

Analisis Dugaan Praktik Anti Persaingan Usaha dalam Kerja Sama yang Dilakukan oleh PT Solusi Transportasi Indonesia (Grab Indonesia) dan PT Teknologi Pengangkutan Indonesia Terkait Jasa Angkutan Sewa Khusus = Analysis of Alleged Unfair Competition Practice in Cooperation Conducted by PT Solusi Transportasi Indonesia (Grab Indonesia) and PT Teknologi Pengangkutan Indonesia Related to Special Rental Transport Services

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Abstrak

Skripsi ini membahas mengenai dampak yang ditimbulkan dalam kerja sama yang dilakukan oleh Grab Indonesia dan PT TPI dalam jasa angkutan sewa khusus terhadap mitra pengemudi mandiri dan dugaan praktik anti persaingan usaha yaitu perjanjian tertutup, integrasi vertikal dan praktik diskriminasi dalam kerja sama tersebut. Dugaan tersebut muncul diawali dengan unjuk rasa yang dilakukan oleh ratusan mitra pengemudi mandiri GrabCar di Medan pada tanggal 23 April 2018, yang menuntut agar Grab Indonesia tidak memberlakukan orderan prioritas terhadap mitra pengemudi PT TPI. Melalui metode penelitian yuridis normatif dengan tipe deskriptif-analitis, penelitian ini memberikan deskripsi mendalam terkait dampak yang ditimbulkan dari kerja sama Grab Indonesia dan PT TPI terhadap mitra pengemudi mandiri GrabCar beserta analisis dugaan praktik anti persaingan usaha ditinjau dari peraturan perundang-undangan yang berlaku mengenai hukum persaingan usaha. Hasil penelitian menunjukkan bahwa dalam kerja sama Grab Indonesia dan PT TPI tidak terdapat indikasi pelanggaran terhadap Undang-Undang Nomor 5 Tahun 1999 tentang Larangan Praktek Monopoli dan Persaingan Usaha Tidak Sehat dan dampak-dampak yang dirasakan oleh mitra pengemudi mandiri GrabCar seperti orderan prioritas, penurunan pendapatan dan kesulitan mendapatkan order tersebut dipengaruhi oleh beberapa faktor seperti rating, performa dan ketatnya persaingan dengan pengemudi taksi daring yang lain.

This thesis discusses the impact arising from the cooperation conducted by Grab Indonesia and PT TPI on GrabCar independent driver partners, as well as the alleged unfair competition practice namely closed agreements, vertical integration and discriminatory practices carried out in cooperation conducted by Grab Indonesia and PT TPI related to special rental transport services. The allegations emerged preceded by a demonstration conducted by hundreds of GrabCar independent driver partners in Medan on April 23th, 2018, who demanded that Grab Indonesia to not impose priority orders on PT TPI's driver partners. Through the normative juridical research method with descriptive-analytical type, this study provides an in-depth description of the impact of the alleged unfair competition practices on GrabCar's independent driver partners as well as the analysis of the alleged unfair competition practices based on applicable laws and regulations regarding competition law. The results showed that in the cooperation between Grab Indonesia and PT TPI, there were no indications of violations of Law Number 5 of 1999 concerning the Prohibition of Monopolistic Practices and Unfair Competition and the impacts felt by GrabCar independent driver partners such as priority orders, decreases in income and the difficulty of getting the order are influenced by several factors such as rating, performance and intense competition with other online taxi drivers.