi/berita/25-persen-perkara-terkait-pbj-kpk-ingatkan-titik-rentan-korupsi-sektor-pengadaan.

[5] Komisi Pemberantasan Korupsi, *Laporan Kajian Tata Kelola e-Procurement dalam Pengadaan Barang & Jasa Tahun 2025* (Jakarta: Komisi Pemberantasan Korupsi, 2026), 16–45.

[6] Mihály Fazekas, István János Tóth, and Lawrence Peter King, "An Objective Corruption Risk Index Using Public Procurement Data," *European Journal on Criminal Policy and Research* 22, no. 3 (2016): 369–397, https://doi.org/10.1007/s10610-016-9308-z.

[7] Carlotta Carbone, Francesco Calderoni, and Maria Jofre, "Bid-Rigging in Public Procurement: Cartel Strategies and Bidding Patterns," *Crime, Law and Social Change* 82 (2024): 249–281, https://doi.org/10.1007/s10611-024-10142-0.

[8] Republic of Indonesia, *Undang-Undang Nomor 5 Tahun 1999 tentang Larangan Praktik Monopoli dan Persaingan Usaha Tidak Sehat*, Lembaran Negara Republik Indonesia Tahun 1999 Nomor 33, Tambahan Lembaran Negara Republik Indonesia Nomor 3817, art. 22.

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statutory functions concerning corruption offences.[9] The two regimes protect different legal interests and use different procedures, evidentiary standards, forums, and remedies. Maintaining those distinctions is necessary for legality and institutional accountability. Yet complete operational separation can fragment facts, duplicate interviews and document requests, expose confidential investigations, and delay preventive action while a procurement process remains active.

Previous Indonesian research has mapped the separate legal foundations of KPPU and KPK and has recognised a practical space for cooperation.[10] Other studies show that electronic tendering remains vulnerable to discriminatory specifications, tailored qualifications, simulated competition, and coordination among bidders.[11] Comparative work also demonstrates that formal procurement rules do not guarantee competitive outcomes where administrative capacity, oversight, and incentives remain weak.[12] Existing studies, however, have not fully developed an operational method for classifying the same dataset, transferring information lawfully, sequencing proceedings, verifying evidence across forums, and calibrating remedies without merging institutional authority.

Institutional developments make that gap increasingly important. KPK and KPPU renewed their commitment to cooperation in February 2025, including prevention and information exchange.[13] In July 2026, the institutions signed a memorandum supporting joint studies, data exchange, case assistance, supervision,

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[9] Republic of Indonesia, *Undang-Undang Nomor 19 Tahun 2019 tentang Perubahan Kedua atas Undang-Undang Nomor 30 Tahun 2002 tentang Komisi Pemberantasan Tindak Pidana Korupsi*, Lembaran Negara Republik Indonesia Tahun 2019 Nomor 197, Tambahan Lembaran Negara Republik Indonesia Nomor 6409, art. 6.

[10] Adam Khafi Ferdinand, Sunarto DM, and Maya Shafira, "Penegakan Hukum dalam Pengadaan Barang dan Jasa Pemerintah oleh Komisi Pengawas Persaingan Usaha (KPPU) dan Komisi Pemberantasan Korupsi (KPK)," *Cepalo* 4, no. 2 (2020): 111–128, https://doi.org/10.25041/cepalo.v4no2.2006.

[11] Sigit Wibowo, "Persekongkolan Tender dalam Pengadaan Barang Jasa Secara Elektronik pada Proyek Pemerintah," *Jurnal Hukum Caraka Justitia* 2, no. 1 (2022): 1–20.

[12] Erica Bosio, Simeon Djankov, Edward Glaeser, and Andrei Shleifer, "Public Procurement in Law and Practice," *American Economic Review* 112, no. 4 (2022): 1091–1117, https://doi.org/10.1257/aer.20200738.

[13] Komisi Pemberantasan Korupsi, "Perbarui Nota Kesepahaman, KPK dan KPPU Sepakat Perkuat Kerja Sama Pencegahan Korupsi," February 19, 2025, https://www.kpk.go.id/id/ruang-informasi/berita/perbarui-nota-kesepahaman-kpk-dan-kppu-sepakat-perkuat-kerja-sama-pencegahan-korupsi.

policy recommendations, capacity building, public education, and electronic-system integration.[14] A system-to-system approach can enable earlier detection and reduce fragmented fact-finding. A memorandum alone, however, does not determine activation thresholds, legal bases for transfer, use restrictions, access controls, retention periods, disclosure to investigated parties, or the sequencing of open administrative proceedings and confidential criminal measures.

This article addresses that unresolved operational gap. It proposes an Integrated Public Procurement Enforcement Model that distinguishes risk signals, intelligence, and admissible evidence, then links those categories to three case tracks: competition-only, corruption-only, and dual-character cases. The model does not create a new institution or transfer statutory powers. It organises existing mandates through joint screening, structured triage, lawful data gateways, coordinated sequencing, calibrated remedies, and policy feedback. The research asks why institutional separation creates enforcement gaps in dual-character procurement misconduct and how KPK-KPPU collaboration can close those gaps while preserving legality, independence, confidentiality, and defence rights. The emphasis on coordinating distinct causal and institutional dimensions is consistent with integrative criminal-policy approaches that connect prevention, attribution, and protection within one policy architecture.[15]

B. Research Method

This study used normative legal research with statutory, conceptual, and case approaches. The statutory approach examined Law Number 5 of 1999, the anti-corruption framework, the KPK Law, the 2025 Criminal Procedure Code, public procurement regulations, KPPU procedural regulations, and corporate criminal liability rules. The conceptual approach examined functional differentiation,

[14] Komisi Pemberantasan Korupsi, "Tutup Celah Korupsi, KPK-KPPU Dorong Integrasi Sistem Elektronik demi Iklim Usaha Sehat," July 9, 2026, https://www.kpk.go.id/id/ruang-informasi/berita/tutup-celah-korupsi-kpk-kppu-dorong-integrasi-sistem-elektronik-demi-iklim-usaha-sehat.

[15] Muhammad Abdul Azis and Pujiyono, "Causative-Victim Tracing for Integrative Criminal Policy on AI Deepfake Face and Voice Crimes in Indonesia," *KRTHA BHAYANGKARA* 20, no. 2 (2026): 518–537, https://doi.org/10.31599/krtha.v20i2.5666.

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institutional interoperability, risk screening, evidentiary governance, enforcement sequencing, proportionality, and due process. The case approach focused on recurring procurement arrangements involving public officials, tender committees, beneficial owners, affiliated bidders, intermediaries, and subcontractors. Primary legal materials consisted of legislation, institutional regulations, official policies, and KPK-KPPU documents. Secondary materials consisted mainly of recent peer-reviewed scholarship and OECD studies. The analysis proceeded through normative inventory, jurisdictional mapping, identification of procedural gaps, comparative evaluation, and prescriptive construction. The proposed model was tested against four criteria: lawful attribution of power, traceability of decisions, protection of investigated parties, and capacity to generate both corrective and punitive outcomes.

C. Discussion

1. Fragmented Enforcement of Corruption and Bid Rigging in Public Procurement

a. The dual legal character of procurement misconduct

Corruption and bid rigging do not always occur together. Horizontal collusion may be organised exclusively among firms through cover bids, rotation, or geographic allocation. Corruption may also occur after a genuinely competitive tender, for example when an official demands payment to approve progress claims. The overlap arises when a public official facilitates an agreement among bidders, uses procurement powers to exclude independent competitors, or receives benefits for protecting a predetermined winner. In that situation, the conduct harms public-office integrity and competitive market structure at the same time. The overlap is factual rather than jurisdictional: the same events may satisfy different statutory elements, but each institution must still establish liability under its own legal framework.

Competition law protects independent bidding, market access, price formation, and the government’s ability to obtain value for money. OECD guidance defines bid rigging as coordination among firms that should compete independently but instead agree on price, quality, participation, or allocation.[16] Anti-corruption law protects the lawful exercise of public authority, state finances, and public trust. This difference explains why proof of collusion does not automatically establish bribery, abuse of authority, or state loss. Conversely, conviction of an official does not necessarily identify every undertaking participating in a broader cartel. Integrated enforcement must therefore connect facts while avoiding the assumption that one institution's conclusion conclusively determines the other institution's legal elements.

Digital procurement records create a common starting point. Similar bid documents, stable price gaps, repeated winner sequences, shared network identifiers, linked beneficial ownership, and persistent losing bidders may indicate coordination. Screening research shows that statistical patterns can identify suspicious bidder groups before direct evidence of communication becomes available.[17] Coalition-detection methods can also reveal recurring relationships across procurement formats and jurisdictions.[18] Machine-learning methods add value by detecting structures in unlabelled bidding data.[19] These techniques remain probabilistic. A high-risk score must trigger review, not liability, because common consultants, standard templates, regional cost structures, or specialised markets may produce similar patterns without an unlawful agreement.[20]

The role of public officials changes the evidentiary picture. Specifications may be drafted around one supplier, owner estimates may be leaked,

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[16] Organisation for Economic Co-operation and Development, *Guidelines for Fighting Bid Rigging in Public Procurement: Helping Governments to Obtain Best Value for Money* (Paris: OECD, 2009), 6–13.

[17] David Imhof, Yavuz Karagök, and Samuel Rutz, "Screening for Bid Rigging—Does It Work?" *Journal of Competition Law & Economics* 14, no. 2 (2018): 235–261, https://doi.org/10.1093/joclec/nhy006.

[18] David Imhof and Hannes Wallimann, "Detecting Bid-Rigging Coalitions in Different Countries and Auction Formats," *International Review of Law and Economics* 68 (2021): 106016, https://doi.org/10.1016/j.irle.2021.106016.

[19] Douglas Silveira, Lucas B. de Moraes, Eduardo P. S. Fiuza, and Daniel O. Cajueiro, "Who Are You? Cartel Detection Using Unlabeled Data," *International Journal of Industrial Organization* 88 (2023): 102931, https://doi.org/10.1016/j.ijindorg.2023.102931.

[20] Muhammad Abdul Azis, Pujiyono, and Riski Ananda Kusuma Putri, "Reconstructing Reliability Standards for Deepfake Detectors as Electronic Evidence in Indonesia's Criminal Justice System," *West Science Law and Human Rights* 4, no. 3 (2026): 299–309, https://doi.org/10.58812/wslhr.v4i03.3022.

disqualifications may be selectively imposed, and bid-evaluation records may be altered to support a coordinated outcome. Economic screening can identify anomalous bidder behaviour, while criminal investigation may uncover communications, benefits, asset flows, or abuse of authority. Evidence from one stream can guide the other, but only through lawful procedures. The receiving institution must be able to verify authenticity, chain of custody, relevance, and contestability before relying on the material in a decision.

b. Jurisdictional and procedural asymmetry

KPPU and KPK operate under different jurisdictional designs. KPPU determines violations of competition law through an administrative adjudicative process and may impose administrative measures under Law Number 5 of 1999 and its implementing regulations.[21][22][23] KPK investigates and prosecutes corruption offences within statutory thresholds and procedural rules.[24][25] The relevant subjects also differ. Competition cases principally focus on undertakings and parties involved in tender arrangements, whereas corruption cases may focus on public officials, intermediaries, corporate actors, and persons who participate in or benefit from criminal conduct. Dual-character cases therefore require coordinated mapping of actors without collapsing the legal identity of each subject.

The standards and purposes of proof are likewise different. KPPU may rely on documentary, witness, expert, and economic evidence to establish an agreement or concerted arrangement affecting competition. Criminal proceedings demand proof of offence elements and individual or corporate responsibility under criminal-

[21] Komisi Pengawas Persaingan Usaha, *Peraturan KPPU Nomor 1 Tahun 2023 tentang Pedoman Pelaksanaan Pasal 22 Undang-Undang Nomor 5 Tahun 1999 tentang Larangan Persekongkolan dalam Tender*.

[22] Komisi Pengawas Persaingan Usaha, *Peraturan KPPU Nomor 2 Tahun 2023 tentang Tata Cara Penanganan Perkara Praktik Monopoli dan Persaingan Usaha Tidak Sehat*.

[23] Republic of Indonesia, *Peraturan Pemerintah Nomor 44 Tahun 2021 tentang Pelaksanaan Larangan Praktik Monopoli dan Persaingan Usaha Tidak Sehat*, Lembaran Negara Republik Indonesia Tahun 2021 Nomor 54, Tambahan Lembaran Negara Republik Indonesia Nomor 6656.

[24] Republic of Indonesia, *Undang-Undang Nomor 31 Tahun 1999 tentang Pemberantasan Tindak Pidana Korupsi*, Lembaran Negara Republik Indonesia Tahun 1999 Nomor 140, Tambahan Lembaran Negara Republik Indonesia Nomor 3874, as amended by Undang-Undang Nomor 20 Tahun 2001.

[25] Republic of Indonesia, *Undang-Undang Nomor 20 Tahun 2025 tentang Kitab Undang-Undang Hukum Acara Pidana*.

procedure safeguards. Statistical screens, market concentration, or repeated bid patterns may support an inference of collusion, but they ordinarily cannot prove a bribe, intent, or unlawful benefit without corroboration. Criminal evidence may reveal communications or money flows, but its use in administrative proceedings must still comply with disclosure, confidentiality, and the right to challenge evidence.

Procedural timing creates another asymmetry. Competition proceedings may become visible at a stage when a criminal investigation requires secrecy, surveillance, preservation of assets, or coordinated searches. Immediate disclosure of an administrative inquiry may alert suspects and permit destruction of evidence. Indefinite postponement, however, can undermine timely competition enforcement and allow an anticompetitive contract to continue. The solution cannot be automatic priority for one regime. A structured sequencing decision must evaluate investigative prejudice, continuing market harm, contract urgency, evidentiary needs, and the duration of any requested delay.

Remedies address different harms. Competition sanctions aim to deter collusion, restore rivalry, and correct market behaviour. Anti-corruption sanctions address culpability, unlawful benefits, state losses, and asset recovery. Procurement authorities may also cancel a tender, terminate a contract, suspend a supplier, correct specifications, or order performance remedies. Without coordination, different institutions may calculate overlapping loss categories or ignore harms outside their own mandate. An integrated approach should distinguish cartel overcharge, state financial loss, defective performance, unlawful benefit, and future competitive harm, while preserving each decision-maker’s authority.

c. Why ad hoc cooperation remains insufficient

Informal referrals are useful but structurally fragile. They depend on personal relationships, do not consistently record the legal basis for disclosure, and may not define what the recipient may do with the information. A referral may contain a conclusion without the underlying dataset, or raw data without metadata explaining provenance and limitations. These weaknesses reduce evidentiary value and expose both institutions to disputes about confidentiality and fairness. The renewed KPK-KPPU cooperation agenda recognises information exchange and case assistance, but operational rules are still required to translate that agenda into repeatable institutional practice.[26]

A second problem concerns classification. Procurement complaints often arrive as undifferentiated allegations: the winner was predetermined, officials were involved, bidders were affiliated, or prices were inflated. Without a common triage protocol, one institution may treat the matter as outside its mandate even though another legal character is present. Classification should identify suspected conduct, relevant actors, procurement stage, available data, continuing harm, confidentiality risk, and potential statutory elements. The classification record must remain preliminary and must not state that a person or company is liable.

A third problem concerns duplicated fact-finding. KPK, KPPU, internal auditors, procurement authorities, and prosecutors may request the same tender documents, beneficial-ownership data, server logs, communications, and contract records. Repetition increases costs and can produce inconsistent versions. A shared evidentiary inventory can identify what exists, who lawfully holds it, and which institution must independently obtain or verify it for adjudicative use. Integration should reduce repetitive collection while preserving the rule that evidence used in a final determination must satisfy the receiving forum's legal requirements.

A fourth problem concerns data power. Integration can improve detection, but it also expands the capacity to profile firms and individuals. Procurement analytics may generate false positives, particularly in specialised markets with few suppliers or standardised bids. Access must therefore follow necessity, proportionality, role-based permissions, audit logs, and retention limits. Firms must not be publicly labelled as collusive solely because an algorithm produces a risk score. Human review and documented alternative explanations are essential safeguards.[27][28] Procedural safeguards remain necessary even when a person or

[26] KPK, "Tutup Celah Korupsi," July 9, 2026.

[27] Organisation for Economic Co-operation and Development, *Data Screening Tools for Competition Investigations*, OECD Competition Policy Roundtable Background Note (Paris: OECD, 2022), 8–22.

[28] Joseph E. Harrington Jr. and David Imhof, "Cartel Screening and Machine Learning," *Stanford Computational Antitrust* 2 (2022): 133–152.

entity is subject to state enforcement, because enforcement status does not extinguish basic guarantees of fair legal treatment.[29]

2. An Integrated KPK-KPPU Collaboration Model

a. Joint risk screening and structured case triage

The first component is a joint screening layer built on procurement-cycle data. It should combine planning records, tender documents, bid prices, participation histories, beneficial ownership, network identifiers, contract amendments, payment records, subcontracting, and performance outcomes. Indicators should be grouped according to their legal relevance. Competition indicators include cover bids, winner rotation, stable price relationships, market allocation, and affiliated bidders. Corruption indicators include conflicts of interest, unexplained specification changes, advance knowledge of estimates, unusual payment acceleration, and benefit flows. Some indicators, such as a predetermined winner supported by official intervention, may activate both streams.[30][31][32][33]

Screening output should be classified as a risk signal. It should contain the relevant package, indicator, data source, confidence level, possible innocent explanation, and recommended verification. It should not identify guilt, impose sanctions, or enter a public blacklist. A human analyst from each institution should review the signal before referral. The review must test data quality, market structure, procurement method, and whether the indicator can be explained by legitimate technical or geographic conditions. This design reduces automated overreach and makes the analytical process auditable.

The second component is a case-triage conference. Designated KPK and KPPU liaison officers should classify the matter as competition-only, corruption-only, dual-character, or insufficient. The conference should record suspected

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[29] Muhammad Abdul Azis, Riski Ananda Kusuma Putri, and Nur Rahman, "Keping Puzzle Yang Hilang: Menelaah Hak Yang Sirna Terhadap Narapidana," *Jurnal Hukum & Pembangunan* 52, no. 3 (2022): 674–684, https://doi.org/10.21143/jhp.vol52.no3.3367.

[30] Fazekas, Tóth, and King, "An Objective Corruption Risk Index," 375–383.

[31] Imhof, Karagök, and Rutz, "Screening for Bid Rigging," 240–252.

[32] Imhof and Wallimann, "Detecting Bid-Rigging Coalitions," 106016.

[33] Silveira et al., "Who Are You?" 102931.

conduct, relevant actors, procurement status, evidentiary sources, urgency, confidentiality, and the institution responsible for the next lawful step. Classification is not a joint judgment. It is an administrative routing decision that protects institutional independence and prevents matters from being lost between mandates.

Dual-character classification should require indicators from both legal domains. Bid patterns alone should not create a corruption track, and an allegation of official misconduct alone should not create a competition case. A dual track becomes justified when evidence suggests coordination among firms and participation, facilitation, protection, or benefit involving public authority. This threshold avoids unnecessary expansion while enabling early preservation of evidence when the factual overlap is credible.

b. A lawful data gateway and evidentiary verification

The third component is a lawful data gateway. Every request should state its statutory basis, purpose, scope, sensitivity level, authorised users, retention period, and restrictions on secondary use. The provider should identify whether the material is public procurement data, confidential business information, intelligence, or evidence collected through coercive criminal powers. The recipient must not repurpose material beyond the authorised objective without renewed legal assessment. Technical safeguards should include encryption, role-based access, immutable logs, and periodic access audits. Legal scholarship on technology-related data governance similarly stresses transparent authority, purpose limitation, and accountable rules governing the use of data.[34]

The gateway must distinguish information exchange from evidentiary adoption. A KPPU analysis may guide KPK toward bidders, communications, or financial transactions, but KPK should obtain or verify evidence through criminal-

[34] Muhammad Abdul Azis, Riski Ananda Kusuma Putri, Alya Synthia Kurniawati, and Muhammad Thufail Ariiq, "Governing Traditional Cultural Expressions as Artificial Intelligence Training Data: Reconstructing Communal Consent and Data Transparency in Indonesia," *Societa: Journal of Society and Change* 1, no. 1 (2026): 186–199, https://doi.org/10.67964/4gbwhv96.

procedure mechanisms when it will support prosecution. KPK information may guide KPPU toward market relationships or tender manipulation, but KPPU should disclose and test material according to its own procedure before relying on it in a decision.[35] This verification rule protects chain of custody, confrontation rights, and adjudicative independence.

Confidentiality should be granular rather than absolute. Each item can be marked according to investigative secrecy, personal data, trade secrets, witness protection, or public availability. The classification should determine who may access the material and whether a redacted version can be shared. When disclosure to an investigated party is legally required, the responsible institution should balance confidentiality against the right to know and challenge the case. A joint protocol should also govern breaches, corrective measures, and notification responsibilities.

c. Coordinated parallel or sequential proceedings

The fourth component determines whether proceedings should be parallel or sequential. Parallel action is appropriate when evidence has already been secured, open competition proceedings will not prejudice criminal measures, and ongoing market harm requires prompt intervention. Sequential action is justified when disclosure would create a concrete risk of evidence destruction, witness coordination, asset dissipation, or flight. Any delay requested by one institution should be limited, reasoned, periodically reviewed, and documented. The institution requesting delay should identify the protected investigative step without disclosing unnecessary operational detail.

Coordination should also govern interviews, searches, digital forensics, and public communication. Separate institutions may question the same person for different legal purposes, but schedules and question domains can be coordinated to reduce unnecessary repetition and avoid conflicting instructions. Digital copies should be forensically preserved with clear provenance. Public statements should

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[35] KPPU, *Peraturan KPPU Nomor 2 Tahun 2023*.

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not imply guilt or disclose confidential cross-institutional information. Each institution remains responsible for statements concerning its own process.

The sequencing decision must remain dynamic. A matter initially classified as competition-only may later reveal official benefits or abuse of authority. A corruption inquiry may uncover a wider bidder cartel extending beyond the charged transaction. The protocol should require re-triage when material facts change. Reclassification should preserve previous access logs and explain why a new track became justified. This creates institutional memory and supports later judicial review.

d. Calibrated remedies and corporate accountability

The fifth component coordinates remedies without producing a joint sanction. KPPU should assess competitive harm, the role of each undertaking, market effects, and appropriate administrative measures. KPK and criminal courts should assess individual or corporate culpability, unlawful benefits, state losses, and asset recovery. Procurement authorities should determine whether the tender or contract requires cancellation, correction, suspension, re-procurement, or performance remediation. A shared loss matrix can prevent double counting while ensuring that distinct harms are not omitted.

Corporate accountability requires attention to governance rather than formal position alone. Supreme Court Regulation Number 13 of 2016 permits assessment of corporate benefit, tolerance, failure to prevent wrongdoing, and organisational responsibility.[36] KPPU can contribute evidence concerning bidder relationships, recurring patterns, beneficial ownership, and market allocation. KPK can contribute lawfully shareable analysis of decision-making, benefits, and financial flows. The combined factual map helps distinguish rogue-employee conduct from a scheme directed, tolerated, or enjoyed by the corporation.

Compliance programmes should be assessed substantively. A written code is weak evidence when sales targets, incentives, or management practices encourage coordinated tendering. Relevant controls include due diligence on

[36] Mahkamah Agung Republik Indonesia, *Peraturan Mahkamah Agung Nomor 13 Tahun 2016*.

partners, prohibitions on price communication, monitoring of affiliated bidders, conflict-of-interest declarations, preservation of business communications, reporting channels, and credible responses to warning signs. Remedial action may influence proportionality, but it should not erase responsibility for completed violations.

e. Institutionalisation, accountability, and policy feedback

The sixth component institutionalises cooperation through an implementing agreement and joint operational guideline. The instruments should define a data dictionary, risk indicators, liaison structure, request templates, confidentiality categories, response periods, triage procedures, sequencing criteria, communication rules, dispute resolution, access auditing, annual evaluation, and reporting. The memorandum provides the policy umbrella, while the operational guideline identifies which officials may take which actions and under what conditions.[37][38] An integral policy approach is useful precisely because it coordinates preventive and enforcement functions while preserving the differentiated mandate of each actor.[39]

A permanent new authority is unnecessary. A virtual analytical cell composed of KPK and KPPU analysts, with procurement-data support from LKPP where lawful, can perform screening without exercising investigative or adjudicative powers. Each analyst remains within the command and accountability structure of the originating institution. Analytical products should be non-binding and should record assumptions, data limitations, and alternative explanations. This design supports efficiency without creating an unlawful delegation of statutory powers. Technology-enabled collaboration should remain a tool of legally

[37] KPK, "Perbarui Nota Kesepahaman," February 19, 2025.

[38] Ferdinand, Sunarto DM, and Shafira, "Penegakan Hukum dalam Pengadaan Barang dan Jasa Pemerintah," 119–126.

[39] Muhammad Abdul Azis, Siti Fadila Nuramelia, Muhammad Thufail Ariiq, Alya Synthia Kurniawati, Riski Ananda Kusuma Putri, Misshouw Meilany Putri, and Dafirly Salsadilla Dosanto, "Causative-Based Integral Policy as a Response to Criminogenic Factors in the Distribution of Subsidized Fuel," *Punggawa Law Review* 1, no. 3 (2026): 142–148.

constituted institutions rather than being treated as an autonomous legal actor with independent authority.[40]

Performance indicators should measure enforcement quality rather than the volume of exchanged data. Relevant measures include time from signal to triage, proportion of referrals producing verifiable action, reduction in duplicate document requests, number of packages corrected before contract award, recovery outcomes, changes in bidder participation, reduction of abnormal winner concentration, false-positive rates, and compliance with access restrictions. Independent review can evaluate discriminatory effects, data security, and whether indicators remain valid across procurement methods and sectors.[41][42]

Policy feedback closes the enforcement cycle. KPPU findings may support changes to lot design, qualification requirements, market engagement, or tender timing. KPK findings may support stronger conflict-of-interest controls, official rotation, payment verification, and internal supervision. LKPP and internal government auditors should convert those findings into procurement-system improvements. The institutions should publish aggregated lessons without revealing trade secrets, protected identities, or investigative details.

Public and business reporting should remain part of the model. OECD guidance emphasises tender design, official training, and reporting mechanisms as central anti-collusion tools.[43] A common intake channel may receive initial allegations, but distribution and identity protection must follow the substance of the report. A supplier observing cover bids requires a competition-law route, while a report of commitment fees requires anti-corruption protection and follow-up. Reporters should receive clear information on confidentiality and the limits of institutional authority. Protection of reporters also requires an integrated framework

[40] Muhammad Abdul Azis, Nur Rahman, and Riski Ananda Kusuma Putri, "Between the Future or Just Utopia: A Critical Analysis of the Legal Personhood of Artificial Intelligence on the Claim as a Patent Inventor," *Critical Legal Review* 1, no. 5 (2024): 1–25.
[41] Harrington and Imhof, "Cartel Screening and Machine Learning," 141–150.
[42] OECD, *Data Screening Tools*, 27–34.
[43] OECD, *Guidelines for Fighting Bid Rigging*, 31–39.

for confidentiality, procedural access, and protection against secondary harm during the enforcement process.[44]

Implementation should begin with a controlled pilot in high-value construction and health procurement, where technical complexity, supplier concentration, and service consequences are significant. Historical data can first be used to test error rates. Live packages can then be monitored under human supervision, without automatic exclusion. Indicators should be adjusted for tendering, e-purchasing, direct procurement, and single-source procedures. Electronic procurement requires substantive review because manipulation may migrate to planning, beneficial ownership, subcontracting, contract amendment, and performance stages.[45][46]

Legally, the model remains compatible with differentiated authority. KPK continues to exercise its statutory prevention, coordination, supervision, monitoring, investigation, and prosecution functions.[47] KPPU continues to enforce and advocate competition law under Law Number 5 of 1999.[48] Collaboration creates an information and decision bridge, not a joint tribunal. Each institution independently authorises investigations, examines parties, evaluates evidence, and issues legal products. That separation protects impartiality while allowing the procurement cycle to be assessed as one connected factual system.

Table 1. Integrated Public Procurement Enforcement Model

Component	KPPU Role	KPK Role	Output and Safeguards
Risk screening	Analyses bidding patterns, market structure, affiliation, and Article 22 indicators.	Analyses corruption risks, conflicts of interest, benefit flows, and vulnerable procurement stages.	Priority-package list; outputs remain risk signals subject to human review.

[44] Siti Fadila Nuramelia, Riski Ananda Kusuma Putri, Muhammad Abdul Azis, Alya Synthia Kurniawati, and Misshouw Meilany Putri, "Reorientasi Perlindungan Saksi dan Korban dalam Sistem Peradilan Pidana Indonesia dari Pengaturan Parsial Menuju Model Perlindungan Terpadu," *Hakim: Jurnal Ilmu Hukum dan Sosial* 4, no. 3 (2026): 112–125, https://doi.org/10.51903/j66vnn80.
[45] KPK, *Laporan Kajian Tata Kelola e-Procurement*, 38–45.
[46] Wibowo, "Persekongkolan Tender," 14–20.
[47] Republic of Indonesia, *Undang-Undang Nomor 19 Tahun 2019*, art. 6.
[48] Republic of Indonesia, *Undang-Undang Nomor 5 Tahun 1999*, arts. 35–47.

Component	KPPU Role	KPK Role	Output and Safeguards
Case triage	Assesses indications of collusion and the need for a competition inquiry.	Assesses indications of criminal conduct and risks to confidential investigation.	Competition, corruption, or dual-track routing record without a finding of liability.
Data gateway	Provides market and case data according to legal basis and confidentiality level.	Provides lawfully shareable information without prejudicing criminal measures.	Targeted requests, data catalogue, access logs, use limits, and retention periods.
Enforcement sequence	Proceeds in parallel or accepts a narrowly limited delay of open steps.	Explains investigative prejudice and the review period for any delay.	Coordination schedule, need-to-know access, and periodic reassessment.
Remedies	Assesses competitive harm, corporate roles, fines, and administrative measures.	Assesses criminal responsibility, asset flows, and loss recovery.	Loss matrix preventing double counting while addressing distinct harms.
Policy feedback	Recommends improvements to tender design and competitive structure.	Recommends anti-corruption controls, official integrity measures, and supervision.	Recommendations to LKPP, internal auditors, and procurement units without disclosing case secrets.

Source: Authors' construction based on KPK-KPPU mandates, procurement regulation, and competition-screening literature.

D. Conclusion

Separate enforcement of corruption and bid rigging creates a gap when one procurement arrangement simultaneously compromises public authority and competition. KPK and KPPU protect different interests and apply different subjects, evidence, procedures, and remedies. Those differences must be retained. Cooperation based only on informal referrals, however, is inadequate because dual-character cases raise recurring questions about data status, case classification, procedural timing, cross-forum verification, confidentiality, defence rights, remedies, and procurement-system correction.

The proposed model integrates six connected components: joint risk screening, structured case triage, a lawful data gateway, coordinated parallel or sequential proceedings, calibrated remedies, and policy feedback. Analytical output functions only as an early-warning signal. Evidence supporting a final determination must be lawfully obtained or verified under the receiving institution's procedure and made contestable as required by law. Institutional independence is preserved because joint products are limited to risk analysis, routing records, data protocols, sequencing coordination, and policy recommendations.

KPK and KPPU should translate their cooperation memorandum into a joint operational guideline governing referral thresholds, confidentiality categories, access auditing, use restrictions, limited delays, re-triage, and public communication. LKPP should facilitate lawful interoperability from planning to contract completion, while internal government auditors should use risk indicators for targeted controls. A staged pilot should be evaluated through false-positive rates, procedural compliance, corrective outcomes, and measurable improvements in competition and procurement integrity before broader implementation.

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