

Himbara Cooperation Activities (Association of State-Owned Banks) in terms of Indonesian Business Competition Law

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Abstract

Business competition is inevitable when a person or group of people decides to carry out business activities, including banking business. With the formation of Himbara (Association of State-Owned Banks) as an association of banking business actors consisting of Bank Rakyat Indonesia (BRI), Bank Negara Indonesia (BNI), State Savings Bank (BTN), and Bank Mandiri can be a threat to banking business actors and customers banking. This can happen when the association has entered into a pricing agreement, payment period agreement, cost compliance, honor/wage agreement; tan profit agreement, business strategy agreement and regional, consumer, or production division agreement which if such a thing is achieved, it will be possible to practice kartel which is anti-competition in nature. In this study, it will raise the issue of Himbara's p eran in the Indonesian economy as a form of SOE Synergy and analyze the activities of himbara cooperation in terms of the Law of Perrivals Indonesian business. The cooperation carried out by Himbara needs to be monitored even more closely by the KPPU as an Independent Institution independent of the influence and power of the government and other parties to avoid unfair business competition in the banking world. The public is also given an open space to make complaints to the KPPU if indeed the activities carried out by Himbara are indicated to be detrimental to customers (service users banking).

Keywords

Himbara; unfair business competition; banking association



I. Introduction

Business associations as an institution formed by business actors in certain fields or industries are formed with the aim of participating in the development and economy of the Unitary State of the Republic of Indonesia. To achieve better progress, the presence of business associations is not only needed for business competition but also to cooperate with each other. In SOE Synergy through collaboration or cooperation, one of them has been realized in the form of Himbara (Association of State-Owned Banks) which aims to support the acceleration of growth and cross-selling transactions and strengthen the position of SOEs (win market competition) in the banking industry and benefit customers. Himbara stands for Association of State-Owned Banks (Himbara), banks whose majority shares are controlled by the Indonesian government as a form of SOE synergy. SOEs are business entities whose entire or most of their capital is owned by the state through direct participation derived from segregated state assets as stated in Law No. 19 of 2003 concerning SOEs. SOEs have a strategic role as state representatives in providing services to the community. BUMN is a business actor in Indonesia in addition to the private sector and cooperatives. Currently, there are four banks owned by the government or have the status of a state-owned enterprise, where the majority of the shares are owned by the government. Among them are Bank Rakyat Indonesia (BRI), Bank Negara Indonesia

(BNI), Bank Tabungan Negara (BTN), and Bank Mandiri. These four banks are what ended up being referred to as Himbara. The term Himbara is starting to be popularized since the era of the Minister of SOEs 2014-2019 Rini Soemarno. Himbara is an inter-SOE synergy program initiated by the Ministry of SOEs. Human Resources (HR) is the most important component in a company or organization to run the business it does. Organization must have a goal to be achieved by the organizational members (Niati et al., 2021). Development is a change towards improvement. Changes towards improvement require the mobilization of all human resources and reason to realize what is aspired (Shah et al, 2020). The development of human resources is a process of changing the human resources who belong to an organization, from one situation to another, which is better to prepare a future responsibility in achieving organizational goals (Werdhiastutie et al, 2020).

Various Himbara cooperation programs have been implemented, including jasa marga's toll road e-toll payment cooperation (in 2015), the implementation of non-cash social assistance distribution through Himbara for Pepres No. 63 of 2017 concerning Non-Cash Social Assistance Distribution (in 2016), cooperation in the integration of payment systems in Electronic Data Capture (EDC) with three banks incorporated in Himbara, namely, PT Bank Rakyat Indonesia Tbk, PT Bank Negara Indonesia Tbk, and PT Bank Mandiri Tbk (in 2017), a collaboration between the Directorate General of Taxes (DGT) and PT Telkom through the SOE Creative House Program and Business Development Services of the Directorate General of Taxes (DGT) (in 2018), Himbara Cooperation develops cloud technology aka cloud that supports digital transformation towards industry 4.0 (in 2018), Cooperation between Bank Mandiri, BNI, BRI, BTN, PT Pertamina, PT Asuransi Jiwasraya, PT Danareksa in the form of the launch of the LinkAja application (in 2019), in addition to that the latest there is cooperation with PLN in the form of financing support for the construction and development of Public Electric Vehicle Charging Stations (SPKLU) (in 2022) and many other collaborations as a form of Himbara synergy that has been carried out to date.

Considering that one of the goals of SOE synergy in the form of Himbara which wants to win market competition in the banking industry and the implementation of many forms of cooperation between Himbara Banks to achieve this goal, it is necessary to analyze the formation of the Himbara Bank association in the review of Indonesian business competition law. So that based on the background as described above, the formulation of the research problem is:

- a. What is the purpose and role of Himbara in the Indonesian economy?
- b. How are Himbara Cooperation Activities reviewed from the Indonesian Business Competition Law?

II. Research Method

This research is normative juridical research using a statute approach. The legal approach is carried out by reviewing the laws and regulations related to the Himbara BUMN Synergy Cooperation Agreement Prohibited in the Law of the Republic of Indonesia Number 5 of 1999 concerning the Prohibition of Monopoly Practices and Unfair Business Competition to conclude about the presence or absence of philosophical conflicts between laws and regulations and the form of SOE synergy cooperation in Himbara. The data used in this study consists of primary legal materials and secondary legal materials. The data is then analyzed using qualitative descriptive methods.

III. Result and Discussion

3.1 Himbara's role in the Indonesian economy as a form of SOE Synergy

As the Constitution of the Republic of Indonesia of 1945 has protected the right to freedom of association, assembly and expression of opinion, as well as the existence of the Association of Business Actors which is a gathering place for competitors in the same industry has the aim of being a forum for communication, sharing experiences with each other, helping each other if there are difficulties in their business fields. The most important part of this association is to standardize business in order to create uniformity of quality in the service and production of goods/services for its members.

The objectives for business actors to gather and form a business association or trade association are as:

- a. Price Reporting Activities. The distribution of information regarding the selling price, purchase price and others is declared as something legal and does not conflict with the public interest. The importance of this information feels more useful for industries that are spread across various regions and have many competitors with relevant products. But in an industrial structure of an oligopoly nature, it is possible that this action can be considered a facility for colluding more easily.
- b. Calculation of Cost Accounting. Another associated activity related to price is called cost accounting, which means that the collection and distribution of data on the cost of production in an industry. These costs may include labor costs, raw materials, promotions, taxes, packaging or insurance. This information is generally needed by players who prepare their business to enter the market, so market participants can measure the level of efficiency and competitive ability.
- c. Boycott (Refusal to Deal) and Joint Action. In reality, the association can also rally its members together to carry out joint actions in the form of boycotts or other decisions that their members are obliged to obey. The association may decide that its members may only conduct business relations or the association may establish, control, refuse or instruct on distribution, and even set a time to do business (determination of business opening hours for example). The instruction may also be up to establishing not to engage in business relations with 3rd parties.
- d. Cooperative Selling and Buying Activities. The association can also play a facilitating role in terms of buying and selling jointly carried out by its members, to face competition with the same business from international market competitors. The association can act as a buying and selling agent (selling or buy ingagent) for its members.
- e. Product Standardization. Associations can also play a role in terms of product standardization in their industry. This standardization is applied to the type, type, size of products so that it is expected to be able to reduce economic costs that arise.
- f. Credit Activities. The association provides information on credit conditions to members as input for business actors. Information about these activities has also been shown to bring benefits to association members in terms of examining financial position, reducing financial risks and preparing decisions based on actual financial conditions.
- g. Research, Development and Patent Activities. Another activity of the association that is considered useful is to conduct joint research with the aim of improving product standardization, safety, efficiency in their industry.
- h. Establishment of Associations in Basing Points for Carriage. The association also has other forms of cooperation in terms of transportation. The association has a price standardization for transportation costs originating from the production site. Basing

Point shows prices published by producers based on transportation costs in a certain area (zone price), and also transportation costs that are not based on the place of production. It aims to reduce the costs shouldered by members so as to cheapen the sales price of their products.

With the existence of a business association, of course, it not only has a positive impact, but also has a negative impact, namely for business competition / competition in terms of the discussion is to make pricing agreements, payment period agreements, cost compliance, honor / wage agreements; profit agreements, business strategy agreements and agreements on the division of territory, consumers, or production which if such a thing is achieved, it will be possible to carry out anti-competition karting practices. Meanwhile, business associations should be open and there should be no discriminatory and open up opportunities for the growth of healthy business competition with fellow business actors.

In the banking industry, until now, it continues to improve services to customers and innovations in developing banking products. However, keep in mind about the phenomenon that has occurred where the number of commercial banks in Indonesia has experienced a rapid increase to more than 200 banks. This has happened since the issuance of the October Package (Pakto) in 1988 which is a policy of banking liberalization that facilitates the licensing of bank establishments. This policy was released because the government at that time wanted to optimize financing from the private sector and the public. The ease of establishing the bank made the bank grow uncontrollably and the number of conglomerates established its banks. The increase in the number of banks was not accompanied by adequate regulation so that at the time of the 1998 moneyer crisis, many banks collapsed.

With the birth of Law number 10 of 1998 concerning amendments to Law Number 7 of 1992 concerning Banking, the government has tightened its supervision of national banks, now the number of commercial banks in Indonesia has decreased. Based on data from Indonesian Banking Statistics January 2022 by the OJK, it is stated that the number of Commercial Banks in Indonesia is now only 107 banks, previously in 2019 as many as 110 banks and in 2020 as many as 109 banks. This reduction in the number of commercial banks is due to several banks melting or consolidating. For example, the Interim Bank, previously named Rabobank, with BCA Syariah, which became effective on December 10, 2020. There has also been a merger of three Sharia Banks in Indonesia as a result of the merger of three Sharia banks, namely, PT Bank BRI Syariah (BRIS), PT Bank Syariah Mandiri (BSM), and PT Bank BNI Syariah (BNIS) which have been effectively operating on February 1, 2021. The various ways of smelting or consolidating these banks are certainly expected to provide a choice of new financial institutions for the community as well as be able to encourage the national economy.

Thus, Himbara was formed as a form of SOE synergy to strengthen the position of SOEs in the banking industry. Based on the results of an interview with the secretariat of the Himbara association, the background for the formation of Himbara is:

1. Realizing that banks in Indonesia are responsible for efforts to realize a just and prosperous society based on Pancasila through national economic development, concrete actions from the banking industry are needed to support the implementation of sustainable economic development.
2. Believing that the participation of banks in national economic development can be increased by optimizing cooperation between state-owned commercial banks, the 4 state-owned commercial banks (BRI, Mandiri, BNI, and BTN) consider it necessary to form a forum, which is currently called Himbara.

The purpose of the establishment of Himbara in accordance with himbara's articles of association in 2010 is that Himbara was formed with a vision to increase the role of banks in an effort to realize a just and prosperous Indonesian society, through the following missions:

- a. as a pioneer in national economic development
- b. unifying the views/aspirations of Himbara members
- c. balancing national banking systems and policies
- d. as a support for the creation of a national banking industry that adheres to the principle of prudence and compliance with applicable regulations to maintain the image of Himbara members.

Since the establishment of the Himbara association, various Himbara cooperation programs have been implemented, including the cooperation of Jasa Marga's toll road e-Toll payment, this synergy has become an embryo for building a wider non-cash transaction (in 2015), the implementation of non-cash social assistance distribution through Himbara for Pepres No. 63 of 2017 concerning Non-Cash Social Assistance Distribution as an Agent of Development to realize the people's economy, financial inclusion and cashless society (in 2016), cooperation in payment system integration in Electronic Data Capture (EDC) with three banks incorporated in Himbara, namely, PT Bank Rakyat Indonesia Tbk, PT Bank Negara Indonesia Tbk, and PT Bank Mandiri Tbk with the aim that transaction costs, especially shopping at state-owned merchants, become cheaper due to efficiency (in 2017), The collaboration between the Directorate General of Taxes (DGT) and PT Telkom through the Rumah Kreatif BUMN Program and business development services of the Directorate General of Taxes (DGT) to encourage and develop the quality of MSME players in Indonesia (in 2018), there is also a synergy of Himbara cooperation to develop cloud technology aka clouds that support digital transformation towards industry 4.0 (in 2018) with the aim of facing such rapid technological developments. Cloud Computing is the foundation of several technologies that have become a catalyst in the industrial revolution 4.0 such as artificial intelligence, blockchain, and data science. This technology was developed into a hybrid cloud so that it can synergize with Himbara for exploration and joint use.

Then in 2019, there was a collaboration between Bank Mandiri, BNI, BRI, BTN, PT Pertamina, PT Asuransi Jiwasraya, PT Danareksa in the form of launching the LinkAja application which was formed by combining Telkomsel's T-Cash payment system services with BRI's TBank and MyQr, e-cash from Bank Mandiri, Unikqu from BNI and also other SOE digital payment services whose purpose of formation was to facilitate payment transactions in one container. In addition, other forms of cooperation between Bank Mandiri, BNI, BRI and BTN in the form of providing ATM Link to provide ease of transactions and cost efficiency for several banking transactions that can be enjoyed by SOE customers. ATM Link is an ATM service from Bank Himbara that allows customers to make transactions between customers of state-owned banks without being charged several transactions without these fees include cash withdrawals or cash withdrawals, gingga balance inquiry or balance checks. Meanwhile, some other transactions are still charged when using ATM Link from different state-owned banks such as interbank transfers. Some other transactions at ATM Link are also charged, but they are in the nature of administrative fees such as bill payments, credit purchases, top-ups or top-ups of electronic money and other banking transactions.

Furthermore, in line with the establishment of net zero emission (NZE) targets in 2050-2070 by G20 member countries, Indonesia has set that these targets can be achieved earlier, namely in 2060, so that in March 2022 four strategic cooperation's towards carbon

neutrality 2060 have been signed by PLN. One of them is PLN's collaboration with Himbara to support financing in the construction of Public Electric Vehicle Charging Stations (SPKLU).

As Himbara is a STATE-OWNED, which in Law No. 19 of 2003 states that SOEs are one of the economic actors in the national economic system in addition to private businesses and cooperatives. SOEs themselves in the national economic system have a role, namely:

1. Producers of goods and / or services needed in order to realize the greatest prosperity of the community;
2. pioneers and/or pioneers in business sectors that have not been in demand by private enterprises;
3. public service implementers;
4. the counterweight of the great private powers;
5. helping the development of small businesses/cooperatives; and
6. one of the significant sources of state revenue in the form of various types of taxes, dividends and privatization proceeds

Thus, the synergy of SOEs in the form of Himbara as a banking institution has a special role to realize the welfare of the people through the collection and distribution of public funds while obtaining benefits for these businesses. If it is related to the various forms of cooperation that have been carried out by Himbara, it can be seen that every goal in its cooperation is inseparable from strengthening the position of Himbara bank in the banking industry as well as carrying out its duties to support national economic development through various forms of cooperation in disbursement of funds for the real sector in the community so that it can indirectly move the wheels of the economy for the community.

3.2 Himbara Cooperation Activities in terms of Indonesia's Business Competition Law

The fundamental basis of the formation of an association of business actors is none other than a joint effort to face the problems faced. Meanwhile, if not in the context of efforts to resolve the problem, then the association is nothing but a gathering place for competitors who may engage in collusion or consent, either tacitly or explicitly which is a violation in the Competition Law. So that there is a need for restrictions on the activities carried out by the Association so as not to become an obstacle in trade or competition or not to create a barrier to entry or restraint of trade. Thus, the association must be able to prove that the actions and decisions taken do not deviate from the association's goal of achieving the interests of efficiency without reducing competition between business actors.

If you look at the products that have been realized by the Himbara cooperation program, it can be seen the spirit of the MINISTRY OF SOEs to form a sustainable healthy business, in addition to the cost efficiency that can be produced by business actors, but also achieves an improvement in services that are getting better to banking consumers, which can be obtained from attractive service features, speed, convenience and security in transactions. However, if studied more deeply, it is necessary to know the form of himbara cooperation that can cause unfair competition for its competitors.

Business competition is inevitable when a person or group of people decides to carry out business activities, including banking business. The competition that occurs in the Indonesian banking industry involves bank business actors in the categories of government banks, national private banks, foreign private banks. This category is also coupled with the

criteria for banks with business activities focused on certain business segments and banks with limited business activities.

The fierce competition among banks has encouraged every bank to provide the best service to provide the best service to attract subscriptions. The fierce competition also forces bankers to find certain tips in improving the performance of their respective banks. One of the phenomena that shows that interbank competition in seizing customers is to simplify the conditions for obtaining credit. The ease of providing credit card requirements is one of the strategies carried out by banks to be able to channel the funds it has. Even for certain banks, giving credit cards is one of the sources of profit, for example Bank BII.

Substantially there are three forms of prohibition in Undang-Undang RI Number 5 of 1999 as amended by Law No. 11 of 2020 concerning Job Creation that must be obeyed by business actors, namely: (a) Prohibited agreements as referred to in Chapter III from Article 4 to Article 16, (b) Prohibited activities as referred to in Chapter IV from Article 17 to Article 24, and (c) the prohibition with respect to the dominant position contained in Chapter V of Article 25 to Article 29.

Himbara Cooperation form can be classified as an agreement between business actors (4 Red Plate Banks; Bank Mandiri, BNI, BRI and BTN), so that what will be reviewed will this cooperation (cooperation agreement) cause the potential for unfair business competition, namely the "Prohibited Agreement" as stipulated in Ri Law Number 5 of 1999 concerning Prohibition of Monopoly Practices and Unfair Business Competition Chapter III from Article 4 to Article 16.

To determine that an activity is considered to be able to give rise to monopolistic practices or unfair competition in other words, breaking the law is not easy. KPPU (Business Competition Supervisory Commission) as an independent institution that is independent of the influence and power of the government and other parties to supervise the implementation of Ri Law Number 5 of 1999 concerning the Prohibition of Monopoly Practices and Unfair Business Competition must handle reports from the public and business circles by conducting a comprehensive examination.

Law of the Republic of Indonesia Number 5 of 1999 regulates some acts / agreements that have been determined as prohibited acts, this does not mean that any agreement that has the potential to cause obstacles to business, is absolutely determined as a form of agreement / action that is contrary to the law. There are two approaches known in competition law that are useful as guidelines for establishing acts/agreements as actions that are worthy of being designated as acts that are contrary to the law. These two approaches were first listed in several supplements to the Sherman Act of 1980, which was the U.S. Antitrust Act, and were first implemented by the United States Supreme Court in 1899 (for per se) and in 1911 (for rule of reason) in rulings on several antitrust cases. As a pioneer in the field of business competition, the approaches implemented in the U.S. are also implemented by other countries as customary practices in the field of business competition. This approach is known as the Per Se Illegal approach and the Rule of Reason approach, namely:

3.3 The Per Se Rules approach

The Per Se Rules approach is to declare any particular agreement or business activity to be illegal, without further substantiation of the impact arising from the agreement or business activity. This approach focuses more on the activities of business actors without taking into account economic and social interests more broadly. Activities that are considered as per se illegal usually include collusive pricing of certain products, as well as resale price setting.

The application of the per se illegal approach is usually used in articles that state the term "prohibited", without the sentence "... which may result in...". For this reason, KPPU as a Business Competition Law Enforcement Agency in Indonesia applies these two approaches in making decisions on business competition cases.

An investigation into whether or not there is a violation of the provisions of competition law through a per se illegal approach is considered to provide more legal certainty. That is, that the existence of a strict prohibition can provide certainty for the entrepreneur to know the validity of an act. This allows them to organize and run a business without worrying about lawsuits in the future, which cause multiple losses. In other words, the per se illegal approach can warn businesses from the start, about what actions are prohibited, and try to keep them from trying to do so.

It is precisely the policy of the KPPU which has issued KPPU Regulation No. 4 of 2011 concerning Guidelines for Article 5 (Pricing) of Law No. 5 of 1999. The regulation explains hard evidence and circumstantial evidence. Circumstantial evidence is "a form of evidence that does not directly imply the existence of a pricing agreement." It is expressly stated that this kind of evidence can be used to prove the alleged existence of an unwritten agreement.

As for what includes indirect evidence are:

- a. evidence of communication that does not directly state an agreement, and
- b. economic evidence. The use of economic evidence is intended as "an attempt to rule out the possibility of independent pricing behavior."

3.4 Rule of Reason-Approach

The rule of reason approach is an approach used by business competition authorities to make an evaluation of the consequences of certain agreements or business activities. This approach allows courts to interpret the Act such as considering competitive factors and determining whether or not a trade barrier is appropriate. This is because the agreements and business activities included in the Antitrust Law cannot all cause monopolistic practices or unfair business competition or harm the community. Conversely, these agreements and activities can also cause healthy business competition dynamics. Therefore, this approach is used as a filter to determine whether they give rise to monopolistic practices or unfair business competition or not.

The advantage of the Rules of Reason approach is to use economic analysis to achieve efficiency in order to know for sure, namely whether an action of a business actor has implications for competition. Meanwhile, the weakness of the Rules of Reason is that the rule of reason used by judges and judges requires knowledge of economic theory and a number of complex economic data, where they do not necessarily have sufficient ability to understand it, in order to produce rational decisions. The limited ability and experience of judges to cope with complex litigation processes, often raises problems throughout the history of the court system in the United States.

In the rule of reason approach, it may be justified to have a business action that although anti-competitive but produces an efficiency that benefits consumers or the national economy in general. On the contrary, a business action is considered wrong because although it is aimed at efficiency, it turns out that in practice it leads to harming other business actors, consumers and the national economy in general.

Regarding the cooperation activities carried out by Himbara, in 2021 there were reports of alleged violations of Ri Law Number 5 of 1999 concerning the Prohibition of Monopoly Practices and Unfair Business Competition received by the KPPU related to the plan to impose cash withdrawal balance fees from the Indonesian Consumer Community.

The report points to allegations of entering into prohibited agreements in the form of pricing. The alleged violations are seen in the form of Himbara cooperation, namely the plan of Bank Himbara to impose a fee for the use of ATM Link for balance checking and cash withdrawal activities as of June 1, 2021. Rates apply to ATM Link of different banks. Meanwhile, for ATM Link, which is still one bank, there is no charge. Regarding this matter, it is possible to potentially violate article 5 of the Law of the Republic of Indonesia Number 5 of 1999 concerning the Prohibition of Monopoly Practices and Unfair Business Competition, because this pricing is agreed to be detrimental to consumers, it can be said that the public's dependence on Himbara ATMs is very large so that the determination of the cost of balance checks and cash withdrawals is very detrimental to the community and creates unfair business competition.

For this report, KPPU took a stand to advocate for the parties, namely Himbara and representatives of the Indonesian Consumer Community to explore the problem and asked Himbara not to carry out the agreement so that the determination of tariffs for ATM Link between different banks was not implemented. The legal steps taken by the KPPU are good because these actions have not been implemented. So that the law enforcement process on the report can be stopped and the whistleblower finally withdraws the complaint/report submitted. In this case, KPPU continues to supervise the possibility of similar behavior by other business actors outside Himbara.

With the enforcement of the law on the report, Himbara's form of cooperation in ATM Link can still be carried out where ATM services from Bank Himbara still continue to allow customers to make transactions between customers of state-owned banks without being charged. This is not included in pricing which leads to monopolies and unfair business competition. Because the purpose of this collaboration can be achieved, namely to create new products and it can be seen that there is an increase in the quality and convenience of consumers to access the use of ATM products at Bank Himbara.

Therefore, from the formation of the Himbara association, they must focus their attention on the areas of anti-competitive issues, including pricing of customer sharing; membership; standardization and certification and self-regulation.

To mitigate this, at each meeting, Himbara must decide to avoid discussions about certain sensitive subjects. Some things to be careful about avoiding in all meetings include:

1. Don't talk about current or future prices
2. Does not address a fair level of profit
3. Don't talk about price increases or decreases
4. Don't talk about standardization or stabilizing prices
5. Don't discuss pricing procedures
6. Don't talk about cash discounts
7. Does not address credit terms
8. Don't talk about controlling sales
9. Don't talk about allocating markets
10. Don't complain to people whose prices are unfair practices
11. Don't talk about refusing to negotiate with a company because of pricing or distribution practices
12. Do not attend an information session discussing any of the aforementioned discussions.

Assuming the risk of antitrust is present in the membership of the association, the membership should avoid:

1. Restrictions on dealing with nonmembers

2. Exemptions from membership are mainly if there is a business advantage by becoming a member
3. Restrictions on access to association information unless the restriction is based on a protection secret
4. Requires refusal to deal with a member in violation of the association's code of conduct
5. Arbitrary enforcement of codes
6. Not worthy of severe penalties for code breaking
7. Regulations or policies that have pricing implications, such as preventing price ads

Any form of Himbara cooperation activity should serve as a means to improve the public image of the industry in general, or provide a unified voice to lobby on the issues of legislation that are anticipated to have an impact on industry and focus on cooperation between companies to achieve the nation's economic development goals. As long as the association is formed to be a gathering place for members and does not make agreements that affect prices, boycotts, divisions of territories, cartels and their activities, the existence of the association will not damage business competition.

With the existence of Himbara, KPPU views that in principle the formation of associations is treated to improve and guarantee the standards and quality of services provided by business actors in the association. Associations that should not be used as a forum for coordinating the price and marketing of goods or services of association members. Himbara, which was formed by the Ministry of SOEs by uniting 4 (four) state-owned banks in 2015, is considered to be able to maintain banking efficiency and benefit customers. So that as long as Himbara's activities are aimed at ensuring standards or quality of service and other purposes for the benefit of consumers, then this can be allowed.

IV. Conclusion

The form of SOE synergy called Himbara is a form of good cooperation program held by the ministry of SOEs. The main objective must continue to be upheld, namely to make a positive contribution in order to create efficiency and productivity of SOEs in order to answer the current global banking situation. In addition, it must be able to compete with local and foreign competitors, but it must remain in line with government regulations and policies due to SOEs. As for the analysis that has been described, there is no violation of the cooperation agreement carried out by Himbara which is regulated in The Law of the Republic of Indonesia Number 5 of 1999 concerning the Prohibition of Monopoly Practices and Unfair Business Competition, except related to the plan to determine the cost of balance checks and cash withdrawals of ATM Link. For this reason, KPPU has advocated so that the implementation of the determination of balance check fees and cash withdrawals of ATM Link is not carried out and returns to the original agreement on the establishment of ATM Link those transactions between customers of state-owned banks are not charged. Then the KPPU as an Indonesian business competition supervisory agency must continue to supervise the possibility of behavior that is suspected of violating Ri Law Number 5 of 1999 concerning the Prohibition of Monopoly Practices and Similar Unfair Business Competition by other business actors outside Himbara

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