

Analisis Pembentukan Holding BUMN Sektor Pariwisata dan Pendukungnya Ditinjau dari Hukum Persaingan Usaha = Analysis of Establishment of State-Owned Enterprise Holding Company for Tourism and Its Support from The Perspective of Indonesia Anti Monopoly and Competition Law

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Abstrak

Pembentukan holding company BUMN menyebabkan perusahaan-perusahaan yang tergabung dapat saling bersinergi. Dengan adanya sinergi tersebut, holding company BUMN rentan untuk bekerjasama melakukan tindakan anti persaingan. Dalam skripsi ini, penulis meneliti terkait pembentukan holding BUMN sektor pariwisata dan pendukungnya ditinjau dari hukum persaingan usaha. Penelitian ini merupakan penelitian kepustakaan yang dilakukan dengan menggunakan tipologi penelitian yuridis normatif. Hasil dari penelitian menyimpulkan bahwa holding BUMN sektor pariwisata dan pendukungnya berada dalam sebuah cluster market, yaitu tourism product market. Selain itu, pembentukan holding company BUMN, secara khusus sektor pariwisata dan pendukungnya, wajib melakukan notifikasi kepada KPPU sebagaimana dalam Pasal 29 ayat (1) Undang-Undang Nomor 5 Tahun 1999. Terkait adanya potensi bundling, bentuk bundling yang dapat dilakukan adalah mixed bundling sehingga tidak melanggar ketentuan tying agreement dalam Pasal 15 ayat (2) Undang-Undang Nomor 5 Tahun 1999.

.....The establishment of State-Owned Enterprise (SOE's) holding company has resulted in the companies that incorporated being able to support each other. Therefore, SOE's holding company is vulnerable to cooperate in taking anti-competitive practices. In this thesis, the author examines the establishment of SOE's holding company for tourism and its support from the perspective of Indonesia Anti Monopoly and Competition Law. This research is library research, which is done by using the typology of juridical normative research. The result of this research concludes that SOE's holding company for tourism and its support is in a cluster market, namely tourism product market. Moreover, the establishment of SOE's holding company, specifically the sector of tourism and its support, has fulfilled the notification requirement to KPPU in Article 29 paragraph (1) Law Number 5 Year 1999. Regarding the potential for bundling, the form of bundling that can be done is mixed bundling so it doesn't violate the provisions of the tying agreement in Article 15 paragraph (2) Law Number 5 Year 1999.