

ABSTRACT

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JURIDICAL ANALYSIS OF ALLEGED ABUSE OF DOMINANT POSITION RELATED TO INDIHOME PRODUCTS SUPPLIED BY PT. TELEKOMUNIKASI INDONESIA (PERSERO) TBK BASED ON LAW NO. 5 OF 1999 (CASE STUDY OF KPPU DECISION NO. 10/KPPU-I/2016)

(xii+ 76 pages)

Dominant position is a condition in which a business actor occupies a superior position in a relevant market. Dominant position is not prohibited by the law of monopolistic practices prohibition and unfair business competition in Indonesia, abuse of dominant position instead. Therefore, this research will discuss about the abuse of dominant position by PT. Telekomunikasi Indonesia (Persero) Tbk in telecommunications and network industry. In the KPPU case number 10/KPPU-I/2016, the action taken by PT. Telekomunikasi Indonesia (Persero) Tbk as a suspected was to abuse its market share in fixed telephone services by making a product named Indihome that offered 3 *in* 1 services at once, including fixed telephone, internet and paid TV services. The purpose of this research is to suspect the abuse of the dominant position by PT. Telekomunikasi Indonesia (Persero) Tbk and to analyze the application of Article 25 of law number 5 of 1999 by KPPU commission in related decision. This research was conducted using normative juridical law research method supported by various secondary data as its primary data such as laws and regulations, books, journal, etc to analyze KPPU decision number 10/KPPU-I/2016, by answering this following questions, 1.) How does this research analyze the evidence based on KPPU decision number 10/KPPU-I/2016? 2.) How does this research analyze the judge's legal considerations according to law number 5 of 1999 especially in Article 25? Based on this research analysis, it can be concluded that the suspects fulfills all the elements of abuse of a dominant position, which is regulated in Article 25 of law number 5 of 1999. Thus, the suspect's can be declared as dominant position abuse.

Keywords: Abuse Dominant Position, Unfair Business Competition.

References: 48 (1945-2022)