

Perbandingan Kasus Tiket Pesawat di Indonesia Berdasarkan Putusan KPPU No. 15/KPPU-I/2019 dengan Kasus Kartel Kargo Pesawat di Uni Eropa Berdasarkan Putusan Komisi Eropa Case At.39258 = Comparison of Airplane Ticket Case in Indonesia Based on KPPU Decision No. 15/KPPU-I/2019 with the Aircraft Cargo Cartel Case in the European Union Based on the European Commission Decision Case At.39258

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Abstrak

Dalam melakukan kegiatan usaha di suatu pasar, setiap pelaku usaha dengan tegas tidak diperkenankan untuk melakukan kegiatan-kegiatan yang dapat menimbulkan praktik monopoli dan/atau persaingan usaha tidak sehat. Salah satu dari bentuk kegiatan tersebut adalah perjanjian kartel. Meskipun perjanjian kartel telah dilarang secara eksplisit melalui peraturan perundang-undangan, banyak pelaku usaha yang mencari celah untuk melakukan perjanjian kartel dengan harapan mereka dapat memperoleh keuntungan di atas batas yang wajar. Maka dari itu, penelitian ini dilakukan dengan tujuan untuk menelaah faktor-faktor apa saja yang mendorong para pelaku usaha untuk terlibat dalam suatu perjanjian kartel. Metode yang digunakan dalam penelitian ini adalah metode penelitian yuridis normatif dengan meneliti data sekunder yang membahas mengenai praktik persaingan tidak sehat berupa perjanjian kartel yang dilakukan oleh perusahaan maskapai penerbangan baik di Indonesia dan di Uni Eropa. Perjanjian kartel ini marak dilakukan tidak hanya di Indonesia, melainkan juga di Uni Eropa. Salah satu kasus kartel dalam industri penerbangan di Indonesia adalah dugaan kartel tiket pesawat tercantum dalam Putusan KPPU No. 15/KPPU-I/2019 dan di Uni Eropa terdapat kasus kartel kargo pesawat yang tercantum dalam Putusan Komisi Eropa.

When it comes to carrying out business activities in a certain market, every business actor is explicitly prohibited from carrying out activities that may lead to monopolistic practices and/or unfair business competition. One of these forms of activity is a cartel agreement. Even though cartel agreements have been explicitly prohibited through laws and regulations, many business actors are looking for leeway to enter into cartel agreements in the hope that they can gain profits above reasonable limits. Therefore, this research was conducted with the aim of examining the factors that encourage business actors to be involved in a cartel agreement. The method used in this study is a normative-juridical research method through examining secondary data that discusses unfair competition practices, particularly, in the form of cartel agreements entered into by airline companies both in Indonesia and in the European Union. This cartel agreement is widely implemented not only in Indonesia, but also in the European Union. One of the cartel cases in the aviation industry in Indonesia is the alleged cartel listed in KPPU Decision No.15/KPPU-I/2019 and in the European Union there is an airplane cartel case listed in the European Commission Decision Case At.39258. Cartel agreements are widely implemented not only in Indonesia, but also in the European Union. One of aviation cartel cases in Indonesia is the alleged airplane ticket cartel case based on KPPU Decision No. 15/KPPU-I/2019 and in the European Union, there is an aircraft cargo cartel case based on the European Commission Decision Case At.39258.