

## ABSTRAK

Tingkat kemajuan suatu Negara dapat ditentukan melalui perekonomian dan penegakan hukum di Negara tersebut. Persaingan usaha yang sehat tidak lepas pula dari factor majunya suatu Negara. Di Indonesia persaingan usaha diatur di dalam Undang-Undang No.5/1999 dan diawasi oleh KPPU (Komisi Pengawas Persaingan Usaha). Banyak kasus yang telah ditangani oleh KPPU, salah satunya yakni kasus tentang penetapan harga oleh dua perusahaan besar yaitu Honda dan Yamaha. Honda dan Yamaha diduga melakukan pelanggaran pasal 5 UU No. 5/1999. Dalam putusan KPPU, Honda dan Yamaha terbukti melakukan perjanjian penetapan harga dan harus membayarkan denda milyaran rupiah. Selain diduga melanggar ketentuan pasal 5 UU No.5/1999, kedua perusahaan tersebut juga patut diduga melanggar ketentuan pasal 25 UU No.5/1999 tentang Posisi Dominan, yang lebih tepatnya terkait Penyalahgunaan Posisi Dominan. Perjanjian penetapan harga yang dilakukan oleh Honda dan Yamaha sebenarnya juga merupakan bentuk dari kartel, namun dalam hal ini kartel yang dimaksud adalah kartel harga. Penegakan hukum atas pelanggaran dalam pesaingan usaha tidak sehat menunjukkan bahwa masih ada lembaga yang peduli terhadap masyarakat dan kepentingan Negara.

**Kata Kunci : Persaingan Usaha, Kartel, Perjanjian Penetapan Harga**

**ABSTRACT**

*The level progress of a State can be determined through economic advancement and law enforcement in that State. Fair business competition can not be separated from the progress factor of a State. In Indonesia, business competition is regulated in the law of Republic of Indonesia (UU) Number 5 of 1999 and supervised by KPPU (Business Competition Supervisory Commission). Many cases have been handled by KPPU, one of them is the case of pricing agreement done by two big companies named Honda and Yamaha. Honda and Yamaha allegedly violated in Article 5 of UU No. 5/1999. In the ruling of KPPU, Honda and Yamaha had been proven that they had pricing agreement and were subjected to pay a criminal fine in the amount of billion rupiahs. In addition, these two companies do not only violate the provisions of Article 5 of UU Number 5 of 1999 but also are reasonably suspected of violating the provisions of Article 25 of UU Number 5 of 1999 on Dominant Position, more precisely related to Abuse of a Dominant Position. The pricing agreement made by Honda and Yamaha is actually also a form of cartel, but in this case, it is especially about price cartel. Law enforcement of violations in unfair business competition indicates that there still exists an institution which puts its concern to the public welfare and the national interest.*

**Keywords: Business Competition, Cartel, Price Fixing Agreement**