

Tying agreement dalam Hukum Persaingan Usaha (Analisis Putusan KPPU No. 07/KPPU-I/2013 Tentang Dugaan Pelanggaran Undang-undang Nomor 5 Tahun 1999 Terkait Penyediaan Jaringan Telekomunikasi dan Implementasi e-POS di Bandar Udara Soekarno-Hatta) = Tying agreement in Antitrust Law (Analysis of Commission's Decision No. 07/KPPU-I/2013 Regarding Alleged Violations of Law Number 5 Year 1999 Related to the Provision of Telecommunication Networks and Implementation of e-POS in Soekarno-Hatta Airport)

Nina Cornelia Santoso, author

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Abstrak

Salah satu perjanjian yang dilarang karena dapat menimbulkan persaingan tidak sehat adalah tying agreement. Dikarenakan ada tying agreement yang menimbulkan dampak positif, maka tidak seluruh tying agreement otomatis melanggar hukum persaingan usaha. Skripsi ini membahas mengenai tying agreement khususnya dalam Putusan KPPU No. 07/KPPU-I/2013, dimana KPPU menyatakan Perjanjian Sewa Ruangan dan Konsesi Usaha antara PT. Angkasa Pura II dengan tenant-nya termasuk ke dalam tying agreement yang dilarang. Penulis menggunakan metode penelitian yuridis normatif dengan jenis data sekunder berdasarkan penelusuran kepustakaan, ditunjang dengan data primer melalui wawancara. Berdasarkan analisis diperoleh kesimpulan bahwa Perjanjian Sewa Ruangan dan Konsesi Usaha termasuk tying agreement yang dilarang dan bahwa beberapa hal dalam Putusan KPPU No. 07/KPPU-I/2013 belum sesuai dengan hukum persaingan usaha yang berlaku.

.....One of the agreements prohibited in Antitrust Law because it can lead to unfair competition is tying agreement. Because there are tying agreements that have positive impacts, therefore not all tying agreements will automatically violate Antitrust Law. This thesis discusses tying agreement, particularly in the Commission's Decision No. 07/KPPU-I/2013, where the Commission stated that Lease and Business Concession Agreement between PT. Angkasa Pura II with its tenants is a prohibited tying agreement. The author used the method of normative juridical research with secondary data based on literature searches, supported by primary data through interviews. Based on the analysis it was concluded that the Lease and Business Concession Agreement was a prohibited tying agreement and that some parts of the Commission's Decision No. 07/KPPU-I/2013 were not in accordance with the applicable Antitrust Law.