

Analisis praktik resale price maintenance yang dilakukan oleh Roland (UK) Ltd., dalam perspektif hukum persaingan usaha Indonesia =
Analysis of resale price maintenance practice by Roland (UK) Ltd.,
from the perspective of Indonesian competition law

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Abstrak

Pada tahun 2020, Competition Market Authority (“CMA”) Inggris menetapkan bahwa Roland (UK) Ltd., telah melakukan praktik penetapan harga jual kembali, resale price maintenance, terhadap penjualan perangkat alat musik drum elektrik pada pasar perdagangan elektronik. Roland UK melakukan banding terhadap putusan tersebut namun Competition Appeal Tribunal (“CAT”) memutuskan bahwa CMA telah tepat dalam menjatuhkan putusan terhadap Roland UK. Roland UK melakukan praktik resale price maintenance dengan cara memanfaatkan perangkat lunak pemantau harga untuk memantau harga jual produk terkait yang dijual oleh para reseller dari produk Roland UK. Penelitian ini dilakukan dengan tujuan untuk mengetahui bagaimana penerapan hukum persaingan usaha Indonesia jika kasus resale price maintenance serupa dengan yang dilakukan oleh Roland UK terjadi di Indonesia. Penelitian karya tulis ini menggunakan bentuk penelitian berupa penelitian Yuridis-Normatif dengan melakukan tinjauan terhadap putusan Competition Appeal Tribunal Case No: 1365/1/12/20 serta peraturan perundang-undangan mengenai hukum persaingan usaha di Inggris dan Indonesia. Berdasarkan penelitian yang dilakukan, jika kasus serupa terjadi di Indonesia, tindakan Roland UK tidak akan dianggap melanggar Pasal 8 UU No. 5/1999 karena tidak terpenuhinya sebagian unsur pasal tersebut serta posisi Roland UK yang tidak memenuhi salah satu syarat terpenuhinya pelanggaran resale price maintenance sesuai pedoman KPPU terkait pasal 8 UU No. 5/1999, yakni keharusan pelaku usaha menempati posisi dominan pada pasar yang bersangkutan.In 2020, the Competition Market Authority (“CMA”) of the United Kingdom determined that Roland (UK) Ltd., had engaged in the practice of resale price maintenance concerning the sales of electronic drum instruments in the electronic commerce market. Roland UK appealed this decision, the Competition Appeal Tribunal (“CAT”) ruled that CMA was correct in its decision against Roland UK. Roland UK employed resale price maintenance practices by utilizing price monitoring software to monitor the selling price of the related products sold by resellers of Roland UK’s products. This research aims to explore how the Indonesian competition law can be applied if a similar resale price maintenance case, as conducted by Roland UK, were to occur in Indonesia. The form of research approach used in this paper is a Juridical-Normative approach by reviewing the decision of the Competition Appeal Tribunal Case No: 1365/1/12/20 and relevant legislation regarding competition law in the UK and Indonesia. Based on the conducted research, if a similar case were to occur in Indonesia, Roland UK’s actions would not be considered a violation of Article 8 of Law No. 5/1999 because of the lack of fulfilment of some elements of the article. Furthermore, Roland UK’s position does not meet one of the criteria for the violation of resale price maintenance in accordance to the guidelines made by Komisi Pengawasan Persaingan Usaha (“KPPU”) related to Article 8 of Law No. 5/1999, which requires the business actor to hold a dominant position in the relevant market.