

CHAPTER IV

RESULTS AND DISCUSSIONS

A. The ways Commission for The Supervision of Business Competition (KPPU) decide the imported beef case as cartel agreement.

Cartel will occur if a group of companies in an industry competes with each other, but they agree to coordinate its activities with production arrangements, territorial divisions, tender collusion and other anti-competitive activities, so that they can raise prices and rewards above competitive prices. Institutions that have the duty to oversee the business competition is Commission For The Supervision Of Business Competition (KPPU) which has the responsibility to prevent and crack down on the cartel perpetrators in Indonesia. In article 36 law number 5 year 1999 has the authority to enforce the law of the cartel case either based on Commission For The Supervision Of Business Competition (KPPU) own basis or on the basis of community report. Being an institution entrusted with the task of overseeing the business competition, Commission For The Supervision Of Business Competition (KPPU) has the responsibility to prevent and crack down on the cartel perpetrators in Indonesia.¹

¹ Komisi Pengawas Persaingan Usaha, "Draft Pedoman Kartel", available at http://www.kppu.go.id/docs/Pedoman/draft_pedoman_kartel.pdf accessed at 19th November 2016, at 15.00 am

In the execution of the decision, Commission for the Supervision of Business Competition (KPPU) decided the case of imported beef as cartel practice;²

1. Case Identification

Commission for the Supervision of Business Competition (KPPU) undertakes the initiative in identifying a case that is considered problematic and which is considered an Unfair Business Competition by certain parties;

1. Analysis

Commission for the Supervision of Business Competition (KPPU) analyzes an activity which is considered an unlawful act;

2. Case Analysis

Commission for The Supervision of Business Competition (KPPU) makes an activity that is considered unlawful to be a matter that must be analyzed;

3. Termination Process

In the process of termination of Commission for The Supervision of Business Competition (KPPU) case must be based on strong evidences of analysis in order to avoid mistakes;

4. Termination To Case

Termination into a case is the first step that this activity belongs to a category that violates the law;

5. Court Of Decision

In the trial verdict that this activity has become a matter to be followed up;

² Referensi Penting Hukum dan Politik GRESNEWS, “ Aturan Hukum Kartel”, available at <http://www.gresnews.com/berita/tips/2256198-aturan-aturan-hukum-kartel/0/> accessed on Thursday 19th August 2017, at 23.18 pm.

6. Decision Title

It is the stage where the case is decided to fall into which category violates unfair competition law;

7. Sitting Case

Sitting a case is a discussion of the subject matter of the case being discussed;

8. Legal Stand

Which legal discussion corresponds to the violation of the case.

To prove that there has been a cartel within an industry, KPPU shall endeavor to obtain one or more evidence as described below. In obtaining such evidence, KPPU uses its authority as stated in Law Number 5 Year 1999 in the form of document request in the form of hard copy or soft copy, present witness and conduct investigation to the field. If necessary, a cooperation with the police is required to overcome obstacles in obtaining the evidence. In certain cases, KPPU can also obtain evidence through cooperation with company personnel involved in a cartel with certain compensation.

Having obtained sufficient evidence, then the next step is to prove whether there really is a cartel that can be blamed between business actors. In accordance with the formulation of Article 11 of Law Number 5 Year 1999 which is the Rule of Reason, in order to prove whether there has been a prohibited cartel; it is necessary to conduct an in-depth examination of the reasons for business actors conducting a cartel. Law enforcement enforcement

authorities should check whether the reasons for the perpetrators of this cartel are reasonable restraint.³

Analysis of legal considerations about the detention of supply of imported beef in cartel practice is done by considering article 11 Law no 5 of 1999 regarding cartels that business actors are prohibited from entering into an agreement, with a competing business actor, intending to influence prices by regulating the production and or marketing of goods and service, which may result in monopolistic practices and unfair business competition. Then article 19 letter c of law number 5 year 1999 is also use. The alleged violation of article 19 letter c of law number 5 year 1999 in essence is related to the behavior of business actors either by themselves or by group. Other business actors restrict the circulation and sale to the relevant market.⁴ The business actor is alleged to have violated Article 11 of Law Number 5 Year 1999 in this case the element of business actor as described in the analysis of business actor has been fulfilled. The Secretariat of the Commission has conducted research on the existence of Alleged Violation of Article 11 and Article 19 letter c of Law Number 5 Year 1999 concerning Prohibition of Monopolistic Practices and Unfair Business Competition (hereinafter referred to as Law Number 5 Year 1999) in Imported Cattle Trade in Jakarta , Bogor, Depok, Tangerang, and Bekasi (JABODETABEK).⁵

³ Article 11 of Law Number 5 of 1999

⁴ Article 19 letter C of Law Number 5 of 1999

⁵ Putusan KPPU, "*Komisi Pengawas Persaingan Usaha*", available at <http://www.kppu.go.id/id/putusan/tahun-2015/>, accessed on Thursday 21 August 2017, at 23.30 pm.

After conducting investigation, filing and naming the report, the Commission declared that it is feasible to enter the Preliminary Examination stage and the Commission issued Commission Decision Number 29 / KPPU / Pen / IX / 2015 dated September 4, 2015 on Preliminary Examination of Case Number 10 / KPPU-I / 2015. That based on the Stipulation of the Preliminary Examination, the Chairman of the Commission determined the formation of the Commission Council by Decision of the Commission Number 40 / KPPU / Kep.3 / IX / 2015 dated September 4, 2015 concerning the Assignment of Commissioners as the Commission Council on Preliminary Examination of Case Number 10 / KPPUI / 2015. Then the Chairman of the Commission Council of Case Number 10 / KPPUI / 2015 issues the Decision Letter of Commission Council Number 26 / KMK / Kep / IX / 2015 regarding Period of Preliminary Examination of Case Number 10 / KPPU-I / 2015, within 30 working days from September 15, 2015 to October 28, 2015, and the Commission Assembly submitted the Preliminary Examination Notice, the Prequalification of the Preliminary Examination, the Decision of the Commission Council on the Preliminary Examination Period, and the Summoning Letter of the Commission Assembly I to the reported party.

Then on September 15, 2015, the Commission Assembly conducted the Commission Assembly Meeting with the agenda of reading and / or submitting copies of Report of Alleged Violation by Investigator to Reported Party and Session of Commission I Council attended by Investigator, Reported Party I, Reported Party II, Reported Party III, Reported Party IV, Reported Party V, Reported Party VI, Reported Party V, Reported Party V,

Reported Party V, Reported Party VIII, Reported Party IX, Reported Party X, Reported Party The Reported Party VII, Reported Party VIII, Reported Party IX, Reported Party X, Reported Party and that at the Commission Assembly Session I, the Investigator read Alleged Violation Report which essentially contained the following matters; Object Case Number 10 / KPPU-I / 2015 is cattle trade to supply beef in Jakarta, Bogor, Depok, Tangerang and Bekasi (JABODETABEK) in 2013 - August 2015.⁶

The relevant market in the provisions of Article 1 point 10 of Law Number 5 Year 1999 is a market related to a certain range or area of marketing by business actors on the same or similar goods or services or substitution of goods and or services. The product that became the object of this case is imported cattle. That product is a local cow and buffalo. However, imported cattle consumers do not choose to replace other products such as buffalo and local cattle at the time the price of imported beef products increases. Consumers' reaction to the increase in imported beef prices is to stop trading as it did in early 2013 and early August 2015, and on business actors that importers and feedloters who import cattle in the form of imported cattle and imported cattle are not all engaged in importing sustainably every year. Some registered business actors that have been imported cattle since 2013 until 2015 are as follows: PT Agro Giri Perkasa, PT Fortuna Megah Perkasa, PT Great Giant Livestock, PT Elders Indonesia, PT Santosa Agrindo, PT Austasia

⁶ Putusan KPPU, "*Komisi Pengawas Persaingan Usaha*", available at <http://www.kppu.go.id/id/putusan/tahun-2015/>, accessed on Thursday 21th August 2017, at 23.30 pm.

Stockfeed, PT Lemang Mesuji Lestary, PT Andri Agro Loka, PT Nusantara Tropical Farm, PT Karunia Alam Sentosa Abadi, PT Indo Beef Prima, PT Sukses Ganda Lestari, PT Guna Prima Dharma Abadi, PT Lembu Andalas Langkat, PT Sumber Alam Permata Indah, PT Eldira Fauna Asahan, PT Indofarm Sukses Makmur, PT Indah Gemilang Perkasa, PT Bina Mentari Tunggal, PT Citra Agro Buana Semesta, PT Kariyana Gita Utama, PT Kadila Lestari Jaya, PT Andini Karya Makmur, PT Widodo Makmur Perkasa, PT Pasir Tengah, PT Andini Persada Sejahtera, PT Sadjiwa Niaga Indonesia, PT Agrisatwa Jaya Kencana, PT Rumpinary Agro Industry, CV Mitra Agro Sangkuriang, CV Mitra Agro Sampurna, PT Catur Mitra Taruma, PT Berdikari (Persero), PT Pupuk Kujang, PT Legok Makmur Lestari, PT Lembu Jantan Perkasa, PT Tanjung Unggul Mandiri, PT Brahman Perkasa Sentosa, PT Septia Anugerah, and PT Sukses Ganda Lestari. The product market in this case is imported cattle in the form of beef cattle and cattle that are ready to cut to meet the needs of JABODETABEK geographic market. On September 22, 2015, the Commission Assembly conducted the Second Commission Assembly session with the agenda of submitting the Reported Party's Response to Report of Alleged Violation attended by Investigator and all Reported Party and in response, the Reported Party declined the alleged violation submitted by the Investigator.

After following the Preliminary Examination, the Commission Assembly shall prepare a Preliminary Examination Result Report submitted to the Commission Meeting. Based on the decision of the Commission Meeting. Then the Commission issued Commission Decision Number 32 /

KPPU / Pen / X / 2015 dated October 27, 2015 on Advanced Examination of Case Number 10 / KPPU-I / 2015. To carry out the Follow-up Examination, the Commission issued the Commission Decision Number 47 / KPPU / Kep.3 / X / 2015 dated October 27, 2015 on Assignment of Commissioners as Commissioners of the Commission on Advanced Examination of Case Number 10 / KPPUI / 2015. Whereas the Chairman of the Commission Council of Case Number 10 / KPPUI / 2015 issued Decree of Commission Council Number 32 / KMK / Kep / X / 2015 concerning the Period of Advanced Examination of Case Number 10 / KPPU-I / 2015, within a period of 60) Working days commencing from November 6, 2015 up to February 2, 2016 and the Commission Assembly has submitted the Advanced Examination Notice, Excerpt of Advanced Examination, the Decision of the Commission Assembly concerning the Period of Advanced Examination, and the Summoning Letter of Commission Assembly to the Reported Parties And Considering that at the stage of Follow-up Examination, the Commission Assembly shall hold the Commission Assembly Meeting to conduct the Investigation after which the Investigator submits the Conclusions of the Trial. A company can be said to practice cartel if more than two business actors are involved. The cartel requires the involvement of most business actors in the relevant market. In the case of alleged cartel of beef imports it is suspected that 32 feedloters have made an agreement by regulating the production and affecting the price.⁷

⁷ Putusan KPPU, "*Komisi Pengawas Persaingan Usaha*", available at <http://www.kppu.go.id/id/putusan/tahun-2015/>, accessed on Thursday 20th Agustus 2017, at 01.30 am.

The decision of Commission for The Supervision Of Business Competition Cases Number 10 / KPPU-I / 2015 concerning Alleged Violation of Article 11 and Article 19 letter c of Law Number 5 Year 1999 is Prohibition of Monopolistic Practices and Unfair Business Competition.

B. The Mechanism of Commission for The Supervision of Business Competition (KPPU) to resolve the cartel cases of imported beef.

The mechanism of Commission for The Supervision of Business Of Competition (KPPU) in resolving the cartel case of imported beef have passed several stages, which more or less can be classified as follows⁸:

1. Indication Collection

⁸ Direct Interview with Mr.Dendy R Sutrisno as Head of Legal, Public Relations and Cooperation, held in the Office of Commission For The Supervision Of Business Competition (KPPU) of Jakarta. Held on April 11th 2017, 10.00 am

A case may originate from a community report (usually an aggrieved competitor) or based on KPPU's own observations. Thus, other than on the basis of the report, KPPU may initiate a case on its own initiative. Indications of violation of Law no. 5 of 1999 is set forth in the form of written reports in Indonesian language, accompanied by evidence (letters and other supporting documents).

Report and file is addressed to the Chairman of KPPU. By the Chairman, the reports and files are forwarded to the Secretariat. It is the Secretary Duty to check the completeness. If it is not complete, the report within 10 working days shall be returned to the reporting party (by letter of Executive Director of KPPU Secretary). Understanding the working day here is Monday until Friday. The Reporting Party shall be given 10 working days from the notice of incompleteness to add to what is still lacking in the report. If within 10 working days the complainant is not contacted, it is assumed that the report is complete. In such case, the Secretary then makes an official memorandum to the Chairman of the Commission and based on that note the Chairman then makes a determination to commence the preliminary examination. The starting date of the preliminary examination is notified to the reporting party.

2. Preliminary Examination

Preliminary examination is conducted by the examiner team in the commission meeting. In the preliminary investigation stage, Commission for the Supervision of Business Competition (KPPU) has been able to call the reporting party and report to be questioned. The output of this

preliminary examination has two possibilities. First, it is stated that there is sufficient preliminary evidence so that it can be forwarded to a follow-up examination, or secondly, there is no sufficient initial evidence so the problem is considered complete. The length of the entire preliminary hearing process is 30 working days from the time the file is submitted from the Chairman to the Commission session.

3. Advanced Examination

Advanced examination stage lasts for 60 working days. If required, this period may be extended for a maximum of 30 working days. In this stage, the commission assembly appointed by the Chairperson of Commission for the Supervision of Business Competition (KPPU) may request the assistance of a team of investigators or an expert group. The goal is that the quality of the investigation and analysis of decisions can be more assured.

The Commission Assembly (usually 3 to 5 persons) has wide authority at this stage. They can call the reporters, witnesses, expert witnesses, and others who are considered to know the case. All identities and information during the examination are recorded in the minutes of the hearing. They may also request the submission of certain documents, which in some cases are even classified as confidential.

This advanced examination is fruitful on the verdict. Decision-making is given 30 working days from the completion of follow-up examination. This ruling is read out in a public hearing. This decision shall be submitted to the reported party.

4. Judgment Adjudication

If it is found guilty, the reported party may be subject to certain administrative sanctions. Within 30 working days of receipt of the decision notification, the reporting party shall be obligated to implement the content of the decision. The implementation of the decision is reported to Commission for the Supervision of Business Competition (KPPU).

There are 14 days from the date of the decision to the parties to receive or file an objection. The objection lawsuit is filed through the Court of Justice's office. If the time has passed, then the verdict is declared to have a permanent legal force. In this case Commission for the Supervision of Business Competition (KPPU) will apply for the determination of execution to the District Court. If the reporting party remains unwilling to perform the execution, Commission for the Supervision of Business Competition (KPPU) may submit the decision of the Commission to the investigator (Police) to conduct an investigation in accordance with applicable law (criminal) provisions. As stated above, within 14 days of the notice of the decision, the reporting party shall also have the right to file an objection to the decision to the District Court. According to Article 45 of Law no. 5 of 1999, the District Court shall examine the objections of the business actor within 14 days of receipt of the objection petition. The verdict itself has to be out within 30 days from the beginning of the objection check. This fast-paced process in practice creates problems. One of them is related to the procedure of calling, especially if the parties are domiciled abroad. The civil

procedure law (HIR) states such callings are made through the State Department, and this could take three months.

The objection petition is filed in the District Court of the applicant's domicile. In the event that an objection is filed by more than one business actor having different domicile, Commission for the Supervision of Business Competition (KPPU) may submit a written application to the Supreme Court to appoint the District Court which will examine the objection. This petition of Commission for the Supervision of Business Competition (KPPU) was also forwarded to all the courts that were delegated to the objection, so that they all had to stop the investigation of the case first until there was the appointment of the Supreme Court. There is a 14-day period for the Supreme Court to determine which one District Court is in charge of examining the case.

For a non-designated District Court, within 7 days he /she shall submit his / her case files to the designated District Court, including the remaining costs of the case that have already been paid. The designated District Court subsequently proceeds to review this appeal within 30 days of receiving the file.

The District Court which took over the case must request the documents which had been in the hands of Commission for the Supervision of Business Competition (KPPU) (handed over on the day of the first trial). Problems arise about the identity of the reporting party, given the regulation mandates for Commission for the Supervision of Business Competition (KPPU) to

ensure its confidentiality. Until now, Commission for the Supervision of Business Competition (KPPU) has insisted that the submitted file exclude the identity of the reporting party. In this case, the opposing parties are the Commission for the Supervision of Business Competition (KPPU) itself with the business actor objectionant.

The District Court directly examined this request without offering mediation. What the object of the Court of Appeal examination is limited to Commission for the Supervision of Business Competition (KPPU) decision and case file. This means that the District Court is no longer required to present new evidence beyond those already decided or contained in the file submitted by Commission for the Supervision of Business Competition (KPPU). This restriction is necessary so that the deadlines given by law can be achieved. However, if deem is necessary, the panel of judges in the District Court may issue an interlocutory decision to request the Commission for the Supervision of Business Competition (KPPU) to conduct additional checks.

The case is returned for additional inspection; the remaining time of objection in the District Court shall be suspended. The District Court must continue the trial no later than 7 days after Commission for the Supervision of Business Competition (KPPU) submitted an additional inspection file. The remaining time due to the suspension will still be calculated by the District Court to keep their 30-day deadline fulfilled.

5. Execution of decision.

After the District Court handed down its verdict, there was still one more legal remedy for those who objected (did not receive), namely the appeal to the Supreme Court. The understanding of the parties who object to this can be Commission for the Supervision of Business Competition (KPPU) and business actor. The cassation appeal is granted within 14 days (interpreted since the parties received the verdict) and the Supreme Court has 30 days to present the decision since the appeal is received. The procedure for submitting a cassation memory is subject to the applicable provisions as is the case in general.⁹

The request for determination of the execution of the verdict which has been examined through the objection procedure is submitted by Commission for the Supervision of Business Competition (KPPU) to the District Court deciding the case. However, for cases that are not examined through the procedure, submission of the execution to the District Court in the domicile of business actors shall be filed. In order for the rule of law to be enforced properly, adequate organs of law enforcement are required. A rule of law, however good substantively, will not work properly if it is not supported by a good law enforcement system. In view of that, to enforce business competition law, or rather oversee the implementation of Law No.

⁹ Direct Interview with Mr.Dendy R Sutrisno as Head of Legal, Public Relations and Cooperation, held in the Office of Commission For The Supervision Of Business Competition (KPPU) of Jakarta. Held on April 11th 2017, 10.00 am

5 Of 1999 concerning Prohibition of Monopolistic Practices and Unfair Business Competition, Commission for the Supervision of Business Competition (KPPU) was established. Commission for the Supervision of Business Competition (KPPU) is established as an independent institution that has the task to conduct investigation, examination, and provide assessment as well as an institution to take legal action for business actors conducting monopolistic practices and unfair business competition. When viewed from the perspective of competition law and economics, business actors can determine the price and the consumer who buy the product if the price is acceptable and considered better for himself/herself compared to the price set by the competitor, then to find out whether the implementation of imported beef. This beef can be categorized as a cartel based on Law no. 5 Year 1999 can be seen from the elements in Article 11 regarding the cartel whether there has been a violation so that alleged cartel practices in the import of beef can be categorized as cartel or not, as for cartel elements are:¹⁰

a) There is an agreement

Agreement pursuant to Article 1 Number 7 is an act of one or more business actors to bind themselves to one or more other businesses with any name, either written or unwritten and in case of alleged case of beef business. There are 32 business actors who allegedly involved in the

¹⁰ Cartel Settings And Sample Case, Commission For The Supervision Of Bussniss Competition Regulation Number 4 Year 2010 about The Guidance of the article 11 about Cartel from Law Number 5 Year 1999

containment of imported beef stock. Allegedly the agreement made by 32 feedloter is by stockpiling beef stocks in warehouses and at the time of demand soaring stock issued as before the days of feast.

Looking for evidence by using written agreement or agreement is very difficult to do, therefore to prove the cartel the commission used indirect evidence that results of economic analysis using economic tools that are scientifically recognized and can show the correlation between one facts with another fact. Indeed there has been arrangement and the allegedly committed agreement by the feedloters who reported not yet found whether the agreement is done in writing or not written.

b) The agreement is made with a competitor

In the cartel, the business actors involved in the agreement must be more than two business actors in order for the cartel to succeed, the cartel requires the involvement of most business actors in the relevant market. In the case of alleged cartel of imported beef, there were suspected 32 business actors or feedloter make arrangement by arranging production and influence price and to 32 feedloters reported in the same business as a competitor.

c) The purpose is to influence the price

As formulated in Article 11, a cartel is intended to affect prices. In the case of alleged cartel practices Commission for the Supervision of Business Competition (KPPU) suspected mischievous practices carried out by the feedloter because of this action the price of beef in July-August 2015 jumped high with the price of Rp. 100.000 - Rp.140.000 / kg in

2015. In the year 2009 the price of beef was Rp. 21,500 / kg, in the year 2013 in June-July the price of meat rose to Rp. 33.000 / kg, and in the year 2014 the price of beef Rp. 34,500 / kg this is what makes the Investigation Team of KPPU suspect the cartel because in July-August 2015 beef prices jumped high up to the price of Rp. 100.000-140.000.

The following table is the list of beef prices from the Year 2007-2015 :

Year	JAN	FEB	MARCH	APRIL	MEI	JUNE	JULY	AGS	SEP	OCT	NOV	DES
2007	49.165	49.024	49.024	49.355	49.418	49.484	49.629	49.618	48.858	53.224	49.375	49.517
2008	49.704	49.924	51.171	51.142	51.221	51.605	52.287	53.138	58.552	59.676	58.709	58.908
2009	59.026	58.867	58.764	58.761	58.648	58.441	58.458	59.120	61.992	61.001	60.489	60.957
2010	61.124	61.121	61.008	61.000	60.890	60.876	62.058	65.349	69.109	64.984	64.932	64.884
2011	64.705	64.944	64.864	64.912	64.661	64.487	66.163	70.614	69.625	68.549	68.789	
2012	71.890	72.781	73.093	73.347	73.612	74.393	76.895	79.798	79.143	80.589	82.045	
2013	90.000	90.000	90.000	90.000	90.000	90.000	95.000	100.000	95.000	95.000	96.706	99.364
2014	95.000			100.000			105.000			100.000	100.000	100.000
2015	98.340		96.250			98.550		119.011				102.500

Source: Data team comodities of beef, Minister of Commerce, Republic of Indonesia

From the above data, it is found that the lowest price of beef in the year 2012 is Rp. 71.890 / kg and the highest is Rp. 82.045 / kg, in 2013 the lowest beef price is Rp. 90.000 / kg and the highest is Rp. 100.000 / kg, in the year 2014 the lowest price is Rp. 95.000 / kg and the highest is Rp. 105.000, by 2015 the lowest price is Rp. 98.000 and highest is Rp. 119.001 / kg. It means the highest price of one particular year became the lowest price of beef in the following year.

One of the causes of the increase in beef prices is the absence of clear regulation by the government on how much the import quota of beef that must enter Indonesia each year. Then the imports of beef into the market is stored in certain markets because if it is spread to all the markets will impact on local meat and also local meat that has been provided in the market can not meet the production quota for consumer demand then to suffice the demand by the public as a consumer plus supply of import quotas of beef. In view of the quality of imported beef which in which has a good quality fair when the price always increases every year because in addition to the large demand also to meet and sufficient supply of local beef that both want to be in production, while in the markets local beef were sold at a high price because of the size of the existing demand so the price of local beef and imports equal the same price increases.

- d) Measures to influence prices shall be made by regulating the production and or marketing of certain goods and services.

Setting production means determining the amount of production for both the cartel as a whole and for each member. This may be greater or less than the company's production capacity or demand for the goods or services concerned. While regulating marketing means managing the amount to be sold and or the area in which members sell their produce. According to Commission for the Supervision of Business Competition (KPPU), in the case of alleged cartel practices in the import of beef, the feedlot is suspected to regulate the production of beef, hampering business competition. Business actors are also suspected of organizing marketing by holding back stock of beef to be sold and raising the price of meat at the time of increasing demand.

- e) Such action may result in monopolistic practices and or unfair business competition.

Monopoly Practices under Article 1 point 2 is the concentration of economic power by one or more business actors which result in the control of production and or marketing of certain goods and or services, resulting in unfair business competition. Given the alleged cartel practices in beef imports, the production and marketing of beef will be controlled by the reported feedloters and other beef entrepreneurs who are not incorporated in their cooperation will feel the impact where they do not benefit as much as they can The 32 feedloters. Since the ultimate objective of the cartel is to gain substantial benefits for the cartel members, this will cause harm to the public interest and Article 1 point 6

specifies that unfair business competition is competition among business actors in carrying out production and or marketing activities of goods or services Done by dishonest means. While the cartel is a collaboration of business actors, therefore all the benefits of what the feedloters do is only for the benefit of its members only. So that their actions are carried out unfairly and dishonestly and against the law that resulted in stalled business competition.