ABSTRACT

Destiya Purna Panca (00000016729)

“THE LEGAL ASPECT OF SHARING ECONOMY BUSINESS CONCEPT ON AIRBNB SERVICE WHICH IMPACTS THE EMERGENCE OF UNFAIR BUSINESS COMPETITION IN HOTEL INDUSTRY”

(xii + 109 pages)

Business with sharing economy scheme contribute many positive and negative impacts to the consumer and market. This business concept uses the internet to bring together sellers and buyers of goods and services. Because the internet is boundless, sellers and buyers are able to meet freely from all over the world. However, the emergence of companies with this business concept creates competition with conventional business as well as the scope of existing rules. In this thesis, the author analyze the legislation related to the sharing economy business concept which is associated with Law No. 5 of 1999 on the Prohibition of Monopolistic Practices and Unfair Business Competition. The research was focused on the concept of business sharing economy applied by AirBnb because of the many complaints of the hotel entrepreneurs due to the decrease of revenue since the existence of AirBnb where it indicates the unfair business competition. The research method used in this thesis is normative research. The author uses qualitative analysis, since the object of this legal research was the legal norm. In the results of the study, the authors found the indication of unfair business competition because there is no law that specifically regulate the business with the scheme of sharing economy, especially on AirBnb, thus causing jealousy of conventional hotel entrepreneurs because AirBnb and hotels are on the same relevant market but AirBnb doesn’t have a clear licensing procedures nor taxation whereas AirBnb is merely an intermediary service which brings together sellers and buyers of accommodation services. To this point, the general rules governing the internet-based business are the Electronic Information and Transaction Law (UU ITE) and Trade Law. Thus, the government should create a law that clearly regulates the business concept of sharing economy so that a healthy and conducive business atmosphere can be re-created.

Keyword: sharing economy, AirBnb, competition law.