

Tinjauan hukum persaingan usaha atas pelaksanaan merger operator telekomunikasi analisis pendapat kppu no 03 kppu pdpt ii 2014 tentang penilaian terhadap rencana pengambilalihan akuisisi saham perusahaan PT Axis Telekom Indonesia oleh PT XL Axiata Tbk = Competition law analysis on telecommunication operator merger analysis on kppu opinion number 03 kppu pdpt ii 2014 regarding assestment towards acquisition plan of PT Axis Telekom Indonesia by PT XL Axiata Tbk

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Abstrak

Skripsi ini membahas mengenai merger control terhadap merger operator telekomunikasi di Indonesia, dengan studi kasus merger XL dan Axis. Analisis difokuskan pada pendapat KPPU atas dampak pelaksanaan merger XL dan Axis terhadap persaingan di industri telekomunikasi seluler, beserta tindakan yang diambil oleh Menkominfo selaku otoritas di industri telekomunikasi untuk mencegah terjadinya persaingan usaha tidak sehat akibat merger. Penelitian ini merupakan penelitian yuridis normatif yang dilakukan dengan studi kepustakaan.

Hasil penelitian ini menunjukkan bahwa KPPU telah menganalisis dampak merger XL dan Axis menggunakan prospective analysis dengan cukup baik secara substansial. KPPU juga harus memberikan syarat yang lebih jelas dan dapat diukur terhadap pelaksanaan merger. Sementara itu, Menkominfo sendiri sudah menjalankan perannya dengan baik untuk mengalokasikan pita frekuensi radio sebagai sumber daya terbatas di industri telekomunikasi seluler, sehingga merger tidak menyebabkan adanya pemusatan penguasaan frekuensi pada XL.

.....This research answers the problem of the merger control towards the merger of telecommunication operator in Indonesia, by using case study of a merger between XL and Axis. The analysis is focused on KPPU opinion for XL and Axis merger effects toward competition on cellular telecommunication industry, and also the actions that has accomplished by the Minister of Communication and Informatics as the authority in telecommunication industry to prevent bad competition as the result of the merger. This research is a normative legal research which is conducted by using literature study.

The results of this research show that KPPU has properly analyzed the effects which could have been caused by XL and Axis merger using prospective analysis, although there are some factors that were not included by KPPU on its analysis. It is also suggested that KPPU has to give clear and measurable requirements towards the merger to prevent confusion in the future evaluation of the merger. On the other hand, the Minister of Communication and Informatics has played his role wisely in allocating the limited radio frequency band, by ensuring that the merger would not cause negative effects toward the industry, such as dominance of the control of radio frequency by XL after the merger which could have cause stagnancy of other competitors.