

# Tinjauan hukum persaingan usaha terhadap klausula anticircumvention dalam perjanjian lisensi program komputer iOS = Antitrust law review towards anticircumvention clause in iOS software license agreement

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## Abstrak

Di dalam Industri Teknologi Informasi, doktrin anticircumvention memberikan perlindungan terhadap hambatan-hambatan teknis yang diterapkan Pemilik Platform dalam closed platform technology untuk menghindari kompetisi. Skripsi ini membahas mengenai akibat dari doktrin anticircumvention yang diterapkan Apple, sebagai pemilik platform teknologi, melalui klausula anticircumvention dalam perjanjian lisensi perangkat lunak iOS (iOS EULA), terhadap kebebasan yang dimiliki konsumen dalam pasar aplikasi iOS Device dan akibatnya terhadap persaingan usaha.

Penelitian dilakukan dengan menganalisis akibat teknis dari klausula anticircumvention dalam iOS EULA, kemudian menganalisis akibat teknis tersebut berdasarkan Undang Undang No. 5 Tahun 1999 tentang Larangan Praktek Monopoli dan Persaingan Usaha Tidak Sehat. Didapati bahwa klausula anticircumvention menyebabkan konsumen terkunci di dalam pasar aplikasi iOS Device yang dikuasai Apple dan hal tersebut menimbulkan potensi pelanggaran persaingan usaha berupa penyalahgunaan monopoli, monopsoni, dan penguasaan pasar oleh Apple.

.....The anticircumvention doctrine in Information Technology Industry provides legal protection towards technological barriers applied by Platform Owner of closed platform technology to avoid competition. This thesis aims to elaborate the aftermath of anticircumvention doctrine applied by Apple through anticircumvention clause in iOS end user license agreement (iOS EULA) on the customer's freedom of choice in iOS Device Application market and its aftermath on the competition.

This research are done by analyzing technical effects caused by anticircumvention clause in iOS EULA and analyzing those technical effects according to Law No. 5 Year 1999 on the Prohibition of Monopoly and Unfair Business Competition Practices. This thesis concludes that customers are locked in iOS Device application market that is controlled by Apple and it brings potencies of antitrust law infringement in the form of monopoly, monopsony, and market controlling abuse done by Apple.