

Dugaan praktek kartel ditinjau dari Undang-Undang Nomor 5 Tahun 1999 tentang larangan praktek monopoli dan persaingan usaha tidak sehat : studi kasus kartel ban mobil putusan KPPU No. 08/KPPU-I/2014 = Presumption of cartel practices based on Law Number 5 of the year 1999 on prohibition of monopolistic practice and unhealthy business competition : case study of car tire cartel KPPU decision Number 08 KPPU-I/2014

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Abstrak

Hukum persaingan usaha melindungi persaingan dan proses persaingan yang sehat dengan mencegah dan memberikan sanksi terhadap tindakan-tindakan yang anti persaingan. Kartel sangat merugikan perekonomian karena para pelaku usaha anggota kartel akan setuju untuk melakukan kegiatan yang berdampak pada pengendalian harga, seperti pembatasan jumlah produksi yang akan menyebabkan inefisiensi alokasi. Skripsi ini membahas dugaan praktek kartel dan penetapan harga yang dilakukan oleh enam perusahaan ban di Indonesia. Komisi Pengawas Persaingan Usaha (KPPU) menyatakan bahwa keenam perusahaan melakukan kesepakatan penetapan harga dan mengontrol produksi dan penjualan ban dalam periode 2009 sampai 2012. Keenam perusahaan tersebut dituduh melanggar Pasal 5 ayat (1) dan Pasal 11 UU No. 5 Tahun 1999. Dalam putusannya, KPPU menyatakan bahwa keenam perusahaan tersebut terbukti melanggar Pasal 5 ayat (1) dan Pasal 11, yakni penetapan harga dan kartel. Alhasil, KPPU menghukum enam perusahaan ban tersebut untuk membayar denda sebesar 25 milyar rupiah. Dalam proses penulisan skripsi ini, penulis menggunakan metode penelitian hukum normatif dengan tujuan menganalisis putusan KPPU No. 08/KPPU-I/2014 berdasarkan UU No. 5 Tahun 1999 dan Peraturan Komisi No. 4 Tahun 2010.

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The Business Competition Law protects competition and the healthy competition process by preventing and giving sanctions to the anti-competition acts. Cartels are very detrimental to the economy because the business doers as the cartel members will agree to do activities having impact on price control, such as the limitation of production amount which will cause allocation inefficiency. This thesis analyzes the presumption of cartel practices and price fixing agreement by the six tire manufacturers in Indonesia. Business Competition Supervisory Commission (KPPU) said that the companies are suspected to have made deals in price fixing and controlling tire production and sales from 2009 until 2012. They were alleged for breaching article 5(1) and article 11 Law Number 5/1999. However on its final decision, KPPU decided that the six companies have breached article 5(1) and article 11, concerning price fixing and cartel. As a result to this breach, the KPPU punished the six companies to pay fine in the amount of IDR 25 billion. In process of writing this thesis, writer is using legal research method to analyzing KPPU decision Number 08/KPPU-I/2014 based on the Law Number 5/1999 and Commission Regulation Number 4/2010.