

Penerapan technological tying dalam hukum persaingan usaha (antitrust law) di Amerika Serikat berdasarkan putusan Leasco Response INC. (1976), Foremost Pro Color inc. 1983, dan Microsoft Corporation (2001) = Application of technological tying in antitrust law in United States of America, based on Leasco Response Inc, (1976), Foremost Pro Color Inc. (1983), and Microsoft Corporation (2001)

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Abstrak

Skripsi ini membahas mengenai penerapan technological tying di dalam hukum persaingan usaha di Amerika Serikat dengan melakukan studi terhadap putusan Leasco Response Inc. 1976 , Foremost Pro Color Inc. 1983 , dan Microsoft Corporation 2001 . Rumusan masalah yang akan dibahas adalah bagaimana technological tying dapat dikatakan sebagai sesuatu yang tidak bertentangan dengan hukum persaingan usaha di Amerika Serikat, bagaimana perbedaan dari technological tying dengan tying arrangement berdasarkan hukum persaingan usaha di Amerika Serikat, dan bagaimana penerapan hukum persaingan usaha terkait technological tying di Amerika Serikat. Skripsi ini disusun dengan metode penulisan Yuridis Normatif. Hasil penelitian ini menyimpulkan bahwa Technological Tying bukan seperti konsep Tying Arrangement yang memaksa konsumen membeli tied product, sehingga tidak pantas menggunakan pendekatan Per Se Illegal melainkan menggunakan pendekatan Rule of Reason. Dengan demikian, harus ada pertimbangan dan pemeriksaan lebih lanjut dari Hakim Pengadilan untuk membuktikan apakah memang ada pelanggaran antitrust law.

.....This thesis discusses the application of technological tying in antitrust law in the United States of America by analyzing the verdict of Leasco Response Inc. 1976 , Foremost Pro Color Inc. 1983 , and Microsoft Corporation 2001 . The formulation of the issues to be discussed is how the concept of technological tying is seen as something that is not against the antitrust law in the United States of America, what is the difference between technological tying and tying arrangement according to the antitrust law in the United States of America, and how is technological tying applied according to the antitrust law in the United States of America. This thesis is prepared by normative legal writing method. The results conclude that technological tying is not the same concept like tying arrangement that forced consumers to also buy tied product either tying product, so it is not appropriate to using Per Se Test but it should to using Rule of Reason Test. Therefore, it must be more consideration and investigation furthermore by Judges to prove if there is a violation in antitrust law.