

Analisis integrasi industri pulp dan kertas dengan perusahaan hti dari perspektif hukum persaingan usaha = Analysis of pulp and paper industry and plantation forest integration in competition law perspective / Syahrul Fitra

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Abstrak

[Pengelolaan hutan dan hasil hutan kayu terutama untuk kebutuhan industri pulp dan kertas yang dilakukan oleh perusahaan HTI, sangat rentan untuk dimonopolisasi dan menimbulkan praktek persaingan usaha tidak sehat. Adanya larangan ekspor log (kayu bulat) dan kewajiban bagi perusahaan HTI memasok kayu ke industri semakin memperkuat posisi industri pulp dan kertas. Di samping itu beberapa regulasi atau kebijakan secara tidak langsung mendukung terjadinya

integrasi antara industri pulp dan kertas dengan perusahaan HTI. Undang-Undang No. 5 Tahun 1999 telah melarang adanya integrasi vertikal secara rule of reason, artinya ketika ada integrasi vertikal harus dibuktikan apakah menimbulkan praktek persaingan usaha tidak sehat atau merugikan masyarakat. Untuk mengetahui apakah integrasi vertikal antara industri pulp dan kertas dengan perusahaan HTI adalah integrasi yang dibolehkan atau dilarang, perlu dipertanyakan bagaimana dampak integrasi antara industri pulp dan kertas dengan

perusahaan HTI di Indonesia? selanjutnya apakah integrasi tersebut sejalan dengan prinsip hukum persaingan usaha? Untuk menjawab pertanyaan tersebut, menggunakan pendekatan penelitian hukum doktrinal, karena lebih fokus menilai dari sisi regulasi dan mengaitkannya dengan dampak-dampak yang terjadi di lapangan yang bersumber dari informasi penelitian-penelitian terdahulu atau pemberitaan terkait. Dengan menggunakan pendekatan teori economic analysis of law penelitian ini melihat fakta-fakta hukum maupun regulasi terkait dari perspektif ekonomi. Integrasi vertikal antara industri pulp dan kertas dengan perusahaan HTI telah menimbulkan dampak negatif terhadap persaingan usaha dibidang HTI, dengan concentration ratio produksi pulp mencapai 93 persen, kendali perusahaan HTI ada ditangan industri, yang rentan menimbulkan praktek persaingan tidak sehat, dan beberapa regulasi mengenai industri dan perusahaan HTI cenderung tidak sejalan dengan prinsip hukum persaingan usaha. Forest management and timber forest products especially for the needs of the pulp and paper industry conducted by the plantation forest, are tend to monopolize and lead to unfair competition practices. The ban on the export of logs and the

obligation of the plantation forest to supply the logs to the industry to further strengthen the position of the pulp and paper industry. In addition, some regulation or policy indirectly support the integration between the pulp and paper industry with plantation forest. Act 5/1999 prohibit vertical integration as rule of reason, its mean the vertical integration to be seen whether the practice raises unfair competition or harm the public. To determine whether the vertical integration between the pulp and paper industry is the integration with the plantation forest is allowed or prohibited, is questionable how the impact of the integration between the pulp and paper industry with forest plantation companies in Indonesia? The next, whether integration is in line with the principles of competition law? To answer these questions, using the doctrinal legal research approach, because more focus judging from the regulation and relate to impacts that

occur in the field of information derived from previous studies or related news. By using an economic analysis of law approach of this study to see the facts of the law and others related regulations from an economic perspective. Vertical

integration between the pulp and paper industry with the plantation forest have an negative effect on competition in the field of plantation forest, the concentration ratio of pulp production reached 93 percent, the control is in the hands of pulp and paper industry, which is prone to the practice of unfair competition, and some regulations on industrial and plantation forest tend not in line with the principles of competition law., Forest management and timber forest products especially for the needs of the pulp and paper industry conducted by the plantation forest, are tend to monopolize and lead to unfair competition practices. The ban on the export of logs and the obligation of the plantation forest to supply the logs to the industry to further strengthen the position of the pulp and paper industry. In addition, some regulation or policy indirectly support the integration between the pulp and paper industry with plantation forest. Act 5/1999 prohibit vertical integration as rule of reason, its mean the vertical integration to be seen whether the practice raises unfair competition or harm the public. To determine whether the vertical integration between the pulp and paper industry is the integration with the plantation forest is allowed or prohibited, is questionable how the impact of the integration between the pulp and paper industry with forest plantation companies in Indonesia? The next, whether integration is in line with the principles of competition law? To answer these questions, using the doctrinal legal research approach, because more focus judging from the regulation and relate to impacts that occur in the field of information derived from previous studies or related news. By using an economic analysis of law approach of this study to see the facts of the law and others related regulations from an economic perspective. Vertical integration between the pulp and paper industry with the plantation forest have an negative effect on competition in the field of plantation forest, the concentration ratio of pulp production reached 93 percent, the control is in the hands of pulp and paper industry, which is prone to the practice of unfair competition, and some regulations on industrial and plantation forest tend not in line with the principles of competition law]