

Analisis hukum persaingan usaha pada kerja sama pengadaan barang dan jasa BUMN terkait penyelenggaraan uang elektronik pada layanan umum (studi kasus : pengadaan on board unit pada gerbang tol otomatis oleh PT Bank Mandiri Tbk dengan PT Jasa Marga Tbk) = Competition law analysis on state owned enterprises cooperation in goods and services procurement on public services electronic money application case study on board unit procurement on electronic toll gate among Bank Mandiri with Jasa Marga / Fathoni Asyrof

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Abstrak

[Skripsi ini menjelaskan tentang dugaan praktek monopoli dan/atau persaingan usaha tidak sehat yang dilakukan oleh PT Bank Mandiri (Persero), Tbk dengan PT Jasa Marga (Persero) Tbk dengan cara melakukan pengadaan barang dan jasa atas alat pemindai kartu nir sentuh pada gardu tol otomatis, alat On Board Unit, secara eksklusif. Kerja sama ini dianggap membatasi pilihan konsumen dan menciptakan barrier to entry terhadap pelaku usaha lain. Terhadap permasalahan tersebut, dilakukan penelitian kualitatif dengan menggunakan pendekatan deskriptif analitis. Hasil penelitian menunjukkan bahwa kegiatan yang dilakukan oleh kedua pelaku usaha tersebut lepas dari ketentuan larangan perjanjian eksklusif mengenai penyelenggaraan uang elektronik dalam rangka penyediaan layanan umum pada Peraturan Bank Indonesia No. 16/8/PBI/2014 tentang Uang Elektronik, serta melanggar larangan perjanjian tertutup (perjanjian pengikatan barang) dan penguasaan pasar dalam UU Nomor 5 Tahun 1999 tentang Larangan Praktek Monopoli dan Persaingan Usaha Tidak Sehat.;This thesis describes the anti competition practices committed by PT Bank Mandiri

(Persero), Tbk dengan PT Jasa Marga (Persero) Tbk, by holding goods and services procurement on automatic toll gate's portable smart card reader, On Board Unit, exclusively. This cooperation considered as a consumers choices limitation, also creating a barrier to entry to other sellers. Hence, these issues underlie a qualitative research using descriptive analytical approach. The research resulting a conclusion that the activities between these two enterprises hasn't violated in exclusive dealing prohibition on public services electronic money application in Bank Indonesia Regulation No. 16/8/PBI/2014 about Electronic Money, also violated in exclusive dealing prohibition (tying agreement) and market share prohibition prohibition on Law No. 5 / 1999 about Monopolization and Unfair Competition Prohibition.;This thesis describes the anti competition practices committed by PT Bank Mandiri

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