

# Tinjauan Hukum Persaingan Usaha Terhadap Praktik Usaha Perizinan Batubara di Jambi (Studi di PT X) = Legal Review of Business Competition on the Practice of Coal Licensing in Jambi (Study at PT X)

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## Abstrak

Transformasi ekonomi di negara Indonesia tidak terlepas dari dukungan aktivitas pertambangan batubara sebagai salah satu objek galian yang dioptimalisasikan baik oleh individu perseorangan maupun badan hukum seperti perseroan terbatas sebagai pelaku usaha. Implementasi pertambangan batubara hanya dapat diselenggarakan dengan mengindahkan ketentuan perundang-undangan yang telah diperbaharui untuk menyesuaikan kebutuhan masyarakat dan pemerintah yang dinamis. Rumusan masalah adalah pengaturan usaha pertambangan serta tinjauan investasi klasifikasi objek galian di Indonesia. Penelitian ini juga menelusuri praktik pemberian izin usaha pada usaha penambangan batubara di Provinsi Jambi. Penelitian dilakukan menurut metode yuridis normatif dan menelusuri Undang-Undang terkait dengan Pertambangan Mineral dan Batubara beserta peraturan turunan lainnya yang berkaitan. Hasil penelitian ini menguraikan penjelasan mengenai Undang-Undang No. 3 Tahun 2020 tentang Pertambangan Mineral dan Batubara sebagaimana diubah oleh Undang-Undang No. 4 Tahun 2009. Ketentuan sebelum diubah untuk mengakomodasi ketentuan pertambangan nasional agar selaras dengan kepentingan nasional, kepastian hukum, dan keterbukaan investor, serta pelestarian ekosistem ekologi. Investasi di bidang pertambangan terbuka untuk investor dengan ketentuan pemenuhan minimum 51% (lima puluh satu persen) dimiliki oleh investor dalam negeri melalui Bursa Efek Indonesia. Pembentukan peraturan persaingan usaha di bidang pertambangan mineral batubara mempunyai objektif untuk mencegah pertentangan ketentuan terkait perizinan berusaha dengan penanaman modal dalam sektor jasa pertambangan. Pemerintah hadir dalam menciptakan iklim persaingan usaha yang jujur dan tidak melawan hukum. PT X mempunyai potensi melakukan praktik oligopoli, pembuatan perjanjian seperti perjanjian tender, dan/atau pendorinasian pasar melalui posisi dominan. Dengan ini, PT X mempunyai kemampuan untuk menentukan besaran produksi, klasifikasi jenis, pendistribusian, dan pertumbuhan per kapita batubara yang selaras dengan ketentuan persaingan usaha.

.....Economic transformation in Indonesia is inseparable from the support of coal mining activities as one of the excavation objects which is optimized both by individuals and legal entities such as limited liability companies as business actors. The implementation of coal mining can only be carried out by complying with the provisions of laws and regulations that have been updated to suit the needs of the dynamic community and government. The issue of the research is the regulation of the mining business and the investment review of the classification of excavated objects in Indonesia. This research also explores the practice of granting business licenses to coal mining businesses in Jambi Province. The research was carried out according to normative juridical methods and traced the Law related to Mineral and Coal Mining along with other related derivative regulations. The results of this study describe the explanation regarding Law No. 3 of 2020 concerning Mineral and Coal Mining as amended by Law No. 4 of 2009. Provisions before being amended to accommodate national mining regulations so that they are aligned with national interests, legal certainty, and investor transparency, as well as the preservation of ecological ecosystems. Investments in the

mining sector are open to be purchased by investors through the Indonesia Stock Exchange with the condition that a minimum fulfillment of 51% (fifty one percent) is owned by domestic investors. The objective of reforming business competition regulations in the coal mineral mining sector is to prevent conflicting provisions related to business licensing and investment in the mining services sector. The government is present in creating a business competition climate that is fair and not against the law. PT X has the potential to practice oligopoly, drafting cartel agreements, and/or dominating the market. With this, PT X has the ability to determine the amount of production, type classification, distribution, and growth per capita of coal in line with the provisions of business competition.