

Analisis Yuridis Praktek Usaha Tes COVID-19 Menurut Hukum Persaingan Usaha Di Indonesia = Judicial Analysis Of Business Practices Test COVID-19 According To Law Business Competition In Indonesia

Dinda Maylinda Suhendra, author

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Abstrak

Pandemi Covid-19 tak hanya mempengaruhi keadaan sosial dan ekonomi, tapi juga kesehatan. Dari segi ekonomi, pandemi telah memperlambat pertumbuhan negara bahkan mungkin berdampak buruk bagi kesejahteraan warganya. Sesudah Covid-19 menyebar luas, rumah sakit (RS) terpaksa menawarkan layanan rapid test Covid-19 atau yang umum diketahui sebagai tes rapid dan real-time PCR atau polymerase chain reaction. Tingginya permintaan layanan tes Covid-19, mencakup tes PCR dan rapid, disebabkan oleh meningkatnya angka penularan Covid-19 di Indonesia. Namun, penyediaan layanan tes Covid-19 juga mengandung risiko persaingan usaha yang tidak sehat. Dugaan adanya tying-in agreement pada produk alat uji rapid, atau pada layanan uji rapid dan PCR yang dikemas bersama dalam paket layanan kesehatan atau paket kecepatan hasil diperoleh dan biaya yang di atas Harga Eceran Tertinggi (HET), memberikan menimbulkan kejadian ini. itu adalah batas yang ditetapkan pemerintah. Akibatnya, Komisi Pengawas Persaingan Usaha (KPPU) memperketat pengawasannya. Berdasarkan hasil riset awal KPPU, persaingan bisnis yang tidak sehat dapat dipicu oleh bundling dalam biaya tes Covid-19 dan kecepatan tersedianya hasil tes. Berkaitan dengan fenomena tersebut, maka diperlukan pengaturan kegiatan tes Covid-19 yang ideal untuk ke depannya agar menjamin adanya kepastian hukum dan mengurangi adanya indikasi pelanggaran hukum kompetisi usaha yang tak sehat. Oleh sebab itu, Penulis ingin mengobservasi lebih dalam terkait permasalahan tersebut dengan menuangkan pada penelitian hukum ini.

.....The Covid-19 pandemic has affected social and economic conditions and health. From a financial perspective, the pandemic has slowed down the country's growth and may even have harmed the welfare of its citizens. After Covid-19 spread widely, hospitals were forced to offer Covid-19 rapid test services or what is commonly known as rapid and real-time PCR or polymerase chain reaction tests. The high demand for Covid-19 test services, including PCR and rapid tests, is caused by the increasing rate of Covid-19 transmission in Indonesia. However, the provision of Covid-19 test services also carries the risk of unfair business competition. Allegations of a tying-in agreement on rapid test kit products or on rapid and PCR test services that are packaged together in a health service package or package for the speed at which results are obtained, and costs above the Highest Retail Price (HET) give rise to this incident. That is the limit set by the government. As a result, the Business Competition Supervisory Commission (KPPU) has tightened its supervision. Based on the KPPU's initial research results, unhealthy business competition can be triggered by bundling in the cost of Covid-19 tests and the speed at which test results are available. In connection with this phenomenon, it is necessary to regulate ideal Covid-19 test activities in the future to guarantee legal certainty and reduce indications of unfair business competition law violations. Therefore, the author wants to make more profound observations regarding this problem by pouring them into this legal research.