

Dugaan Penyalahgunaan Posisi Dominan dalam Kebijakan Pembayaran Google Play (Studi Komparasi Hukum Persaingan Usaha Indonesia dan India) = Alleged Abuse of Dominant Position in Google Play's Payment Policy (Comparative study of Indonesian and Indian Competition Law)

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Abstrak

Pada tahun 2020 Google memberlakukan Kebijakan Pembayaran untuk layanan Google Play yang mensyaratkan pengembang aplikasi yang menawarkan pembelian produk dan layanan digital dalam aplikasi yang didistribusikan di Google Play untuk menggunakan Google Play's Billing System (GPBS) sebagai metode pembayaran transaksi tersebut. GPBS menetapkan tarif layanan terhadap pengembang aplikasi mulai dari 15% - 30% setiap tahunnya. Kebijakan tersebut menerima respon dari komisi pengawas persaingan usaha di dunia seperti KPPU di Indonesia dan CCI di India. KPPU menduga Google melakukan penyalahgunaan posisi dominan, tying, dan praktik diskriminasi. Pada bulan September 2022 KPPU mulai melakukan penyelidikan terhadap Google. Di sisi lain, CCI pada bulan September 2022 telah mengeluarkan order terhadap Google yang menyatakan bahwa Google melanggar Section 4 Competition Act 2002 tentang penyalahgunaan posisi dominan. Dengan menggunakan metode penelitian yuridis normatif, penelitian ini menganalisis bagaimana penerapan Pasal 25 UU No. 5/1999 terhadap Kebijakan Pembayaran Google Play dan bagaimana perbandingan penegakan hukum oleh KPPU dengan CCI terhadap Kebijakan Pembayaran Google Play. Sehingga KPPU dapat mengambil pengalaman dari penegakan hukum yang sudah dilakukan oleh CCI. Berdasarkan penelitian yang dilakukan, Google berpotensi melanggar Pasal 25 ayat (1) huruf (b) UU No. 5/1999 karena melakukan praktik membatasi pasar dan pengembangan teknologi terhadap pengembang aplikasi dan payment aggregator.

.....n 2020 Google enforce a Payment Policy for Google Play services which requires application developers who sell digital products and services within applications distributed on Google Play to use Google Play's Billing System (GPBS) as a payment method for such transactions. GPBS sets a service fee starting from 15% - 30% annually. This payment policy received responses from various competition commissions in the world, some of which are KPPU from Indonesia and CCI from India. KPPU suspected that Google practices abusing dominant positions, tying and discrimination. In September 2022, KPPU has conducted an investigation into Google. On the other hand, in September 2022 CCI has issued an order to Google on violation of the Competition Law. CCI stated that Google had carried out abuse of dominant position by violating Section 4 of Competition Act 2002. By using normative juridical research methods, this paper analyze how Article 25 of Law No. 5/1999 is implemented concerning alleged violations of a dominant position against Google Play's Payment policy and compares the law enforcement by KPPU and CCI in relation to Google Play Payment. Thus, KPPU can take experience from the law enforcement that has previously been carried out by CCI. Based on research conducted, Google has the potential to violate Article 25 paragraph (1) letter (b) of Law No. 5/1999 because it limits market and technology development against application developers and payment aggregators.