

Eksekusi putusan lembaga penegak hukum persaingan usaha terhadap perusahaan asing di luar negeri (studi kasus: Amerika Serikat, Uni Eropa dan Indonesia) = The execution of the competition authority's decision against foreign company where located abroad (case studies: the United States of America, European Union and Indonesia) / M. Hadyan Yunhas Purba

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Abstrak

ABSTRAK

Penelitian ini akan membahas mengenai Eksekusi keputusan lembaga penegak hukum persaingan usaha terhadap perusahaan asing di luar negeri merupakan salah satu bagian terpenting dalam penegakan hukum persaingan usaha saat ini. Sebab, kegiatan perusahaan asing di luar negeri bisa saja menimbulkan dampak anti persaingan yang merugikan perekonomian suatu negara. Penelitian ini menggunakan metode penelitian yuridis normatif dengan melakukan studi kepustakaan. Penulis juga akan membandingkan hukum persaingan usaha di Amerika Serikat, Uni Eropa dan Indonesia. Dalam penelitian ini, penulis menemukan bahwa peraturan persaingan usaha di beberapa Negara seperti Amerika Serikat dan Uni Eropa telah mengatur hal-hal yang spesifik dan kompleks dalam pencegahan dan penanggulangan tindakan anti persaingan yang dilakukan pelaku usaha, termasuk bagaimana proses penegakan hukum terhadap kegiatan perusahaan asing yang menimbulkan dampak anti persaingan dan merugikan perekonomian dalam negeri. Namun tidak dengan Indonesia, dimana Undang-Undang No.5 Tahun 1999 tentang Larangan Praktik Monopoli dan Persaingan Usaha Tidak Sehat sebagai hukum persaingan usaha di Indonesia belum mengatur permasalahan terkait dengan penegakan hukum persaingan usahanya terhadap perusahaan asing di luar negeri. Penulis menyarankan agar Pemerintah Indonesia dapat mencontoh dan mengadopsi pola penegakan hukum persaingan usaha di Amerika Serikat dan Uni Eropa.

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ABSTRACT

This research will explain the execution of the competition authority's decision that convict foreign company where located abroad is one of the crucial matters in antitrust law enforcement. Because the conduct of foreign company abroad can arise an anticompetitive effect that harmed the economic activity in one state. This research uses normative juridical research method with library research. The Author will compare the competition law in The United States, Europe Union, and Indonesia. In this research, The Author found that the competition law in The United States of America and European Union had stipulated all matters regarding business competition specifically and complexly, including the law enforcement process against the foreign company's activity that conducted abroad but harms the economic activity in one country. Otherwise, in Indonesian, Law No.5 of 1999 on The Ban of Monopoli Practice and Unfair Business Competition, as competition law Indonesia, has no stipulated the matters regarding the law enforcement process against the foreign company's activity that conducted abroad but harm economy activity in Indonesia. The Uthor suggest the Indonesian Government can follow and adopt the competition law enforcement in The United States of America and European Union.