

**ABSTRAK**

Prinsip *per se illegal* dan *rule of reason* secara alternatif merupakan suatu prinsip dalam hukum persaingan usaha yang penerapannya menggabungkan prinsip *per se illegal* dan *rule of reason*. Rumusan Masalah penelitian ini meliputi: 1. kepastian hukum penerapan prinsip *per se illegal* dan *rule of reason* dalam Undang-Undang No. 5 Tahun 1999 2. penerapan prinsip *per se illegal* dan *rule of reason* secara alternatif dalam penetapan harga industri jasa *freight container* (uang tambang). Metode penelitian yang digunakan adalah yuridis normatif dengan menggunakan pendekatan perundang-undangan, pendekatan konseptual, dan pendekatan kasus. Dari hasil penelitian dapat disimpulkan: 1. Tidak terdapat kepastian hukum mengenai kapan digunakannya prinsip *per se illegal* dan *rule of reason dalam* suatu perkara 2. Kasus penetapan harga industri jasa *freight container* (uang tambang) menggunakan prinsip *per se illegal* dan *rule of reason* secara alternatif yang diterapkan secara bersamaan.

**Kata Kunci : Prinsip *rule of reason*; Prinsip *per se illegal*; Penetapan Harga; *Freight Container*.**

**ABSTRACT**

*The per se illegal principle and rule of reason principle applied alternatively is a principle in antitrust law that combines per se illegal principle and rule of reason principle. The objective of this research is to analyze : 1. The legal certainty of per se illegal principle and rule of reason principle implementation based on Law Number 5 of 1999 concerning Anti Monopoly Practice and Unfair Business Competition 2. The implementation of per se illegal principle and rule of reason principle alternatively in a price-fixing case regarding freight container service industry (required freightrate). The method used in this research is normative legal research which use sastatute approach, conceptual approach and case approach. From the results of the research, it can be concluded that : 1. There is no legal certainty regarding the implementation of per se illegal and rule of reason principle in a case 2. The case of price-fixing in the freight container service industry (required freightrate) isusing per se illegal and rule of reason principle which applied alternatively andconcurrently.*

***Keywords : Rule of reason principle, Per se illegal principle, Price Fixing, Freight Container.***

**Perubahan itu menyakitkan, Ia menyebabkan orang merasa tidak aman,  
bingung, dan marah. Orang menginginkan hal seperti sediakala, karena  
mereka ingin hidup yang mudah**

**- Richard Marcinko -**