

Kebijakan sinergi BUMN dalam perspektif kebijakan dan ekonomi persaingan usaha: studi kasus perusahaan terfilial BUMN di Industri Jasa Informasi = policiessynergy in the perspective of economic policy and competition: a case study in the SOE in information services industry

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Abstrak

[ABSTRAK

Dalam menghadapi perekonomian yang semakin global, Pemerintah menginginkan BUMN-BUMN memiliki daya saing. Untuk mewujudkan hal tersebut, upaya yang dilakukan Pemerintah adalah dengan mengeluarkan kebijakan yang mendorong terjadinya sinergi di antara BUMN, Anak Perusahaan BUMN, dan Perusahaan Terafiliasi BUMN. Kebijakan untuk mendorong terjadinya Sinergi BUMN tersebut, saat ini diterapkan oleh pemerintah melalui Peraturan Menteri BUMN Nomor: Per-15/MBU/2012. Sinergi yang dimaksud dalam peraturan tersebut pada dasarnya adalah dorongan untuk saling melakukan penunjukan langsung di antara BUMN, anak perusahaan dan perusahaan terafiliasinya. Terhadap hal tersebut, KPPU menilai Kebijakan Sinergi BUMN bertentangan dengan prinsip persaingan usaha yang utamanya tercermin dalam putusan dan saran atas perkara nomor 07/KPPU-I/2013.

Penelitian ini dilakukan untuk mengetahui bagaimana perspektif kebijakan dan ekonomi persaingan usaha terhadap Kebijakan Sinergi BUMN. Guna menjawab hal tersebut, penelitian ini akan melakukan analisis dengan menggunakan data kualitatif dan data kuantitatif dengan pembatasan studi pada industri jasa teknologi informasi. Data kualitatif dianalisis dengan menggunakan metode penelitian non-doctrinal legal research, sedangkan data kuantitatif dianalisis dengan cara melakukan perhitungan konsentrasi industri. Dari analisis kualitatif yang dilakukan, dapatlah disimpulkan bahwa secara material Kebijakan Sinergi BUMN memiliki beberapa kekurangan yang dapat berdampak terhadap kompetisi ataupun efisiensi. Kendati demikian, oleh karena secara legal formal Kebijakan Sinergi BUMN tetap dapat dilakukan maka diperlukan beberapa perbaikan dalam aturan pelaksanaannya sehingga Kebijakan Sinergi BUMN menjadi tidak berpotensi merugikan persaingan secara luas. Adapun dari pengolahan data kuantitatif yang dilakukan, dapat diketahui bahwa pada industri jasa teknologi informasi khususnya pasar data center services, Kebijakan Sinergi BUMN dapat berpotensi membatasi persaingan. Hal tersebut terlihat dari angka pertumbuhan kinerja pelaku usaha pesaing, meningkatnya penguasaan pasar dan rendahnya efisiensi Perusahaan Terafiliasi BUMN.

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ABSTRACT

In the face of an increasing global economy, Government wants State-Owned Enterprises (SOE) to be more competitive. In order to realize that goal, Government made an effort by issuing policies that foster synergy among SOEs, its Subsidiaries, and Affiliated Companies of the SOE. Currently, policy to encourage business synergy between SOEs is implemented by the Government through SOE's Minister Regulations No. Per-15 / MBU / 2012. Synergy that stipulated in the minister regulations is basically to permit and

encourage procurement with direct appointment method among SOEs, its subsidiaries, and Affiliated Companies of the SOE. On the contrary, the Antitrust Commission considers such kind of policy is against to the principles of competition. Such consideration was mainly reflected in the Commission verdicts and suggestion on case number 07 / KPPU-I / 2013.

This research was conducted to determine how the perspective of antitrust economic and policy towards synergy of the SOEs. To answer this, this research performed analysis using quantitative and qualitative data. Such data is limited to the information technology services industry. Qualitative data was analyzed by using non-doctrinal legal research method, while quantitative data was analyzed by calculating industry concentration. From the qualitative analysis carried out, it can be concluded that the SOE? Synergy Policy contains some risks that can influence competition and efficiency. However, because SOE? Synergy Policy

still can be legally implemented, some policy-improvements are needed to ensure that implementation of the policy will not harm competition. From the quantitative data processed, it can be known that competition in information technology services industry in particular market of data center services is potentially damaged by the SOE? Synergy Policy. This is evident from the performance of the competitors as well as market share and efficiency of Affiliated Companies of the SOE.;In the face of an increasing global economy, Government wants State-Owned

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