

Tinjauan yuridis dan filosofis praktik anti persaingan lintas negara (cross border anti competitive practice) dalam rangka liberalisasi pasar bebas = Juridical and philosophical consideration on cross border anti competitive practices in the framework of free market liberalization

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Abstrak

[Skripsi ini membahas tentang fenomena praktik anti persaingan yang melewati batas geografis suatu negara. Penelitian ini adalah penelitian yuridis normatif dengan menggunakan data sekunder. Hasil dari penelitian ini menunjukkan bahwa perilaku anti persaingan lintas negara dilatarbelakangi oleh adanya kerjasama ekonomi baik regional maupun internasional yang membentuk suatu pasar bebas dengan jenis praktik anti persaingan yang bermacam-macam, seperti: (a) Akses Pasar; (b) Kartel Internasional; (c) Kartel Ekspor); (d) Merger dan Akuisisi dengan internasional spillover, dan (e) Praktik sewenang-wenang oleh TNC (Trans National Corporation). Dari adanya praktik anti persaingan lintas negara tersebut, penelitian ini mengambil kesimpulan bahwa: Pertama, Praktik anti persaingan lintas negara memiliki perbedaan dengan praktik anti persaingan domestik dalam hal dimensi internasionalitasnya, Kedua, Setiap Yurisdiksi Persaingan Usaha di berbagai negara memiliki kebijakan persaingan yang berbeda-beda dalam melakukan penanganan terhadap praktik anti kompetisi lintas negara tersebut, dan Ketiga, pentingnya memelihara jalinan nilai-nilai yang dianggap baik sehingga akan tercipta kondisi persaingan yang harmonis.

.....This thesis discusses the phenomenon of anti-competitive practices that pass through the geographical boundaries of a country. This research is a normative juridical research using secondary data. The results of this study indicate that the anti-competitive behavior across countries, motivated by economic cooperation both regionally and internationally, which form a free market with the type of anti-competitive practices are diverse, such as: (a) Market Access; (b) International Cartel; (c) Export Cartel); (d) Merger and Acquisition with international spillover, and (e) Arbitrary Practice by TNCs (Trans National Corporation). From the existence of cross border anti-competitive practices, this study conclude that: First, cross border anti-competitive practices possess differences with domestic anti-competitive practices in terms of its internationality dimensions , Second, each of Competition jurisdiction in various country have different competition policy in handling cross border anti-competitive practices, and Third, the importance of maintaining the relation of values that are considered good that will create harmonious conditions of competition., This thesis discusses the phenomenon of anti-competitive practices that pass through the geographical boundaries of a country. This research is a normative juridical research using secondary data. The results of this study indicate that the anti-competitive behavior across countries, motivated by economic cooperation both regionally and internationally, which form a free market with the type of anti-competitive practices are diverse, such as: (a) Market Access; (b) International Cartel; (c) Export Cartel); (d) Merger and Acquisition

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