

**ANALISIS KETERLAMBATAN PEMBERITAHUAN
PENGAMBILALIHAN SAHAM DITINJAU DARI HUKUM
PERSAINGAN USAHA TIDAK SEHAT
(STUDI KASUS PUTUSAN NO.17/KPPU-M/2020)**

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Abstrak

Bedasarkan pasal 29 Undang-Undang No.5 Tahun 1999 tentang Larangan Praktik Monopoli dan Persaingan Usaha Tidak Sehat dijelaskan bahwa pengambilalihan saham yang memiliki nilai asset dan atau nilai penjualan melebihi jumlah tertentu yang telah diatur dalam Pasal 5 Peraturan Pemerintah No.57 Tahun 2010 wajib melakukan pemberitahuan kepada KPPU paling lambat 30 hari kerja setelah terhitung efektif secara yuridis. Namun didapati melalui putusan KPPU No.17/KPPU-M/2020 dinyatakan bahwa PT. Saratoga Investama Sedaya terbukti telah melanggar Pasal 29 UU No.5 Tahun 1999 *juncto* Pasal 5 PP No.57 Tahun 2010. Penelitian ini bertujuan untuk mengetahui bagaimana pembuktian unsur pelanggaran keterlambatan pemberitahuan pengambilalihan saham oleh PT. Saratoga Investama Sedaya serta untuk memahami peranan KPPU dalam mengawasi persaingan usaha demi menjamin kepastian hukum serta mencegah tindakan monopoli dan persaingan usaha tidak sehat. Penyusunan skripsi ini menggunakan metode yuridis normatif dengan cara meninjau data kepustakaan seperti aturan perundang-undangan, buku-buku dan sumber internet. Ditarik kesimpulan dalam penelitian ini yaitu Majelis Komisi menyatakan bahwa pengambilalihan saham yang dilakukan Terlapor nyatanya tidak berpotensi menyebabkan adanya praktik monopoli dan/atau persaingan usaha tidak sehat. Dikarenakan tidak ditemukannya perubahan kekuatan pasar dan tidak adanya integrasi secara vertikal. Namun, pihak Terlapor harus menanggung hukuman denda sebesar Rp. 1 miliar karena dinyatakan telah melanggar Pasal 29 UU No.5 Tahun 1999 *juncto* Pasal 5 PP No.57 Tahun 2010. Salah satu upaya pemerintah dan KPPU dalam mewujudkan dunia persaingan usaha yang sehat dan terhindar dari praktek monopoli, yaitu dengan memperbanyak sosialisasi dari pihak KPPU agar masyarakat memahami bagaimana tugas, wewenang, peran, serta fungsi KPPU dalam berkontribusi terhadap kegiatan perekonomian di Indonesia.

Kata Kunci: Keterlambatan Pengambilalihan Saham, KPPU, Persaingan Usaha

**ANALYSIS OF LATE NOTIFICATION OF SHARE TAKEOVER VIEWED
FROM UNFAIR BUSINESS COMPETITION LAW
(CASE STUDY OF DECISION NO.17/KPPU-M/2020)**

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Abstract

Based on article 29 of Law No. 5 of 1999 concerning the Prohibition of Monopolistic Practices and Unfair Business Competition, it is explained that the takeover of shares that have asset values and or sales values exceeding a certain amount as regulated in Article 5 of Government Regulation No. 57 of 2010 must carry out notification to KPPU no later than 30 working days after it is legally effective. However, it was found that through the KPPU's decision No.17/KPPU-M/2020 it was stated that PT. Saratoga Investama Sedaya was proven to have violated Article 29 of Law No. 5 of 1999 in conjunction with Article 5 of PP No. 57 of 2010. This study aims to find out how to prove the element of violation of the delay in notification of the takeover of shares by PT. Saratoga Investama Sedaya and to understand the role of KPPU in supervising business competition in order to ensure legal certainty and prevent monopolistic actions and unfair business competition. The preparation of this thesis uses a normative juridical method by reviewing library data such as laws and regulations, books and internet sources. The conclusion in this study is that the Commission Council stated that the takeover of shares by the Reported Party did not in fact have the potential to cause monopolistic practices and/or unfair business competition. Due to the absence of changes in market forces and the absence of vertical integration. However, the Reported Party must bear a fine of Rp. 1 billion because it was declared to have violated Article 29 of Law No. 5 of 1999 in conjunction with Article 5 of PP No. 57 of 2010. One of the efforts of the government and KPPU in realizing a world of fair business competition and avoiding monopolistic practices, is by increasing socialization from the public. KPPU so that the public understands the duties, authorities, roles, and functions of KPPU in contributing to economic activities in Indonesia.

Keywords: Delay in Share Takeover, KPPU, Business Competition