

ABSTRAK

Ratio decidendi majelis komisi terhadap konsep pelanggaran integrasi vertikal yang berkaitan dengan persaingan usaha yang di atur dalam Undang-Undang Nomor 5 Tahun 1999 tentang larangan praktik monopoli dan persaingan usaha tidak sehat. Pada Putusan Perkara Nomor 13/KPPU-I/2019 pihak terlapornya adalah PT.Grab Teknologi Indonesia (Terlapor I) dan PT.Teknologi Pengangkutan Indonesia (Terlapor II). bekerja sama dalam melakukan usaha menyediakan suatu digital *platform* untuk memfasilitasi mediasi antara penyedia jasa transportasi. KPPU menyatakan Terlapor I dan Terlapor II terbukti melanggar unsur-unsur pada Pasal 14 UU Persaingan Usaha dengan alasan bahwa perjanjian penyediaan jasa antara Terlapor I dan Terlapor II tertanggal 5 Juni 2018. Namun putusan dan pertimbangan majelis komisi sangat tidak tepat bahwa syarat pertama terjadinya integrasi vertikal adalah produk/jasa yang dihasilkan merupakan produk atau jasa berkelanjutan yang berada dalam suatu rangkaian produksi.

Penelitian ini menggunakan jenis penelitian hukum normative dengan pendekatan hukum. Pengumpulan data dilakukan melalui kajian terhadap bahan hukum, meliputi bahan hukum primer, bahan hukum sekunder dan bahan hukum sekunder. Analisis bahan hukum dalam penelitian ini dilakukan dengan menggunakan analisis preskriptif.

Integrasi vertikal dalam hukum persaingan usaha merupakan bentuk perjanjian yang di lakukan para pelaku usaha yang di buat untuk menguasai beberapa unit usaha atau bagian dari rangkaian produksi barang atau jasa tertentu. Integrasi vertikal dapat dilakukan dengan strategi pengusaan unit usaha atau rangkaian produksi dari hulu ke hilir hingga barang atau jasa tersebut sampai ke konsumen.

Kata Kunci : *Ratio decidendi*, Integrasi Vertikal, Putusan KPPU

ABSTRACT

The ratio decided by the commission panel on the concept of vertical integration violations related to business competition regulated in Law Number 5 of 1999 concerning the prohibition of monopolistic practices and unfair business competition. In the Decision of Case Number 13/KPPU-I/2019, the parties reporting it were PT. Grab Teknologi Indonesia (Reported Party I) and PT. Teknologi Pengangkutan Indonesia (Reported Party II). working together in conducting a business to provide a digital platform to facilitate mediation between transportation service providers. KPPU stated that Reported Party I and Reported Party II were proven to have violated the elements in Article 14 of the Business Competition Law on the grounds that the service provision agreement between Reported Party I and Reported Party II was dated June 5, 2018. However, the decision and considerations of the commission panel were very inappropriate that the first condition for vertical integration is that the products/services produced are sustainable products or services that are in a production chain.

This study uses a normative legal research type with a legal approach. Data collection is carried out through a study of legal materials, including primary legal materials, secondary legal materials and secondary legal materials. The analysis of legal materials in this study was conducted using prescriptive analysis.

Vertical integration in competition law is a form of agreement made by business actors that is made to control several business units or parts of a series of production of certain goods or services. Vertical integration can be carried out with a strategy of controlling business units or a series of production from upstream to downstream until the goods or services reach consumers.

Keywords: *Decisionndi Ratio, Vertical Integration, KPPU Decision*