

Analisis hukum persaingan usaha terhadap kewajiban pemberitahuan pengambilalihan saham perusahaan kepada komisi pengawas persaingan usaha: studi kasus putusan komisi pengawas persaingan usaha Nomor 09/KPPU- M/ 2012 = Competition law analysis of acquisition notification duty to business competition supervisory commission: case study of the decision of business competition supervisory commission Number 09/ KPPU-M 2012

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Abstrak

ABSTRAK

Skripsi ini membahas mengenai perkara dalam Putusan Komisi Pengawas Persaingan Usaha Nomor 09/KPPU-M/2012 yang memberikan sanksi denda sebesar Rp 4.600.000.000,00 kepada PT. Mitra Pinasthika Mustika atas keterlambatannya melakukan kewajiban pemberitahuan pengambilalihan saham. Penelitian ini juga membahas sistem pemberitahuan pengambilalihan saham di Indonesia yang dilakukan setelah pengambilalihan berlaku efektif secara yuridis atau yang biasa disebut pemberitahuan pasca akuisisi (post merger notification). Penelitian ini menganalisis efektivitas dan efisiensi kewajiban pemberitahuan pengambilalihan saham di Indonesia yang menganut sistem pemberitahuan pasca akuisisi dengan contoh kasus keterlambatan pelaksanaan kewajiban pemberitahuan pengambilalihan saham oleh PT. Mitra Pinasthika Mustika dalam Putusan Komisi Pengawas Persaingan Usaha Nomor 09/KPPU-M/2012. Penelitian ini merupakan penelitian yuridis normatif yang menggunakan metode eksplanatoris. Dari hasil dari penelitian ini ditemukan bahwa kewajiban pemberitahuan di Indonesia hanya dilakukan oleh pelaku usaha yang akuisisinya menyebabkan nilai aset dan/atau nilai perusahaan melebihi batas tertentu setelah akuisisi; didapatkan juga hasil bahwa pengaturan kewajiban pemberitahuan pengambilalihan saham perusahaan dalam hukum persaingan usaha di Indonesia adalah tidak efektif dan efisien; dan didapatkan hasil bahwa PT. Mitra Pinasthika Mustika sesuai dengan peraturan mengenai kewajiban pemberitahuan di Indonesia terbukti terlambat melakukan kewajiban pemberitahuan akuisisi, namun ketentuan di Indonesia sendiri tentang kewajiban pemberitahuan pengambilalihan saham perusahaan tidak tepat.

ABSTRACT

This thesis explains about the case in the Decision of Business Competition Supervisory Commission Number 09/KPPU-M/2012 which sentenced Rp 4.600.000.000,00 amount fine to PT. Mitra Pinasthika Mustika for its delay to fulfill its acquisition notification duty. This research also explains the system of acquisition notification duty in Indonesia which set to be done after the acquisition legally valid or usually called post merger notification. This research is aimed to analyzes the effectiveness and efficiency of explains the system of acquisition notification duty in Indonesia which applies the post merger notification system with the delay of acquisition notification duty did by PT. Mitra Pinasthika Mustika in the Decision of Business Competition Supervisory Commission Number 09/KPPU-M/2012 as the case example. This research is a normative juridical research using exlanatory method. From the reult of this research, found that acquisition notification duty in Indonesia only have to be done by entrepreneur whose acquisition caused his company's

sell value and/or asset value has more value than the threshold after the acquisition done; from the result also found that the regulation of acquisition notification duty in competition law in Indonesia is ineffective and inefficient; and found the result that PT. Mitra Pinasthika Mustika was proved belated in submission of its acquisition notification according to the regulation of acquisition notification duty in Indonesia, but the regulation of acquisition notification duty in Indonesia itself is not appropriate.