

ABSTRAK

Bahan baku sangat penting bagi produsen dan dapat mempengaruhi kualitas barang dan harga. UU nomor 5 tahun 1999 telah mengatur perjanjian, kegiatan maupun penguasaan pasar yang dilarang namun masih terjadi pelanggaran untuk mendapatkan pasokan bahan baku.

Rumusan masalah yang diangkat adalah bagaimana pemanfaatan pola perjanjian integrasi vertikal oleh pelaku usaha untuk memastikan kesediaan pasokan bahan baku dan bagaimana UU no. 5 tahun 1999 mengatur pemanfaatan integritas vertikal.

Metode pendekatan yang digunakan yuridis normatif. Spesifikasi bersifat deskriptif-analitis. Jenis data primer dan sekunder. Metode pengumpulan data melalui studi kepustakaan dengan metode analisis data adalah analisis kualitatif.

Hasil penelitian menunjukkan dalam menjamin ketersediaan bahan baku, pelaku usaha melakukan perjanjian integrasi vertikal ke hulu, ke hilir atau bentuk gabungan ke hulu dan ke hilir, monopoli dan penguasaan pasar. Guna membuktikan terjadinya pelanggaran dalam perjanjian integrasi vertikal digunakan pendekatan *rule of reason* namun KPPU tidak selalu sampai pada pembuktian timbulnya kerugian masyarakat seperti dalam putusan KPPU Nomor 01 tahun 2010. Asas itikad baik yang dalam UU nomor 5 tahun 1999 dirumuskan dengan kata “tidak jujur” menimbulkan perbedaan penafsiran dalam praktek penegakan hukum persaingan usaha.

Kata kunci : Persaingan Usaha, Perjanjian Integrasi Vertikal, Bahan Baku, Praktek Monopoli

ABSTRACT

Raw materials are matter of importace for producers and can affect the quality and price of goods. 1999 has regulated agreements, activities, and market control which are prohibited, but violations of the Law still occur in order to obtain supplies of raw materials.

The formulation of the problem raised is how to utilize the vertical integration agreement scheme by business actors to ensure the availability of raw material supply and how Undang-Undang Nomor 5 Tahun 1999 regulates the use of vertical integrity.

The juridical normative approach was used along with the specifications which were descriptive-analytical. Primary and secondary data were used. The method of collecting data was done through literature review and qualitative analysis was used to analyze the data.

The results of the research show that in guaranteeing the availability of raw materials, business actors enter into agreements to integrate vertically upstream, downstream, combined form of upstream and downstream, monopoly and market dominance. In order to prove the violation in the vertical integration agreement, the rule of reason approach is used, but KPPU does not always reach the proof of the occurrence of community losses as in KPPU's decision No. 01 of 2010. The good faith principle, which in Law number 5 of 1999 was formulated with the word "dishonest", has differencnt in interpretations in business competition law enforcement practices.

Keywords: Business Competition, Vertical Integration Agreement, Raw Material, Monopolistic Practice