

Implikasi Pemberitahuan Penggabungan, Peleburan dan Pengambilalihan di Indonesia (Studi Kasus KPPU No. 02/KPPU-M/2018) = The Implication of Merger, Consolidation and Acquisition Notification in Indonesia (Study Case KPPU No. 02/KPPU-M/2018)

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Abstrak

Skripsi ini akan membahas implikasi dari kewajiban pemberitahuan atas penggabungan, konsolidasi dan akuisisi di Indonesia. Skripsi ini akan membahas lebih dalam melalui kasus KPPU No. 02/KPPU-M/2018 antara Koperasi Simpan Pinjam JASA yang mengakuisisi PT Asuransi Takaful Umum dan Komisi Pengawas Persaingan Usaha (KPPU). Koperasi Simpan Pinjam JASA terlambat melapor kepada KPPU tentang pengakuisisian PT Asuransi Takaful Umum selama 19 hari. Ini berujung kepada Koperasi Simpan Pinjam JASA dikenakan denda oleh KPPU. Namun, pasal 50 huruf i Undang-Undang 5 Tahun 1999 mengenai Larangan Praktik Monopoli, dan Persaingan Usaha Tidak Sehat, menyatakan bahwa koperasi dikecualikan dari Undang-Undang tersebut. Dan, KPPU tidak membuktikan bahwa akuisisi ini menimbulkan monopoli dan/atau persaingan tidak sehat. Lalu, skripsi ini juga akan membahas perhitungan bagaimana menentukan jumlah denda atas keterlambatan dan juga persyaratan minimal agar suatu institusi diwajibkan untuk melapor kepada KPPU apabila melakukan penggabungan, konsolidasi atau akuisisi.

Kata kunci: Penggabungan, Konsolidasi, Akuisisi, Komisi Pengawas Persaingan Usaha

This thesis discusses about the implications occurred with the obligation to notify Merger, Consolidation and Acquisition in Indonesia. Specifically, the discussion will be based on a certain KPPU case No. 02/KPPU-M/2018 between a cooperative called “Koperasi Simpan Pinjam JASA” who acquired an insurance company called “PT Asuransi Takaful Umum” and the Business Competition Supervisory Commission (KPPU). The Koperasi Simpan Pinjam JASA was late to notify their act of acquisition to the KPPU by nineteen days. Then, they had been fined for the tardiness by KPPU. However, article 50 letter i of Law no. 5 of 1999 concerning Competition Law, excluded cooperative (with the intention to develop it’s member’s life) to be one of the subjects of the Competition Law. Also, discussing the fact that KPPU did not prove that this acquisition inflicted monopolistic practices and/or unfair business competition. This thesis will also break down the elements of the articles to prove the validity of the sanction imposed on Koperasi Simpan Pinjam JASA. And also, this thesis will critically discuss on how the calculation to impose the fine and its requirement to be included as the institution which is obliged to notify the KPPU if they conduct any merger, consolidation or acquisition.

Keyword: Merger, Consolidation, Acquisition, Business Competition Supervisory Commission