

ABSTRAK

Definisi mengenai pelaku usaha yang diatur dalam Undang-Undang No.5 Tahun 1999 tentang Larangan Praktek Monopoli dan Persaingan Usaha Tidak Sehat hanya mencakup Pelaku Usaha yang didirikan serta berkedudukan atau sepanjang melakukan aktifitasnya di dalam wilayah Indonesia. Definisi pelaku usaha tersebut masih terlalu sempit dan justru menjadi penghambat dalam penegakan hukum persaingan usaha apabila terjadi praktik anti persaingan yang dilakukan oleh pelaku usaha dari luar wilayah Indonesia, yang memiliki dampak bagi iklim persaingan usaha Indonesia. Maka dari itu diperlukan penerapan Prinsip Ekstrateritorialitas dalam rangka penegakan hukum persaingan usaha yang sehat di Indonesia, salah satunya terkait dengan pengawasan akuisisi. permasalahan pengawasan akuisisi yang memerlukan Prinsip Ekstrateritorialitas terdapat dalam perkara keterlambatan notifikasi Pengambilalihan Saham oleh Toray Adadvanced Materials Korea Inc. terhadap Wongjin Chemical kepada KPPU. Dalam perkara keterlambatan notifikasi tersebut, KPPU dianggap tidak memiliki kewenangan terhadap dua pelaku usaha karena berdomisili di luar wilayah hukum Indonesia.

Kata Kunci : Prinsip Ekstrateritorialitas ; Penegakan Hukum Persaingan Usaha ; Akuisisi

ABSTRACT

The definition of business actors regulated in Law No.5 of 1999 concerning Prohibition of Monopolistic Practices and Unfair Business Competition only covers business actors who are established and domiciled or as long as they carry out their activities within the territory of Indonesia. The definition of business actor is still too narrow and actually becomes an obstacle in law enforcement of business competition if there is an anti-competitive practice carried out by business actors from outside the territory of Indonesia, which has an impact on the Indonesian business competition climate. Therefore, it is necessary to apply the principle of Extraterritoriality in the context of enforcing fair business competition law in Indonesia, one of which is related to the supervision of acquisitions. the issue of supervision over acquisitions that require the principle of extraterritoriality is found in the case of the delay in notification of the takeover of shares by Toray Adadvanced Materials Korea Inc. against Wongjin Chemical to KPPU. KPPU tries to apply the principle of extraterritoriality in the case of the late notification, because KPPU is considered to have no authority over two business actors because it is domiciled outside the jurisdiction of Indonesia.

Keywords: Extraterritoriality Principle; Business Competition Law Enforcement; Acquisition