

ABSTRAK

Strategi *below cost pricing* Amazon.com, inc. telah memenuhi unsur-unsur monopoli berdasarkan *Sherman Act*, namun tidak pernah ada gugatan dari *Department of Justice*. Tujuan penulisan hukum ini untuk menganalisis legalitas strategi *below cost pricing* yang diterapkan Amazon.com, Inc. dalam strategi bisnisnya dan untuk menganalisis konsistensi penegak hukum, dalam hal ini *Department of Justice* Amerika Serikat. Prinsip yang dipakai mengacu kepada jurisprudensi berdasarkan *antitrust law* AS. Metode pendekatan yang digunakan dalam penulisan hukum ini adalah yuridis normatif dan spesifikasi penelitian deskriptif analitis. Data yang digunakan data sekunder yang terdiri dari bahan hukum primer, sekunder, dan tersier. Hasil penelitian menggambarkan ilegalitas strategi Amazon.com, Inc. yang ditunjukkan dari terpenuhinya faktor *market power*, harga dibawah *marginal cost*, *intent*, dan *recoupment*. Inkonsistensi *Department of Justice* ditunjukkan dari perbandingan dengan beberapa kasus dengan karakteristik yang sama, namun dengan perlakuan yang berbeda. Ditemukan juga kelalaian *Department of Justice* dalam penegakan *antitrust*.. Kasus ini diharapkan menjadi pembelajaran untuk penegakan kasus antitrust di masa mendatang.

Kata kunci: praktik monopoli, *antitrust*, Amazon.com, Inc.

ABSTRACT

Amazon's below cost pricing strategy has fulfilled the criteria of monopolization based on Sherman Act. However, there has never been any lawsuit brought by Department of Justice. Therefore, it was important to understand the legality of Amazon's strategy and the consistency of Department of Justice. The aim of this research is to analyze the legality of Amazon's strategy and Department of Justice's consistency. This research used antitrust jurisprudences. This research used normative juridical approach and descriptive analysis as the research specification. This research also used secondary data which consists of primary, secondary, and tertiary legal materials. The result of this research portrayed the illegality of Amazon's strategy because it has fulfilled all the factors which are market power, price, intent, and recoupment. The inconsistency of Department of Justice in combating antitrust cases was portrayed by its different treatment to the cases which have the same characteristic as Amazon's. This antitrust case is expected to be a lesson for upcoming antitrust cases.

Keywords: *monopolization, antitrust, Amazon.com, Inc.*