

## ABSTRAK

Saat Pandemi COVID-19, permintaan APD meningkat tinggi. Namun dengan adanya aturan karantina dan isolasi mandiri maka penyediaan APD yang cukup dan berkualitas mengalami kendala. Selain itu distribusi yang merata juga sulit dilakukan. Diperburuk dengan adanya *panic buying*, maka terjadilah fenomena APD mengalami kenaikan harga yang sangat tinggi dan langka tersedia di pasaran. Permasalahan pertama yang penulis angkat adalah atas fenomena tersebut, apakah benar indikasi bahwa telah terjadi pelanggaran atas Undang-Undang Nomor 5 Tahun 1999 tentang larangan praktek monopoli dan persaingan usaha tidak sehat. KPPU dalam Siaran Pers No.14/KPPU-PR/III/2020 menyatakan belum adanya pelanggaran oleh pelaku usaha dalam perdagangan Alat Pelindung Diri khususnya masker. Namun apabila hal ini dibirkan berlarut-larut dan pemerintah tidak menetapkan langkah-langkah strategis untuk mengendalikan ketersediaan dan keterjangkauan harga APD selama pandemi, maka kenaikan harga diatas batas wajar dan kelangkaan APD tersebut dapat berpotensi menjadi motif bagi pemain besar untuk melakukan persaingan usaha tidak sehat demi mendapatkan keuntungan sebanyak-banyaknya. Hasil penelitian ini menunjukkan bahwa kenaikan harga yang tidak wajar dapat berpotensi menimbulkan terjadinya *Excessive price* dan penyalahgunaan posisi dominan. Dan apabila hal tersebut terbukti terjadi, KPPU berhak untuk menindaklanjuti. Lebih jauh penulis meneliti permasalahan kedua yaitu bagaimana akibat hukum terhadap pelaku usaha apabila terbukti melakukan pelanggaran terhadap Undang-Undang Nomor 5 Tahun 1999 pada penjualan Alat Pelindung Diri (APD) di tengah pandemi COVID-19. Dengan ditetapkannya penanganan perkara secara elektronik pada saat Pandemi COVID-19, KPPU terbatas dalam mencari alat bukti guna penyelidikan dan penyidikan. Hasil penelitian menunjukkan belum ditemukannya pelaku usaha yang melanggar Undang-Undang Nomor 5 Tahun 1999.

**Kata Kunci: Kenaikan harga; Alat Pelindung Diri; COVID-19; Persaingan usaha.**

## ABSTRACT

*During the COVID-19 Pandemic, the demand for PPE increased greatly. However, with the existence of quarantine and self-isolation regulations, the provision of sufficient and quality PPE is experiencing problems. In addition, an even distribution is also difficult to do. Exacerbated by panic buying, there was a phenomenon of PPE experiencing very high price increases and being scarce on the market. The first problem that the author raises is regarding this phenomenon, is it true that there has been an indication that there has been a violation of Law Number 5 of 1999 concerning the prohibition of monopolistic practices and unfair business competition. KPPU in its Press Release No.14/KPPU-PR/III/2020 states that there have been no violations by business actors in trading Personal Protective Equipment, especially masks. However, if this is allowed to drag on and the government does not stipulate strategic steps to control the availability and affordability of PPE during the pandemic, then the price increase above the reasonable limit and the scarcity of PPE can potentially become a motive for big players to engage in unfair business competition for the sake of get as much profit as possible. The results of this study indicate that unreasonable price increases can potentially lead to excessive prices and abuse of dominant position. And if it is proven to have happened, KPPU has the right to follow up. Furthermore, the author examines the second problem, namely what are the legal consequences for business actors if they are proven to have violated Law Number 5 of 1999 on the sale of Personal Protective Equipment (PPE) in the midst of the COVID-19 pandemic. With the stipulation of electronic case handling during the COVID-19 Pandemic, KPPU was limited in finding evidence for investigations and investigations. The results of the study show that no business actor has been found violating Law Number 5 of 1999.*

***Keywords: Price increase; Personal protective equipment; COVID-19; Business competition.***