

Tinjauan yuridis praktik anti persaingan dalam kasus importasi bawang putih (perkara no 05 KPPU i 2013 ) = Juridical review of anti competition practices in garlic importation case case no 05 KPPU i 2013 / Muhamad Dandy Ksatria Tanato

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Abstrak

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Pada pertengahan tahun 2013 ditemukan adanya dugaan praktik anti persaingan dalam kasus importasi bawang putih setelah terjadi lonjakan harga bawang putih di pasaran. Setelah melakukan investigasi, tim investigator KPPU menilai 19 pelaku usaha melakukan pelanggaran UU Antimonopoli pasal 11 tentang kartel, pasal 19 tentang diskriminasi dan pasal 24 tentang persekongkolan menghambat perdagangan dengan bersekongkol dengan 3 pejabat pemerintahan. Selama persidangan tidak ditemukan bukti langsung yang mengarah pada kesepakatan, baik antar pelaku usaha maupun antara pelaku usaha dengan pejabat pemerintah, untuk melakukan kegiatan kartel, diskriminasi dan persekongkolan. Majelis komisi pada putusannya menetapkan 19 pelaku usaha bersalah melanggar pasal 11, pasal 19 dan pasal 24 UU Antimonopoli dan 2 pejabat pemerintah bersalah melanggar pasal 24. Skripsi ini membahas mengenai ketepatan penerapan pasal 11, pasal 19 dan pasal 24 UU Antimonopoli dalam kasus ini.

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In mid-2013, an allegation of anti competition practices in garlic importation case was discovered after a surge in the market price of garlic. After conducting an investigation, KPPU investigator team assessed 19 enterprises conducted violation against Antimonopoly Law article 11 regarding cartel, article 19 regarding discrimination and article 24 regarding trade-detaining conspiracy by conspiring with 3 government officials. During the trial, there was found no direct evidence which leads to agreement, both among enterprises or between enterprises and government officials, to form a cartel, to conduct discrimination and to conduct conspiracy. The commissioner judges in its decision established 19 enterprises guilty of violation against article 11, article 19 and article 24 Antimonopoly Law and 2 government officials were established guilty of violation against article 24. This thesis discusses about the accuracy of application of article 11, article 19 and article 24 Antimonopoly Law in this case.