

Persaingan usaha di forum WTO dan perlunya ketentuan mengenai M&A

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Abstrak

Two issues leading to the collapse of the 5th WTO ministerial meeting in Cancun, Mexico, are agricultural issue and Singapore Issues. There are four sub-issues on Singapore issues, which are Trade and Competition- Policy, Trade and Investment, Transparency on Government Procurement and Trade Facilitation. The issues on competition policy are some ambiguities such as the coverage of hardcore cartel provisions and the differences on the articles or business practices which can be considered as per se illegal and which one will be considered as rule of reason. The most crucial on handling competition case is analyzing relevant market consisting product market and geographical market. Related to the Indonesian competition law, unfortunately' the definition on the relevant market is not clear enough Besides that, Indonesian competition law does not give authority to the Indonesian Competition Institution to enact some guidelines issued by OECD, UNCTAD or countries which having wide experience in handling competition cases. Up to now, the Indonesian competition law has not been completed with the government regulation on merger and acquisition. To invite the government people in the ministry of industry and trade who are responsible to prepare the said government regulation, this paper is ended with the case of merger between Boeing and MDC suffering injury for Airbus company and the practice of exclusive dealing done by Boeing-MDC