

ABSTRACT

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THE ROLE OF INDONESIAN COMPETITION LAW TO INDUCE BUSINESS AS ONE OF THE ECONOMIC ACTORS IN REALISING THE CITIZEN'S CONSTITUTIVE RIGHTS TO CLEAN, HEALTHY, AND SUSTAINABLE ENVIRONMENT COMPARED TO THAT OF EUROPEAN UNION'S COMPETITION LAW

(xiv + 164 pages)

The objective of this research is to analyse the role of Indonesian competition law to induce business as one of the economic actors in realising the citizen's constitutive rights to clean, healthy, and sustainable environment compared to that of European Union's competition law and the role of Indonesian Competition Commission (KPPU) to promote the green project. This normative research adopts synchronization and comparative legal analyses methodology in comparing the Indonesian and EU competition law and the basis of environmental frameworks, particularly regarding the block, individual exemptions and the sustainability ones. Although Indonesia acknowledges that the clean, healthy, and sustainable environment is among its constitutional rights, it faces significant environmental challenges. Despite Indonesian competition law permits exemptions under Article 50 of Law 5/1999, similar to EU's Article 101 (3) Treaty on the Functioning of the European Union and its block and individual exemptions, these have rarely been utilized. Therefore, findings show that the EU has a more developed ecosystem of exemptions hence the successful employment of such has encouraged the sustainable business cooperation initiatives. The finding also confirming KPPU's authority to issue a regulation allowing business cooperation for environmental and sustainability causes. Two crucial issues are recommended by this research: (i) the immediate issuance of block and individual exemptions to the competition law due to environmental and sustainability considering the gravity of environmental challenges faced, and (ii) KPPU should fully assume its mandate to be the institution issuing such regulation exempting the cooperation between businesses for environmental and sustainability causes to affect business' initiatives in green projects promoting clean, healthy, and sustainable environment.

Keywords: competition law; block exemptions; individual exemptions; sustainability; green technology

References: 16 Books (2007-2024) and 13 Academic Journals (1989–2024)