

# **ANALISIS PERJANJIAN TERTUTUP PADA SENGKETA PRAKTIK DISKRIMINASI DALAM PERSAINGAN USAHA SEKTOR INDUSTRI AIR MINUM DALAM KEMASAN**

## **ABSTRAK**

Pertumbuhan industri Air Minum Dalam Kemasan (AMDK) di Indonesia menunjukkan perkembangan yang signifikan seiring meningkatnya kebutuhan masyarakat terhadap produk air minum yang praktis dan aman. Namun, perkembangan tersebut turut diiringi dengan munculnya praktik perjanjian tertutup yang berpotensi menimbulkan praktik diskriminasi serta menghambat terciptanya persaingan usaha yang sehat. Penelitian ini bertujuan untuk menganalisis bentuk penyalahgunaan perjanjian tertutup serta keterkaitannya dengan sengketa praktik diskriminasi dalam persaingan usaha pada sektor industri AMDK. Metode penelitian yang digunakan adalah penelitian hukum normatif yang dilengkapi dengan wawancara sebagai data pendukung, serta dianalisis melalui pendekatan perundang-undangan dan studi kasus. Hasil penelitian menunjukkan bahwa praktik perjanjian tertutup dalam industri AMDK dilakukan secara terselubung melalui mekanisme distribusi eksklusif, pemberian insentif selektif, serta pembatasan pasokan yang menciptakan ketimpangan relasi bisnis antara pelaku usaha besar dan pelaku usaha kecil. Praktik tersebut memperkuat dominasi pelaku usaha tertentu, menutup akses pasar bagi pesaing, serta menimbulkan perlakuan diskriminatif terhadap distributor, pengecer, dan konsumen, sehingga berpotensi mengganggu iklim persaingan usaha yang adil dan berkelanjutan.

Kata kunci: Perjanjian Tertutup, Diskriminasi, Persaingan Usaha, Air Minum Dalam Kemasan (AMDK)

***ANALYSIS OF CLOSED AGREEMENTS IN DISPUTES OVER DISCRIMINATION PRACTICES IN BUSINESS COMPETITION IN THE PACKAGED DRINKING WATER INDUSTRY SECTOR***

***ABSTRACT***

*The bottled drinking water (AMDK) industry in Indonesia has experienced significant growth in line with the increasing demand for practical and safe drinking water. However, this rapid development has also been accompanied by the emergence of closed agreements that potentially give rise to discriminatory practices and hinder fair business competition. This study aims to analyze the forms of abuse of closed agreements and their relationship with disputes over discriminatory practices in business competition within the AMDK industry sector. The research employs a normative legal method supplemented by interviews as supporting data and is analyzed through statutory and case-based approaches. The findings indicate that closed agreements in the AMDK industry are implemented covertly through exclusive distribution arrangements, selective incentives, and supply restrictions, which create unequal business relationships between large-scale enterprises and small or medium-sized businesses. These practices strengthen the market dominance of certain business actors, limit market access for competitors, and result in discriminatory treatment toward distributors, retailers, and consumers, thereby potentially undermining a fair and sustainable business competition environment.*

*Keywords: Closed Agreement, Discrimination, Business Competition, Bottled Drinking Water (AMDK)*