

Abstrak

Perkembangan teknologi telah membawa peradaban manusia ke era revolusi industri. Era tersebut memunculkan pola bisnis yang dinamis dan berusaha menerobos hukum yang ada, termasuk pada aspek hukum persaingan usaha. Google sebagai perusahaan teknologi raksasa asal Amerika, telah melakukan ekspansi bisnis ke seluruh negara di dunia. Lewat Android Mobile Application Distribution Agreement (MADA), Google telah mensyaratkan ketentuan pemuatan berbagai aplikasi buatannya ke dalam ponsel pintar, bersamaan dengan pembelian Android oleh produsen ponsel pintar tersebut. Ketentuan perjanjian tersebut ternyata memberikan dampak bagi iklim persaingan aplikasi di Indonesia, dan memberikan kerugian bagi banyak pihak, sehingga berpotensi melanggar hukum persaingan usaha. Penelitian ini akan mencoba menelaah perjanjian tersebut dalam aspek hukum persaingan usaha, terutama lewat pasal 15 ayat (2) UU Nomor 5 Tahun 1999 Tentang Larangan Praktek Monopoli dan Persaingan Usaha Tidak Sehat, dan Peraturan KPPU Nomor 15 Tahun 2011 Tentang Pedoman Pasal 15 Undang-Undang Nomor 5 Tahun 1999 Tentang Larangan Praktek Monopoli Dan Persaingan Usaha Tidak Sehat. Penelitian ini termasuk jenis *legal research* dan menggunakan pendekatan *statute approach*, *conceptual approach*, dan *case study*.

Kata Kunci: Google, Android, MADA, UU Persaingan Usaha, Tying

Abstract

The development of technology has brought human civilization to the era of the industrial revolution. This era gave rise to a dynamic business pattern and tried to break through existing laws, including the legal aspects of business competition. Google as a giant technology company from America, has expanded its business to all countries in the world. Through the Android Mobile Application Distribution Agreement (MADA), Google has required the provisions of loading various homemade applications into smart phones, together with the purchase of Android by the smartphone manufacturer. The provisions of the agreement turned out to have an impact on the competition climate of applications in Indonesia, and caused losses to many parties, potentially breaking business competition law. This research will try to examine the agreement in the legal aspects of business competition, especially through article 15 paragraph (2) of Law Number 5 of 1999 concerning Prohibition of Monopolistic Practices and Unfair Business Competition, and KPPU Regulation Number 15 of 2011 concerning Guidelines for Article 15 of Law Number 5 of 1999 concerning Prohibition of Monopolistic Practices and Unfair Business Competition. This research is a type of legal research and uses a statute approach, conceptual approach, and case study.

Keywords: Google, Android, MADA, Business Competition Law, Tying