

Analisis hukum persaingan usaha terhadap jasa profesi konsultan hukum lokal dan asing yang bekerja di Indonesia sehubungan dengan pemberlakuan masyarakat ekonomi asean (MEA) = Analysis of competition law in business competition between local and foreign affiliated legal consultant services in Indonesia in respect of the enactment of asean economic community (AEC) / Widya Indah Sari

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Abstrak

[Pada akhir tahun 2015 kesepakatan Masyarakat Ekonomi ASEAN (MEA) akan mulai berlaku bagi seluruh negara anggota ASEAN. Dengan pemberlakuan tersebut maka pasar ASEAN akan berubah menjadi daerah dengan perdagangan barang, jasa, investasi, tenaga kerja terampil, dan aliran modal yang meningkat secara tajam. Hal tersebut akan menciptakan persaingan usaha di antara Negaranegara anggota ASEAN. Sebagaimana dicantumkan dalam Undang-Undang Nomor 18 Tahun 2003 tentang Advokat, Kode Etik Advokat Indonesia dan peraturan-peraturan pelaksanaannya, Indonesia telah mengatur mengenai persyaratan apa saja yang harus dipenuhi oleh advokat lokal dan advokat asing yang ingin bekerja di firma hukum Indonesia. Dalam melakukan kegiatan usaha di Indonesia, para pelaku usaha juga diwajibkan untuk tunduk pada Undang-Undang Nomor 5 Tahun 1999 tentang Larangan Praktek Monopoli Dan Persaingan Usaha Tidak Sehat serta peraturan-peraturan pelaksanaannya. Dewasa ini, sudah banyak terdapat firma hukum lokal yang berafiliasi dengan firma hukum asing, namun regulasi yang mengatur mengenai kerjasama atau afiliasi tersebut belum ada. Dinyatakan secara tegas dalam Undang-Undang Dasar 1945, bahwa negara harus mengutamakan kesejahteraan masyarakat diatas hal-hal lainnya (welfare state). Oleh karena itu pemerintah harus mengamandemen undang-undang yang ada atau membuatkan undang-undang baru yang mengatur mengenai kerjasama atau afiliasi tersebut agar persaingan usaha antara firma hukum lokal yang terafiliasi firma hukum asing dengan firma hukum lokal tanpa afiliasi dapat dilakukan dengan sehat dan kondusif; By the end of 2015, ASEAN Economic Communiy (AEC) will take effect for all country members of ASEAN. With such effect, ASEAN market in selling goods, services, investments, skilled labours and capital flows will increase incisively. The mentioned matters will create competitions among the country members of ASEAN. As stated in the Law number 18 of 2003 on Advocate, Indonesia Advocate Code of Conduct and the implementing regulations, Indonesia has set of conditions that must be fulfilled by both local and foreign advocate before working in Indonesia law firms. In conducting business activities in Indonesia, all entrepreneurs should obey the Law number 5 of 1999 on The Prohibition of Monopolistic Practices and Unhealthy Competition in Business and all its implementing regulations. Nowadays, there are many local law firms affiliated with foreign law firms, however, there are no regulations governing the procedures for such cooperation or affiliation. Expressly stated in the Constitution of 1945, that the country shall prioritize the people's welfare above all other things (welfare state). Therefore, the government should amend the existing laws or enacted new laws to govern such affiliation in order to keep the

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