

# **Sanksi Atas Keterlambatan Pemberitahuan Pengambilalihan Saham Perusahaan Kepada Komisi Pengawas Persaingan Usaha (Studi Kasus Putusan KPPU Nomor 19/KPPU-M/2020) = Sanctions For Delayed Notification Of Company Share Acquisition To The Business Competition Supervisory Commission (Case Study Of KPPU Decision 19/KPPU-M/2020)**

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## **Abstrak**

Pemberitahuan kepada Komisi telah terjadinya pengambilalihan saham harus dilakukan apabila sudah melebihi jumlah tertentu dan harus dilakukan selambat-lambatnya 30 (tiga puluh) hari sejak tanggal pengambilalihan tersebut. PT Pembangunan Perumahan (Persero), Tbk. Terlambat menyampaikan pemberitahuan pengambilalihan saham PT Centurion Perkasa Iman kepada KPPU selama 2 (dua) hari kerja. Atas pelanggaran tersebut, PT PP (Persero), Tbk dijatuhan denda sebesar Rp1.000.000.000,00 (Satu Miliar Rupiah). Denda tersebut mengalami pengurangan dari pengaturan undang-undang karena pertimbangan hal-hal yang meringankan oleh Majelis Komisi. Pengurangan denda karena hal-hal yang meringankan mengakibatkan pendapat Majelis Komisi menjadi peran sangat penting. Selain itu, dalam kasus ini juga terdapat perbedaan pendapat mengenai definisi dan kategori perusahaan terafiliasi. Metode penelitian yang digunakan dalam penelitian ini adalah penelitian yuridis normatif dengan tujuan menganalisis kasus pengambilalihan saham PT CPI oleh PT PP (Persero), Tbk berdasarkan undang-undang. Hasil dari penelitian ini adalah terdapat salah pengertian oleh PT PP (Persero), Tbk mengenai perusahaan terafiliasi dan penghitungan nilai aset dan/atau nilai penjualan gabungan. Pertimbangan Majelis Komisi dengan alasan hal-hal yang meringankan tidak diatur dalam undang-undang.

.....The Commission must be notified of the acquisition of shares after a particular period of time has elapsed and no later than thirty (30) days after the date of acquisition. PT Pembangunan Perumahan (Persero), Tbk is known to have been 2 (two) business days late in notifying KPPU of the takeover of PT Centurion Perkasa Iman shares. For this infraction, PT PP (Persero), Tbk was liable to a fine of IDR 1,000,000,000.00 (One Billion Rupiah). However, the amount of the fine was reduced from that which had been stipulated by law because of the relief granted by the Commission Council. In this case, the Commission Council has a very important role in reducing the fines that have been set at PT PP (Persero) Tbk. Furthermore, in this scenario, there are varying opinions on what constitutes an affiliated company and how to classify them. To analyse the situation of PT PP (Persero), Tbk's takeover of PT CPI shares in a way that is compliant with the law, this study employs a method known as normative juridical research. Based on the findings of this research, PT PP (Persero), Tbk has some confusion about how to value its affiliated companies' assets and/or total sales. The consideration of mitigating circumstances by the Commission Council is not governed by law.