

Pengadaan barang dan/atau jasa di lingkungan BUMN dalam perspektif hukum persaingan usaha : studi terhadap kontrak pengadaan jasa pekerjaan pembuatan pool kendaraan eks 3-3 tempat istirahat Sta. 41 Jalan Tol Cabang Jakarta-Cikampek = Procurement on goods and/or services in the State-Owned Enterprises : study on the agreement regarding the services of construction work on vehicles pool eks 3-3 rest area Sta. 41 a road toll branch of Jakarta-Cikampek

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Abstrak

Tesis ini membahas tinjauan yuridis Pengadaan Barang dan/atau Jasa di lingkungan BUMN dalam Perspektif Hukum Persaingan Usaha (Studi terhadap Kontrak Pengadaan Jasa Pekerjaan Pembuatan Pool Kendaraan eks 3-3 Tempat Istirahat Sta. 41 A Jalan Tol Cabang Jakarta-Cikampek). Tinjauan yuridis meliputi implikasi yuridis ketentuan-ketentuan dalam perspektif Hukum Perdata dan Hukum Persaingan Usaha terhadap praktek Pengadaan Barang dan/atau Jasa di lingkungan BUMN, khususnya PT. Jasa Marga (Persero), Tbk. Penelitian ini menggunakan metode penelitian yuridis normatif, dengan menggunakan data sekunder, yang berasal dari bahan hukum primer, sekunder, dan tersier. Hasil penelitian menyatakan bahwa implikasi yuridis Pengadaan Barang dan/atau Jasa di lingkungan BUMN pada studi tersebut, memiliki keterkaitan dengan tiga hal, yaitu: mekanisme Pengadaan Barang dan/atau Jasa, implementasi perjanjian peminjaman nama badan usaha dari perspektif Hukum Perikatan dan Hukum Persaingan Usaha, serta pengawasan hasil pekerjaan dalam Pengadaan Barang dan/atau Jasa dan perlindungan hukum terhadap Pengguna Barang dan/atau Jasa terhadap risiko wanprestasi dari Penyedia Barang dan/atau Jasa.

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The focus of this thesis is juridical analysis regarding the Procurement on Goods and/or Services in the State-Owned Enterprises (Study on The Agreement Regarding the Services of Construction Work on Vehicles Pool eks 3-3 Rest Area Sta. 41 a Road Toll Branch of Jakarta-Cikampek). Such juridical analysis divided into juridical implication of the prevailing regulation provisions in the perspective of Civil Law and Antitrust Law in relation to the Procurement on Goods and/or Services in the State-Owned Enterprises, especially PT. Jasa Marga (Persero), Tbk. The method for this research is normative research method, using secondary data; emerge from primary, secondary, and tertiary law source. The conclusion of this research states that juridical implication of such Procurement on Goods and/or Services in the State-Owned Enterprises on such study, having connection with these three matters: the procedure of the Procurement on Goods and/or Services, the implementation of the agreement on legal entity name borrowing on the perspective of Civil Law and Antitrust Law, and the supervisory on the work result of the Procurement regarding Goods and/or Services along with the legal protection for the User of such Goods and/or Services in relation to the breach of contract risk resulted by the Provider of the Goods and/or Services.