

Tinjauan yuridis terhadap substantive test in merger review pada merger vertikal dalam perspektif hukum persaingan usaha : studi kasus merger PT. Chandra Asri dan PT. Tri Polyta Indonesia Tbk. = Juridicial analysis the implication of substantive test in merger review on vertical merger according to anti-trust law perspective : case study merger PT. Chandra Asri dan PT. Tri Polyta Indonesia Tbk.

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Abstrak

Skripsi ini membahas mengenai penerapan substantive test sebagai bentuk penilaian yang dilakukan oleh otoritas pengawas persaingan usaha di berbagai Negara untuk menilai apakah suatu merger dapat berdampak terhadap persaingan atau tidak. Ada tiga jenis substantive test yang dikenal di dunia, yaitu Market Dominance Test, Substantial Lessening Competition Test atau Significant Impediment to a Competition Test dan Public Interest Test. Penilaian merger dituangkan dalam sebuah merger guidelines yang dikeluarkan oleh otoritas persaingan yang memuat berbagai kriteria penilaian merger. Merger dua raksasa petrokimia Indonesia yang merupakan anak perusahaan PT. Barito Pacific Tbk., PT. Chandra Asri dan PT. Tri Polyta Indonesia Tbk. mengakibatkan threshold yang sangat besar sehingga banyak kalangan menilai merger kedua pelaku usaha ini dapat berdampak terhadap persaingan.

*This thesis discusses about the application of substantive tests as a form of assessment conducted by business competition supervisory authorities in various countries to assess whether a merger may affect competition or not. There are three types of substantive tests which is well-known in the world, namely the Market Dominance Test, Substantial Lessening Competition Test atau Significant Impediment to a Competition Test and Public Interest Test. Assessment of the merger set forth in a merger guidelines issued by competition authorities that includes a variety of merger assessment criteria. Merger of two giant petrochemical Indonesia, which is a subsidiary of PT. Barito Pacific Tbk., PT. Chandra Asri and PT. Tri Polyta Indonesia Tbk. resulted in a very large number of its threshold, so many people thinks that there should be an assessment merger towards them because their merger plan can give an impact on competition.*