

Analisis Asas Demokrasi Ekonomi dan Penegakan Kepentingan Umum dalam Hukum Persaingan Usaha Studi Putusan Komisi Pengawas Persaingan Usaha Nomor 15/KPPU-I/2022 = Analysis of the Principles of Economic Democracy and Enforcement of Public Interest in Competition Law A Study of the Decision of the Commission for the Supervision of Business Competition Number 15/KPPU-I/2022

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Abstrak

Penelitian ini mengkaji implementasi asas demokrasi ekonomi dan penegakan kepentingan umum dalam hukum persaingan usaha, dengan fokus pada Putusan Komisi Pengawas Persaingan Usaha (KPPU) Nomor 15/KPPU-I/2022 mengenai perkara minyak goreng. Undang-Undang Nomor 5 Tahun 1999 tentang Larangan Praktek Monopoli dan Persaingan Usaha Tidak Sehat mengatur bahwa persaingan usaha yang sehat di Indonesia harus sesuai dengan prinsip-prinsip demokrasi ekonomi serta penegakan kepentingan umum yang tercantum dalam Pasal 33 UUD 1945. Penelitian ini bertujuan untuk menganalisis bagaimana proses pengambilan keputusan Majelis Komisi mencerminkan asas-asas tersebut serta dampak hukum yang timbul dari keputusan ini. Dalam putusan ini Para Terlapor tidak terbukti melanggar Pasal 5 tentang penetapan harga, dan mereka dinyatakan melanggar Pasal 19 terkait penguasaan pasar. Namun atas putusan tersebut terdapat suatu dissenting opinion dari salah satu anggota Majelis Komisi yang menjadi perhatian utama dalam proses analisis terkait dengan Pasal 5 tentang penetapan harga, mengingat pentingnya pendapat tersebut dalam konteks penegakan hukum. Hasil penelitian menunjukkan bahwa pertimbangan Majelis Komisi dalam putusan terkait dampak kenaikan harga minyak goreng termasuk hingga terjadinya inflasi tidak sepenuhnya disebabkan oleh praktik anti persaingan, tetapi lebih dipengaruhi oleh lonjakan harga Crude Palm Oil (CPO) sebagai bahan baku utama minyak goreng. Temuan ini membawa implikasi signifikan terhadap bagaimana implementasi asas demokrasi ekonomi dan penegakan kepentingan umum dalam hukum persaingan usaha di Indonesia telah sepenuhnya terealisasi dalam pertimbangan hukum dan metode pembuktian yang digunakan oleh Majelis Komisi.

.....This research examines the implementation of the principles of economic democracy and the enforcement of public interest in competition law, focusing on the Commission for the Supervision of Business Competition (KPPU) Decision Number 15/KPPU-I/2022 regarding cooking oil issues. Law Number 5 of 1999 concerning the Prohibition of Monopolistic Practices and Unfair Business Competition regulates that healthy competition in Indonesia must adhere to the principles of economic democracy and the enforcement of public interest as stated in Article 33 of the 1945 Constitution. This study aims to analyze how the decision-making process of the Commission reflects these principles and the legal implications arising from this decision. In this ruling, the Respondents were not proven to have violated Article 5 concerning price fixing, but they were found to have violated Article 19 regarding market dominance. However, there was a dissenting opinion from one of the Commission members that became a focal point in the analysis related to Article 5 on price fixing, given its importance in the context of law enforcement. The research findings indicate that the Commission's considerations in the ruling regarding the impact of rising cooking oil prices, including the occurrence of inflation, were not entirely caused by anti-competitive

practices, but were more influenced by the spike in the price of Crude Palm Oil (CPO) as the main raw material for cooking oil. This finding has significant implications for how the principles of economic democracy and enforcement of public interest in competition law in Indonesia have been fully implemented in the legal considerations and evidentiary methods used by the Commission.