

Tinjauan yuridis larangan praktek diskriminasi pelaku usaha terhadap pelaku usaha tertentu dalam undang-undang nomor 5 tahun 1999 (studi kasus putusan KPPU No. 05/KPPU-I/2012 tentang kasus tender export pipeline front end engineering and design contract) = Juridical analysis of discriminative practices prohibition which conduct by business actors to the certain business actors under act no 5 1999 case study decision of kppu no 05 kppu i 2012 / Josua Septian

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Abstrak

ABSTRAK

Skripsi ini membahas mengenai ketentuan larangan praktek diskriminasi pelaku usaha terhadap pelaku usaha tertentu yang diatur dalam Pasal 19 huruf d Undang-Undang No.5 Tahun 1999. Peneliti dalam hal ini mengambil contoh kasus dari putusan KPPU No.05/KPPU-I/2012 tentang praktek diskriminasi yang dilakukan oleh PT.Chevron Indonesia Company dalam tender export pipeline front end engineering and design contract di lingkungan PT.Chevron Indonesia Company. Penelitian ini dilakukan bersifat yuridis normatif dengan meneliti praktek diskriminasi berdasarkan teori dan peraturan perundang-undangan yang berlaku. Hasil penelitian ini pada akhirnya menyarankan pihak KPPU untuk lebih memperjelas kriteria praktek diskriminasi yang dilarang dan dalam memutus sebuah perkara terkait diskriminasi pelaku usaha pihak KPPU harus lebih memperhatikan pembuktian atas segala unsurunsur larangan praktek diskriminasi sebagaimana diatur dalam Pasal 19 huruf d, terlebih unsur “menyebabkan persaingan usaha yang tidak sehat” dalam kasus terkait

ABSTRACT

This thesis explains about the prohibition of discriminative practice which conduct by a business actor to the certain business actors which regulated in article 19 paragraph d of Act No.5 /1999. Researcher in this thesis takes the Comission decision No. 05/KPPU-I/2012 concerning discriminative practices which has conducted by Chevron Indonesia Company in the tender of Export Pipeline Front End Engineering and Design Contract as a case study. This thesis was conducted by examining the normative juridical practice of discrimination based on theory and legislation in force. The results of this study ultimately recommends the commission to improve and clarify the criteria and practice of discrimination, beside that in deciding a case related discriminative practices, the comission (KPPU) should pay more attention about the fulfillment of all elements of the prohibition of discrimination under article 19 paragraph d Act No.5/1999, especially the element of “causing unfair competition” in the relevant cases