

COMPETITION LAW IN INDONESIA: SOCIO-LEGAL APPROACH

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ABSTRACT

This paper aims to analyze the relationship between competition law, the principle of economic efficiency, and social justice within the framework of the Indonesian legal system. The study employs a normative legal research method by examining relevant primary, secondary, and tertiary legal sources, including Law No. 5 of 1999, decisions of the Indonesian Competition Commission (KPPU), and various relevant academic articles. The study finds that although economic efficiency serves as a fundamental principle in the enforcement of competition law in many countries, its implementation in Indonesia must take into account the dimension of social justice as mandated by the Constitution. Indonesia's competition law should strive to strike a balance between the freedom to conduct business and social responsibility in order to ensure a fair, competitive, and equitable market environment.

Keywords: competition law; economic efficiency; Indonesia; KPPU; social justice

A. Introduction

Business competition is one of the essential elements in the modern economic system, aiming to foster innovation, enhance efficiency, create employment opportunities,¹ and improve societal welfare.² In Indonesia, Law No. 5 of 1999 concerning the Prohibition of Monopolistic Practices and Unfair Business Competition,³ represents a significant milestone in the development of the modern economic system, particularly in the post-crisis period of the late 1990s reform era.⁴ This legislation symbolizes a crucial transition from a conglomerate-centered economy to a more open and competitive structure within Indonesia's contemporary economic landscape.⁵

1 Asril Sitompul, *Praktek Monopoli Dan Persaingan Usaha Tidak Sehat* (Jakarta: PT Citra Aditya Bakti, 2019).

2 Ayup Suran Ningsih, "Implikasi Undang-Undang Nomor 5 Tahun 1999 Tentang Larangan Praktek Monopoli Dan Persaingan Usaha Tidak Sehat Pada Pelaku Usaha Mikro Kecil Dan Menengah (UMKM)," *Jurnal Penelitian Hukum De Jure*, 2019, 210.

3 "Undang-Undang Nomor 5 Tahun 1999 Tentang Larangan Praktek Monopoli Dan Persaingan Usaha Tidak Sehat" (n.d.).

4 Uray Allysa Putri and Muhammad Sodiq Qamal, "Analisis Implementasi Undang-Undang Nomor 5 Tahun 1999 Tentang Larangan Praktek Monopoli Dan Persaingan Usaha Tidak Sehat Terhadap Penyelesaian Hukum Atas Pengembalian Kerugian Konsumen," *Tanjungpura Legal Review*, 2022, 30–41.

5 Mustafa Kamal Rokan, *Hukum Persaingan Usaha: Teori Dan Praktiknya Di Indonesia*, 2nd ed. (Jakarta: RajaGrafindo Persada, 2012).

However, the purpose of competition law extends beyond achieving economic efficiency. It must also embody the values of social justice as enshrined in Article 33 of the 1945 Constitution, which stipulates that the national economy shall be organized as a collective endeavor based on the principles of kinship. Consequently, Indonesia's competition law possesses a distinct character compared to the pure free-market system of liberal countries such as the United States, as it incorporates a strong social dimension.⁶

Efficiency is a key concept in the *law and economics* analysis.⁷ According to Posner asserts that the primary objective of law is to maximize economic efficiency defined as the allocation of resources that yields the highest level of social welfare.⁸ This approach is grounded in the theories of Pareto efficiency and Kaldor–Hicks efficiency. Pareto efficiency is achieved when a change benefits at least one party without making others worse off, whereas Kaldor–Hicks efficiency allows for some losses as long as the overall gains outweigh the losses.⁹

In the context of competition law, efficiency can be manifested through three dimensions: allocative efficiency, where prices and output optimally reflect supply and demand; productive efficiency, where goods and services are produced at the lowest possible cost; and dynamic efficiency, which drives innovation and long-term economic growth. Nevertheless, this economically driven perspective has been criticized by proponents of progressive legal thought. Explain from Rahardjo argues, that efficiency often neglects the moral and justice dimensions of law.¹⁰ Therefore, efficiency should be understood as a means rather than an end of the legal system.

In the United States, *antitrust law* operates under the paradigm of economic efficiency and the *consumer welfare standard*, as articulated by the Chicago School of Law and Economics.¹¹ In practice, however, the pursuit of economic efficiency often contradicts the ideals of social justice. Oligopolistic behavior, vertical restraints, and cartel-based price fixing can distort markets and disadvantage small businesses and consumers. In this regard, the Indonesia Competition Commission (KPPU) plays a central role in maintaining equilibrium between market efficiency and equitable economic distribution.¹²

6 Rachmadi Usman, *Hukum Persaingan Usaha Di Indonesia* (Banjarmasin: Sinar Grafika, 2013).

7 R. A. Posner, "The Chicago School of Antitrust Analysis," *University of Pennsylvania Law Review* 127, no. 4 (1979): 925–48.

8 R. A. Posner, *Economic Analysis of Law*, 5th ed., vol. 127 (Aspen Publishers, 2001).

9 Posner, "The Chicago School of Antitrust Analysis."

10 S. Rahardjo, *Hukum Dalam Jagat Ketertiban* (UKI Press, 2006).

11 R. H. Bork, *The Antitrust Paradox: A Policy at War with Itself* (New York: Free Press, 1993).

12 Ratih Agustin Wulandari et al., "Pengaruh Hukum Persaingan Usaha Terhadap Pertumbuhan Ekonomi Nasional," *Jurnal Dimensi Hukum* 9, no. 1 (2025): 56–63.

The *OECD Peer Review on Competition Law and Policy in Indonesia* indicates that several sectors in Indonesia exhibit high market concentration, with the five largest firms controlling more than 70% of total market share.¹³ Such concentration may inhibit innovation, weaken price competition, and exacerbate economic inequality. Within this context, the KPPU plays a pivotal role not only as a law enforcement agency but also as a policy advisor to the government in formulating regulations that promote fair competition.¹⁴ The KPPU is mandated to ensure that market structures are not dominated by a small number of firms and that economic freedom does not lead to inequality.¹⁵

However, in reality, the objectives of efficiency and social justice have not yet been fully harmonized. Despite the normative intent of Law No. 5 of 1999, various sectors—especially the digital marketplace dominated by platforms such as Shopee—illustrate that market freedom often outweighs social responsibility. Small and medium-sized enterprises remain dependent on large digital intermediaries, facing unequal visibility and bargaining power. This condition reflects a tangible gap between *das Sein* (what is) and *das Sollen* (what ought to be), where the implementation of competition law still falls short of realizing the constitutional vision of an economy organized on kinship and collective welfare. Highlighting this discrepancy is crucial to underscore the urgency and relevance of reassessing Indonesia's competition law in the context of the digital economy.

The KPPU's integrative approach, which balances economic efficiency and social justice, demonstrates the hybrid nature of Indonesia's competition law combining an *economic-based competition policy* with a strong normative orientation toward social welfare. This concept represents a manifestation of the national objective to establish an economy that is both efficient and equitable, as enshrined in the 1945 Constitution.¹⁶

The concept of social justice itself has deep roots in classical philosophy. Aristotle distinguished between distributive justice and corrective justice, where distributive justice concerns the proportional allocation of resources, while corrective justice focuses on restoring balance following a legal violation. Later, Rawls introduced the theory of *justice as fairness*,¹⁷ emphasizing two main principles: equal liberty for all and that economic inequalities are justifiable only if they benefit the least advantaged members of society. This principle aligns with the fifth principle of *Pancasila*, the Indonesian state ideology social justice for all the people of Indonesia.

13 OECD, "Digital Economy Outlook 2023," 2023.

14 Abdurrahman Saidi, "Mengatasi Tantangan Besar: KPPU Dan Strategi Penegakan Hukum Untuk Pelanggaran Tender," *Iuris Studia: Jurnal Kajian Hukum* 6, no. 1 (2025): 114–22, <https://doi.org/10.55357/is.v6i1.839>.

15 Alston Chandra and Sari Murti Widiyastuti, "Peran Komisi Pengawas Persaingan Usaha (KPPU) Dalam Mendorong Iklim Persaingan Usaha Yang Sehat Di Sektor Perunggasan," *Justitia Et Pax Jurnal Hukum* 33 (2017): 1–11.

16 J. Asshiddiqie, *Konstitusi Ekonomi* (Jakarta: Rajawali Pers, 2015).

17 J. Rawls, *A Theory of Justice* (Harvard University Press, 1971).

In the context of economic law, social justice requires that legal mechanisms not only regulate market operations but also ensure balance between large and small business actors. Efficiency without justice risks widening social inequality.¹⁸ Therefore, Indonesia's economic law must function as an instrument for redistributing economic power to achieve collective welfare.

Accordingly, this study formulates two main research questions: (RQ1) How is the principle of economic efficiency applied in Indonesia's competition law? and (RQ2) How can the value of social justice be integrated as a corrective to the orientation toward economic efficiency?. The purpose of this study is to critically examine the extent to which Indonesia's competition law reflects a balanced integration between efficiency and social justice, and to identify the normative and institutional challenges in realizing such equilibrium. Through a legal literature review approach, this article analyzes the interrelation between economic law theory and the principle of social justice in the implementation of competition law in Indonesia.

B. Research Method

This study employs a legal literature review method, also known as normative legal research, which examines law as a set of norms operating within the positive legal system rather than as a social phenomenon. Law is thus analyzed as an autonomous and logical system of norms. The primary focus of this approach lies in doctrinal and conceptual analyses of legislation, judicial decisions, and legal doctrines. This method was chosen because the research aims to analyze economic efficiency and social justice within Indonesia's competition law issues that are normative and conceptual in nature within the domain of modern economic law.

According to Marzuki,¹⁹ normative legal research does not require the collection of empirical data from the field but is instead conducted through library-based research using relevant legal materials. Its objective is to identify legal principles, concepts, and norms that can be used to explain and evaluate how Indonesia's competition law governs the relationship between market freedom and economic equity. To achieve these objectives, the study applies three complementary legal approaches:

The first Statutory Approach, this approach involves examining laws and regulations governing business competition, particularly Law No. 5 of 1999 on the Prohibition of Monopolistic Practices and Unfair Business Competition, along with its implementing regulations such as Government Regulations, KPPU (Indonesia Competition Commission) Regulations, and Supreme Court decisions related to competition cases. The purpose

18 A. Sen, *The Idea of Justice* (Harvard University Press, 2009).

19 P. M. Marzuki, *Penelitian Hukum* (Jakarta: Kencana Prenada Media Group, 2017).

is to understand the substance, principles, and objectives of competition law within the constitutional and national economic framework. As Marzuki emphasizes,²⁰ the statutory approach is essential for interpreting the content and meaning of positive legal norms systematically and consistently with the governing principles of law.

The second, Conceptual Approach, this approach is used to examine theoretical concepts relevant to the research topic, namely the theories of economic efficiency and social justice in economic law. Through this approach, the study analyzes the views of scholars such as Posner,²¹ and Bork,²² who emphasize efficiency as the primary goal of competition law, and Sen,²³ and Rawls,²⁴ who advocate for distributive justice within economic systems. This approach therefore serves to construct a conceptual framework that bridges the objectives of efficiency and justice within Indonesia's competition law, grounded in the values of *Pancasila* and Article 33 of the 1945 Constitution.

The third is Comparative Approach, this approach compares Indonesia's competition law enforcement model with that of other jurisdictions, such as the United States and the European Union. The U.S. model emphasizes the *consumer welfare standard* and *economic efficiency*, whereas the EU model prioritizes *fair competition* and the protection of market structures. By drawing such comparisons, the study seeks to identify the ideal position for Indonesia's competition law in integrating economic efficiency with social justice. As argued by Zweigert and Kötz,²⁵ the comparative approach is crucial for broadening legal understanding and enriching legal reasoning in developing systems suited to national socio-economic conditions.

The legal materials used in this research are categorized into three types: (1) Primary legal materials, consisting of legislation and judicial decisions that form the analytical foundation, including the 1945 Constitution particularly Article 33; Law No. 5 of 1999 on the Prohibition of Monopolistic Practices and Unfair Business Competition; KPPU regulations; and Supreme Court decisions. (2) Secondary legal materials, comprising previous research, books, scholarly articles, and relevant international institutional reports, used to reinforce the study's conceptual and analytical arguments. (3) Tertiary legal materials, including supporting materials such as legal dictionaries, legal encyclopedias, annual institutional reports, and guides to law and economics terminology, which provide additional explanations for technical terms and theoretical contexts.

20 Marzuki.

21 Posner, *Economic Analysis of Law*.

22 Bork, *The Antitrust Paradox: A Policy at War with Itself*.

23 Sen, *The Idea of Justice*.

24 Rawls, *A Theory of Justice*.

25 K. Zweigert and H. Kötz, *An Introduction to Comparative Law*, 3rd ed. (Oxford: Clarendon Press, 1998).

The analytical technique applied in this study is descriptive qualitative analysis, aiming to explain and interpret the interaction between economic efficiency and social justice within Indonesia's competition law framework. This method involves systematic, grammatical, and teleological interpretation of legal texts and KPPU decisions, alongside conceptual analysis of economic law theories. The research proceeds through several stages: identifying legal norms and principles governing competition, examining the normative relationship between market freedom and social justice, interpreting the alignment between law enforcement practices and national socio-economic goals, and drawing normative conclusions to formulate an ideal competition law policy based on *Pancasila*-oriented economic ideology.

This descriptive qualitative method aligns with Moleong,²⁶ assertion that a qualitative approach in normative legal research enables the researcher to uncover the meaning behind legal norms and the interplay of values embedded within them.

C. Discussions

This study will discuss the context relevant to the research questions. The detailed analysis is presented below:

1. Economic Efficiency in Indonesia Competition Law

Referring to Article 3 of Law No. 5 of 1999,²⁷ one of the main objectives of competition law in Indonesia is to enhance national economic efficiency.²⁸ This article establishes a foundational legal mandate that links competition policy to the broader goal of strengthening the national economy. However, the meaning of "efficiency" within Indonesia's socio-legal context cannot be equated simply with *market efficiency* as understood in liberal economic systems, where efficiency primarily refers to maximizing output and minimizing costs through market competition.²⁹ Instead, it must be understood in relation to the ideals of social justice and public welfare as enshrined in the Indonesian Constitution.³⁰ Rather, in Indonesia, efficiency is inherently linked to the ideals of social justice, collective welfare, and economic democracy as enshrined in Article 33 of the 1945 Constitution, which emphasizes that the economy must be organized as a collective enterprise based on the principles of kinship.

26 L. J. Moleong, *Metodologi Penelitian Kualitatif* (Bandung: Remaja Rosdakarya, 2019).

27 Undang-Undang Nomor 5 Tahun 1999 tentang Larangan Praktek Monopoli dan Persaingan Usaha Tidak Sehat.

28 Kuntunugroho Adnan, "Fungsi Hukum Pembangunan Ekonomi Dalam Persaingan Usaha Yang Sehat," *Terang : Jurnal Kajian Ilmu Sosial, Politik Dan Hukum* 1, no. 4 (2024): 238–58, <https://doi.org/10.62383/terang.v1i4.649>.

29 Malse Yulivestra, "Neo-Liberalism and Global Economic Crises (The Changing of the State-Market Relations in Indonesia)," *Andalas Journal of International Studies Volume* 1, no. 1 (2012): 55–69.

30 Inaya Rakhmani and Zulfa Sakhiyya, "The Cultural Political Economy of Knowledge in Neo-Liberal Indonesia," *Journal of Contemporary Asia* 55, no. 3 (May 27, 2025): 388–404, <https://doi.org/10.1080/00472336.2023.2298449>.

According to Nasution,³¹ economic efficiency in the Indonesian legal framework extends beyond allocative efficiency concerned with cost reduction and output maximization to encompass *social efficiency*, which considers the equitable distribution of opportunities and the social impact of economic activities. Thus, efficiency is not merely a technical measure to avoid resource redundancy, but an instrument to realize collective prosperity and balance within the national economic structure.

From an economic law perspective, Posner views efficiency as an objective parameter in evaluating antitrust policies,³² arguing that efficiency ultimately generates total welfare. However, this approach is often criticized for neglecting the dimension of distributive justice. In contrast, Rahardjo asserts that Indonesian economic law cannot be separated from moral and social dimensions,³³ as it is deeply rooted in *Pancasila* values, which reject absolute economic domination and exploitation, while emphasizing distributive justice.³⁴

In this context, national economic efficiency as stated in Article 3 of Law No. 5 of 1999 must be interpreted as *inclusive efficiency* that is, efficiency that ensures market sustainability and fair access for small and medium enterprises. Therefore, competition law enforcement should not only assess market power from the standpoint of production efficiency but also consider the equitable distribution of opportunities and public welfare.

A notable example is KPPU Decision No. 26/KPPU-L/2007 (the tobacco case), where the Commission found that price coordination among major firms had created an oligopolistic structure detrimental to market fairness. In this decision, KPPU not only applied formal legal provisions but also examined economic evidence to measure the broader market impact on consumers and small producers. This approach demonstrates that KPPU's enforcement reflects Indonesia's dual commitment to efficiency and justice—ensuring that economic liberalization does not evolve into market domination.³⁵

For example, in Decision No. 26/KPPU-L/2007 (the *tobacco cartel case*), the Komisi Pengawas Persaingan Usaha (KPPU) found that several dominant cigarette producers had coordinated their pricing strategies in a manner that restricted market competition and established an oligopolistic market structure. The Commission's investigation revealed evidence of price parallelism and production quota alignment, both of which are indicative of concerted practices prohibited under Article 5 of Law No. 5 of 1999. To substantiate its

31 A. Nasution, *Hukum Ekonomi Dan Efisiensi Sosial Dalam Persaingan Usaha Di Indonesia* (Jakarta: RajaGrafindo Persada, 2014).

32 Posner, "The Chicago School of Antitrust Analysis."

33 Rahardjo, *Hukum Dalam Jagat Ketertiban*.

34 Putri Novi Tria et al., "Implementasi Pancasila Dalam Bidang Ekonomi Di Era Globalisasi," *Jurnal Gema Keadilan* 9, no. 3 (2022): 1–9, <https://doi.org/10.14710/gk.2022.16456>.

35 Rosdalina Bukido and Laila F Bamatraf, "Peranan Komisi Pengawas Persaingan Usaha (KPPU) Dalam Menegakan Undang-Undang Nomor 5 Tahun 1999 Tentang Larangan Praktek Monopoli Dan Persaingan Usaha Tidak Sehat," *Jurnal Ilmiah Al-Syir'ah* 15, no. 1 (2017): 56–73, <https://doi.org/10.30984/as.v15i1.474>.

findings, KPPU employed several quantitative analytical tools, including price-cost margin analysis to measure abnormal profitability levels, market concentration ratios (CR4 and CR8) to assess the degree of dominance by top firms, and barrier-to-entry evaluations to determine whether new entrants faced structural disadvantages due to incumbents' control of distribution channels and brand loyalty.

The decision's significance lies in the methodological shift it represents: KPPU's approach transcended formal legal interpretation and incorporated an *economic-effects doctrine*—evaluating not merely whether a legal violation occurred, but also how the firms' conduct distorted price mechanisms, limited consumer choice, and harmed smaller producers. By integrating these analytical dimensions, KPPU demonstrated that competition law enforcement in Indonesia functions not as a rigid textual instrument, but as a dynamic regulatory mechanism aimed at maintaining both productive efficiency and market fairness. This dual consideration ensures that efficiency gains derived from economies of scale do not evolve into exclusionary efficiency, where dominant firms leverage cost advantages to eliminate competitors and consolidate market power.

Furthermore, in merger and acquisition (M&A) assessments, KPPU consistently applies an efficiency test to balance potential welfare gains against risks of market concentration. Under Government Regulation No. 57 of 2010 concerning M&A Notification, transactions that result in a combined market share exceeding 50% must be reviewed for anti-competitive potential. In practice, KPPU's evaluation examines whether the merger leads to allocative and productive efficiency, such as cost reduction and technological synergy, and whether such gains outweigh potential losses from reduced competition. Importantly, the Commission also assesses the social efficiency dimension, analyzing the distributional consequences on suppliers, micro-, small-, and medium-sized enterprises (MSMEs), and consumer welfare. This framework reflects the Indonesian principle that efficiency must be inclusive and redistributive, not simply concentrated in the hands of large corporations.

From a jurisprudential standpoint, the study finds that the concept of efficiency in Indonesian competition law is instrumental rather than teleological. In other words, efficiency serves as a means to achieve higher normative goals—namely, economic justice and public welfare—rather than as an ultimate end of the legal system. This interpretation is consistent with the constitutional vision articulated in Article 33 of the 1945 Constitution, where economic activity is directed toward collective prosperity and social balance. It also resonates with John Rawls' difference principle, which asserts that economic inequalities are only justifiable if they improve the welfare of the least advantaged groups.

In the Indonesian context, this philosophical alignment is manifested in competition policy and industrial regulation, where the state seeks to prevent excessive concentration of market power while still encouraging innovation and efficiency. For instance, government

interventions in sectors such as telecommunications, energy, and digital marketplaces reflect an understanding that unregulated market freedom can generate asymmetrical power structures detrimental to public welfare. Hence, the balance sought by KPPU and related authorities represents a normative synthesis between market-driven efficiency and the social justice imperative embedded in the nation's constitutional and ideological foundations.

Therefore, although competition law recognizes the importance of efficiency for enhancing national competitiveness, such efficiency must align with the principles of social justice and protection of small businesses and consumers. This model of efficiency referred to as *equitable efficiency* has become a distinctive feature of Indonesia's competition law system. In conclusion, law enforcement practices demonstrate that economic efficiency in Indonesian competition law is *normatively progressive*, meaning that efficiency is understood socially rather than merely technically. KPPU integrates economic analysis in assessing market actors while maintaining a justice-oriented perspective. Ultimately, the goal of efficiency is collective welfare and market stability, not the pursuit of individual or group profit. Thus, Indonesia's competition law not only promotes efficient market competition but also functions as a form of social engineering aimed at creating an inclusive and just economic structure consistent with *Pancasila* values and the constitutional mandate of the national economy.

2. Social Justice in the Enforcement of Competition Law

The concept of social justice within Indonesian competition law represents a normative dimension that distinguishes it from liberal competition law paradigms in jurisdictions such as the European Union and the United States. Whereas the U.S. system is primarily oriented toward *consumer welfare* and *economic efficiency*, the Indonesian legal system places *social justice* as a moral and constitutional principle underlying every economic policy. This principle aligns with Article 33 of the 1945 Constitution, which stipulates that the national economy shall be organized as a collective endeavor based on the principle of kinship to achieve the prosperity of the people.³⁶ Within this framework, competition law in Indonesia does not function merely as a regulatory mechanism to ensure market efficiency, but also as an instrument for economic redistribution and the protection of public interests.³⁷

36 Marlina Widiyanti, Febrian Febrian, and Annalisa Yahanan, "Praktik Monopoli Dan Persaingan Usaha Tidak Sehat Terkait Persetujuan Perpanjangan Kontrak Pengadaan Give Away Oleh PT. Garuda Indonesia (Studi Kasus Putusan Perkara Nomor: 23/Kppu-l/2010)," *Lex LATA* 2, no. 2 (2022): 556-77, <https://doi.org/10.28946/lexl.v2i2.830>.

37 Alum Petronella Simbolon, "Komisi Pengawas Persaingan Usaha Dalam Penegakan Hukum Persaingan Usaha," *Mimbar Hukum - Fakultas Hukum Universitas Gadjah Mada* 20, no. 3 (2008): 459, <https://doi.org/10.22146/jmh.16288>.

Rawls' theory of justice posits that economic justice must ensure equal access for the most vulnerable members of society.³⁸ This notion parallels the *inclusive competition policy* approach increasingly recognized in global economic law literature. According to Gerber,³⁹ competition law systems in developing countries, including Indonesia, tend to adopt a *development-oriented competition law* model that integrates economic growth objectives with social justice goals. This view reinforces the understanding that competition law enforcement in countries such as Indonesia cannot rely solely on market efficiency but must also ensure that the outcomes of competition do not exacerbate structural inequality.

In practice, the KPPU operationalizes the principle of social justice through policies designed to protect small and medium enterprises (SMEs) from exclusionary practices by dominant firms. A clear example can be found in KPPU Decision No. 02/KPPU-1/2018 concerning food distribution, where the Commission emphasized that vertical integration by large corporations could create *barriers to entry* and restrict access for smaller firms to national or global markets. In its reasoning, KPPU asserted that competition law enforcement must take into account fair market structures rather than focusing solely on production efficiency. This demonstrates KPPU's incorporation of social justice dimensions into its enforcement practices, consistent with the theory of *equitable market governance*, which seeks to balance economic freedom and redistribution.⁴⁰

International legal literature reveals a growing consensus that competition law in the Global South including Indonesia should prioritize *inclusive growth* and *social equity*.⁴¹ This perspective underscores that competition policy should not only preserve competition but also correct structural economic imbalances. From Khan further argues, that digital platforms and mega-conglomerates have become both new market players and significant contributors to social inequality.⁴² In Indonesia, such dynamics are evident in the digital and food sectors, where major firms exert substantial control over prices and distribution. Hence, social justice in competition law is not only a moral imperative but also a strategic necessity in addressing the challenges of the digital economy and globalization, both of which generate new forms of inequality.

The social justice approach offers a critical corrective to the conventional efficiency-based interpretation of competition law. While traditional economic analysis views law primarily as an instrument to minimize costs and maximize productivity, the capability approach introduced by Amartya Sen extends the meaning of economic justice beyond

38 Rawls, *A Theory of Justice*.

39 D. J. Gerber, *Global Competition: Law, Markets, and Globalization* (Oxford: Oxford University Press, 2012).

40 E. M. Fox, "Inclusive and Sustainable Competition Policy for Development," *Antitrust Law Journal* 77, no. 2 (2012): 191-214.

41 S. J. Evenett, "Tackling Market Concentration: Competition Policy and Social Equity in Developing Economies," *World Competition Journal* 43, no. 2 (2020): 121-45.

42 L. Khan, "Amazon's Antitrust Paradox," *Yale Law Journal* 126, no. 3 (2018): 710-805.

mere market outcomes. Sen argues that justice should be measured by the real freedoms and capabilities individuals possess to participate meaningfully in economic life. In this sense, economic development is not only about increasing aggregate welfare but also about expanding the substantive freedoms of individuals to achieve well-being.

Within the framework of competition law, this philosophical shift implies that the law must not only regulate anti-competitive behavior but also actively ensure that small and medium-sized enterprises (SMEs) have equal access to markets, resources, and technology. Equal access to digital infrastructure, fair visibility in platform algorithms, and transparent market information are part of these “capabilities.” Thus, competition law becomes not merely a *mechanism for preventing monopolies* but a *tool of empowerment* that enables marginalized business actors to compete with dignity and fairness. In the context of Indonesia’s digital economy—where dominant platforms such as Shopee or Tokopedia control algorithmic visibility and pricing—this approach gains particular importance, as it ensures that competition policy contributes to inclusive market participation rather than reinforcing concentration of power.

Normatively, the integration of social justice values into competition law reveals the dual function of Indonesia’s economic legal framework. On the one hand, it aims to promote efficiency and competitiveness to strengthen national productivity; on the other hand, it must prevent market distortions that could marginalize small producers and consumers. This dual orientation reflects Indonesia’s constitutional mandate under Article 33 of the 1945 Constitution, which grounds the national economy on the principles of kinship and collective welfare (*kesejahteraan bersama*). The enforcement of competition law, therefore, becomes a balancing act between economic dynamism and distributive equity—ensuring that growth does not lead to structural exclusion.

Normatively, the integration of social justice values into competition law demonstrates the dual function of Indonesian economic law: on one hand, it promotes efficiency and national competitiveness; on the other, it ensures that economic outcomes are not concentrated among a small number of powerful enterprises. This model aligns with the concept of *law for inclusive development* proposed by Sokol and Cheng,⁴³ who emphasize the role of competition law in supporting inclusive and equitable economic development.

In conclusion, the enforcement of competition law in Indonesia reflects a strong social orientation, embedding justice as a substantive dimension in regulatory and judicial decision-making. This integration underscores the distinctive identity of Indonesian competition law, which transcends Western efficiency models by incorporating constitutional and moral imperatives of fairness, inclusion, and equality. Consequently, social justice in Indonesia’s

43 D. D. Sokol and T. K. Cheng, “Law and Development: Building Capabilities through Competition Policy,” *Journal of Competition Law & Economics* 15, no. 3 (2019): 517–43.

competition law is not an auxiliary principle—it is the core essence of the national economic legal philosophy, ensuring that efficiency serves humanity and not the reverse.

3. Synthesis Between Economic Efficiency and Social Justice in Indonesia Competition Law

The relationship between economic efficiency and social justice in Indonesian competition law is dialectical and mutually reinforcing. Economic efficiency focuses on enhancing productivity and national competitiveness, whereas social justice emphasizes the equitable distribution of economic benefits and the protection of small enterprises and consumers. These two dimensions are not opposing forces to be balanced but are complementary elements within a sustainable economic development framework. In the Indonesian legal context, this synthesis manifests as a normative approach in which efficiency serves as a means to achieve social justice, rather than the other way around.

This integrative approach can be explained through Dabbah's concept of a "balanced competition policy," which highlights that competition policy should not merely pursue market efficiency but must also consider social context, industrial structure, and national development objectives.⁴⁴ Dabbah further argues that in developing countries, competition law should facilitate economic transformation and reduce structural inequalities. This principle aligns with the orientation of Indonesia's competition law, which situates economic efficiency within a framework of distributive justice.

Furthermore, this synthesis reflects what Akman and Kassim describe as "contextual competition policy," wherein competition regulation is adapted to the socio-economic realities of a country.⁴⁵ Their research indicates that antitrust policies in Asian economies such as Malaysia, Indonesia, and South Korea tend to balance market efficiency with social objectives, including the protection of small businesses and consumer price stability. Accordingly, competition law in such contexts not only enforces market discipline but also functions as a social corrective instrument to address economic inequality.

The balance between efficiency and social justice also resonates with the theory of inclusive efficiency, which incorporates the broader social distribution of economic benefits. From Kaplow and Shapiro,⁴⁶ argue that economic efficiency devoid of fair benefit distribution can lead to allocative failure at the societal level. Hence, the enforcement of competition law must consider its implications for vulnerable groups, particularly within asymmetric power relations between large and small firms. This concept gains further importance in the

44 M. M. Dabbah, "Competition Law and Policy in Developing Countries: A Critical Assessment," *Cambridge Journal of International and Comparative Law* 59, no. 4 (2010): 879–905.

45 P. Akman and H. Kassim, "Contextualizing Competition Policy in Developing Economies," *World Competition Journal* 37, no. 1 (2014): 5–29.

46 L. Kaplow and C. Shapiro, "Antitrust, Innovation, and the Balance between Efficiency and Fairness," *Harvard Law Review* 120, no. 6 (2007): 1265–1312.

digital economy era, where market concentration creates new forms of economic inequality that traditional efficiency models fail to capture.

In this regard, Indonesia's KPPU plays a crucial role in operationalizing the synthesis between efficiency and equity. Through its oversight of mergers and acquisitions, KPPU evaluates not only the efficiency gains of corporate consolidation but also the social impacts on market structure and small business sustainability. This practice echoes Jenny,⁴⁷ argument that competition authorities in developing countries should adopt a multi-objective competition policy, integrating economic efficiency with broader national and developmental goals.

Moreover, the integration of these values reflects the essence of Pancasila economic law, which combines entrepreneurial freedom with social responsibility. This approach diverges from neoliberal models that treat efficiency as the sole measure of success in global markets. Instead, Indonesian competition law embraces the paradigm of embedded markets, as described by Rodrik, wherein markets are embedded within social and institutional values that ensure justice and inclusivity.⁴⁸ Consequently, Indonesia's competition law system can be classified as a hybrid model, merging economic rationality with social morality as its normative foundation.

From a global perspective, this synthesis between efficiency and social justice is increasingly recognized as a more sustainable approach to modern competition policy. According from Bonakele,⁴⁹ observe that experiences from several Asian and African countries demonstrate how socially oriented competition policies can strengthen economic stability and expand market access for small enterprises. This underscores that competition law can serve not only as a regulatory mechanism for market dynamics but also as an instrument of inclusive development.

In conclusion, Indonesian competition law represents a model of "equitable efficiency" an efficiency grounded in social values and constitutional principles. The law thus performs a dual function: creating a competitive and efficient market while ensuring equitable distribution of economic gains. This synthesis exemplifies the evolution of Indonesian competition law from a mere economic instrument into a tool for social engineering and just national development.

47 F. Jenny, "Competition Law and Economic Development: Reconciling Efficiency and Equity," *Concurrences Review* 2, no. 21 (2021): 15–27.

48 D. Rodrik, *The Globalization Paradox: Democracy and the Future of the World Economy* (New York: W.W. Norton & Company, 2011).

49 T. Bonakele, E. M. Fox, and K. McNabb, "Competition Policy for Inclusive Growth in Developing Economies," *Journal of Antitrust Enforcement* 5, no. 3 (2017): 221–45.

4. Landmark KPPU Cases in Indonesia

Several landmark cases handled by the KPPU illustrate the evolution of competition law enforcement in Indonesia. These include: (1) decisions on modern retail expansion involving Alfamart and Indomaret, (2) the airline ticket price cartel case involving several carriers under Decision No. 15/KPPU-I/2019, and (3) the Grab–TPI case concerning discriminatory practices and vertical integration in the digital transportation platform business (Decision No. 13/KPPU-I/2019). The analysis of these cases combines the law and economics framework (market definition, barriers to entry, foreclosure, tying/discrimination) with the social justice dimension (distributive impact, access for small enterprises).

The first case concerns modern retail expansion, particularly the Decision No. 03/KPPU-L-I/2001 and subsequent rulings related to the growth of modern retail chains. The core issue involved the aggressive expansion of Alfamart and Indomaret into traditional market areas, which led to market dominance and exclusionary effects detrimental to small traders, thereby violating Law No. 5 of 1999 and the principle of fair competition. Judicial and academic analyses indicated that such expansion strategies, facilitated through vertical integration and preferential supply chain access, distorted market balance and required corrective measures.⁵⁰

From a law and economics perspective, the penetration of modern retail chains initially enhanced product efficiency and lowered consumer prices in certain areas. However, dynamic and structural effects emerged when these chains restricted access to independent suppliers or imposed exclusive purchasing conditions, resulting in buyer power and vertical foreclosure, raising entry barriers for small retailers and weakening long-term competition. OECD and EU literature affirm that unchecked supermarket penetration often shifts market concentration and erodes supplier diversity when adequate oversight mechanisms are absent.⁵¹ Thus, price-based assessments alone are insufficient; long-term impacts on market structure and welfare distribution must also be considered.

From a social justice and policy perspective, KPPU's decision to limit or caution against excessive modern retail expansion functions as a tool to preserve opportunities for small enterprises. Nonetheless, enforcement instruments must avoid turning into protectionism that stifles genuine productive efficiency. Comparative studies from the EU and developing economies highlight that systematic market studies, remedy-based interventions, and coordinative policy approaches rather than absolute prohibitions are more effective in preserving efficiency while mitigating social harms.⁵²

50 hukum online, "Indomaret Diperintahkan Hentikan Ekspansi Usaha," 2001, <https://www.hukumonline.com/berita/a/indomaret-diperintahkan-hentikan-ekspansi-usaha-hol3092/>.

51 OECD, "Market Structure, Growth and Competition in the Supermarket Sector in Latin America" (Jamaica, 2015).

52 European Union, "Competition in the Food Retail Sector Proceedings of the Workshop" (Brussels, 2016),

The second case involves the airline ticket price cartel, where KPPU found that several airlines (e.g., Garuda Group, Lion Air, Batik Air, Wings Air, Citilink, Sriwijaya Air, and Nam Air) engaged in coordinated pricing behavior by restricting the sale of low-fare ticket subclasses. The KPPU ruled against the airlines in Decision No. 15/KPPU-I/2019, a verdict later upheld in part by the Supreme Court of Indonesia (*Mahkamah Agung*). This decision highlighted collective market conduct that reduced consumer choice and price competition.⁵³

Economically, this case represents a classic cartel scenario that diminishes consumer welfare and allocative efficiency, forcing higher prices and limited options. Many jurisdictions treat price-fixing agreements as per se illegal due to their inherent harm. However, modern competition law emphasizes effects-based analysis, requiring proof of actual market impact. The KPPU applied this approach by identifying both explicit and behavioral evidence of coordination. Experiences from the U.S. and EU show that the aviation sector has unique characteristics such as route specificity, network effects, and international alliances requiring nuanced enforcement that balances potential efficiency justifications with protection against consumer harm. For Indonesia, the case underscores the need for clear evidentiary standards and ex-post monitoring of pricing behavior in sensitive routes.

From a social justice and institutional perspective, this decision holds particular relevance because airfares directly affect public mobility and economic access, especially for lower- and middle-income groups. OECD recommendations emphasize combining strong cartel enforcement with pricing transparency mechanisms and institutional coordination to prevent recurrence. This precedent affirms that operational efficiency cannot justify price coordination that undermines consumer access.

The third case, Grab–TPI, concerns platform-based discrimination and vertical integration. KPPU found that Grab Indonesia, in collaboration with TPI (*Teknologi Pengangkutan Indonesia*), engaged in discriminatory practices that provided undue competitive advantages such as exclusive incentives, order prioritization, and premium service programs to selected partners. These actions restricted access for other drivers and distorted fair competition, leading KPPU to impose substantial fines, despite ongoing litigation in civil and cassation courts.⁵⁴

From a law and economics perspective, this case highlights the intersection between traditional competition issues and new challenges arising from algorithmic governance, network effects, multi-sided markets, and platform control over data access. OECD studies

[http://www.europarl.europa.eu/RegData/etudes/STUD/2016/578981/IPOL_STU\(2016\)578981_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2016/578981/IPOL_STU(2016)578981_EN.pdf).

53 Andi Saputra, "MA Menangkan KPPU Soal Kartel Tiket Pesawat, Ini Isi Putusannya," *detik.News*, 2023, <https://news.detik.com/berita/d-6844010/ma-menangkan-kppu-soal-kartel-tiket-pesawat-ini-isi-putusannya?html>.

54 CNN Indonesia, "Kronologi Kasus Grab Hingga Denda Rp30 M Oleh KPPU," *CNN Indonesia*, 2020, <https://www.cnnindonesia.com/ekonomi/20200703074627-92-520318/kronologi-kasus-grab-hingga-denda-rp30-m-oleh-kppu?html>.

on ride-sourcing platforms emphasize that while digital platforms can generate substantial efficiency gains, they also risk competitor exclusion through exclusive contracts, preferential treatment, or data lock-ins, which ultimately affect income distribution among drivers and consumer access. Efficiency justifications may be accepted if they demonstrably enhance total welfare without harming weaker participants; however, algorithmic discrimination that subordinates the majority of partners violates social justice principles and requires corrective measures. Moreover, defining the relevant market becomes increasingly complex, as platform services operate across multiple user groups, necessitating cross-side externality analysis.

In terms of policy learning and regulatory development, OECD experiences show the emergence of dual-track regulatory strategies, combining traditional antitrust enforcement for clear anti-competitive conduct with ex-ante frameworks specifically designed for digital platforms, as ex-post enforcement often lags behind rapid technological change. OECD recommends integrating competition enforcement with regulatory sandboxes, data monitoring systems, and cross-agency collaboration among competition authorities, transport regulators, and labor bodies to address distributive impacts on platform partners. For KPPU, these lessons imply the need to strengthen data analytics capacity, digital market expertise, and institutional cooperation in managing complex platform cases.

5. Practical Implications

The implementation of competition law in Indonesia carries significant practical implications for national economic policy, market economy governance, and institutional law enforcement strategies. These implications primarily relate to how economic efficiency and social justice values are simultaneously operationalized within a legal system oriented toward public welfare.

From a public policy formulation perspective, competition law must be integrated into national economic development strategies that promote equitable distribution among the population. As argued by Gerber,⁵⁵ competition law in developing countries should not operate independently of industrial and social policies but should instead form part of a government's integrated economic policy framework. This integration requires close coordination between institutions such as KPPU, the Ministry of Trade, and the Ministry of Cooperatives, ensuring that efficient market policies do not lead to economic power concentration that disadvantages small businesses. Thus, the principle of efficiency must be evaluated not only through market output, but also through the extent of equitable economic participation.

In terms of law enforcement, strengthening KPPU's institutional capacity is essential

⁵⁵ Gerber, *Global Competition: Law, Markets, and Globalization*.

for adopting an evidence-based competition enforcement model. According to Motta and de Streef,⁵⁶ modern competition authorities must integrate economic analysis with social policy considerations when assessing cases, particularly in mergers and market dominance investigations. The application of quantitative impact assessments on consumer welfare, income distribution, and effects on small and medium enterprises (SMEs) can serve as innovative enforcement tools in the Indonesian context.

Third, in terms of SME empowerment, competition law can function as an affirmative policy instrument to promote structural equality. Fox and Healey argue,⁵⁷ that competition policy in developing economies should not merely enforce market rules but also encourage inclusive participation by reducing barriers to entry and regulating dominant corporate behavior. In Indonesia, this means enhancing KPPU's role in assessing exclusive distribution arrangements, vertical integration, and strategic alliances to ensure fair local competition.

Finally, legal education and public awareness represent an essential dimension of effective competition governance. As Whish and Bailey assert,⁵⁸ the effectiveness of competition law depends not only on institutional strength but also on the development of a competition culture within society. Public education on the principles of fair competition and its contribution to social welfare can enhance public legitimacy for KPPU and foster voluntary compliance among businesses.

In conclusion, these practical implications demonstrate that competition law in Indonesia should not be understood narrowly as a mere economic regulatory instrument. Rather, it should function as a tool of social engineering, harmonizing efficiency with equity and strengthening the foundations of an inclusive and just national economic system.

D. Conclusion

Competition law in Indonesia serves as a strategic legal instrument for managing the dynamics of a national economy that aspires to balance efficiency and social justice. Based on the normative and conceptual analysis of Law No. 5 of 1999, it can be concluded that Indonesia's competition law does not adopt a market-fundamentalist orientation as found in liberal economies. Rather, it is anchored in a constitutional vision that treats economic efficiency not as an ultimate end, but as a means to achieve equitable distribution, social welfare, and collective prosperity, consistent with the principles of Article 33 of the 1945 Constitution. This study further reveals that Indonesia's competition law possesses a distinctive socio-normative character, combining economic rationality with moral and

56 M. Motta and A. de Streef, "Digital Platforms and the New Rules of Competition," *Competition Policy International* 17, no. 2 (2021): 45–67.

57 E. M. Fox and D. Healey, "When the State Harms Competition — The Role for Competition Law," *Antitrust Law Journal* 79, no. 2 (2014): 769–814.

58 R. Whish and D. Bailey, *Competition Law: Tenth Edition* (Oxford: Oxford University Press, 2021).

distributive dimensions derived from Pancasila-based economic philosophy. Within this framework, the KPPU assumes a pivotal role as both a law enforcer and a policy institution tasked with harmonizing efficiency-oriented policies with the imperatives of fairness and inclusion. Through contextual economic analysis, KPPU ensures that the pursuit of market efficiency does not erode market diversity or marginalize smaller enterprises. The findings reaffirm that the Indonesian model of competition law embodies the paradigm of “equitable efficiency”, wherein efficiency is pursued within the boundaries of justice, inclusivity, and public welfare. This paradigm redefines the purpose of competition law—not merely as a mechanism for disciplining market behavior—but as a form of social engineering (*rekayasa sosial*) designed to maintain structural balance, reduce inequality, and realize economic justice in accordance with national values. Practically, this legal framework must continue to evolve and synergize with industrial policy, business ethics, and digital economy governance. In particular, as digital platforms and algorithmic markets reshape competition, Indonesia’s competition law must strengthen its analytical tools to capture new forms of dominance—such as data control and platform dependency—while ensuring that innovation remains inclusive and sustainable. Anchored in constitutional ideals and the human-centered economic philosophy of Pancasila, Indonesia’s competition law ultimately aspires to maintain a delicate equilibrium between competitiveness and humanity, ensuring that market progress serves not only the few but the collective welfare of the entire nation.

Bibliography

A. Books

- Asshiddiqie, J. *Konstitusi Ekonomi*. Jakarta: Rajawali Pers, 2015.
- Bork, R. H. *The Antitrust Paradox: A Policy at War with Itself*. New York: Free Press, 1993.
- Gerber, D. J. *Global Competition: Law, Markets, and Globalization*. Oxford: Oxford University Press, 2012.
- Marzuki, P. M. *Penelitian Hukum*. Jakarta: Kencana Prenada Media Group, 2017.
- Moleong, L. J. *Metodologi Penelitian Kualitatif*. Bandung: Remaja Rosdakarya, 2019.
- OECD. "Digital Economy Outlook 2023," 2023.
- . "Market Structure, Growth and Competition in the Supermarket Sector in Latin America." Jamaica, 2015.
- Posner, R. A. *Economic Analysis of Law*. 5th ed. Vol. 127. Aspen Publishers, 2001.
- Rahardjo, S. *Hukum Dalam Jagat Ketertiban*. UKI Press, 2006.
- Rawls, J. *A Theory of Justice*. Harvard University Press, 1971.
- Rodrik, D. *The Globalization Paradox: Democracy and the Future of the World Economy*. New York: W.W. Norton & Company, 2011.
- Rokan, Mustafa Kamal. *Hukum Persaingan Usaha: Teori Dan Praktiknya Di Indonesia*. 2nd ed. Jakarta: RajaGrafindo Persada, 2012.
- Sen, A. *The Idea of Justice*. Harvard University Press, 2009.
- Sitompul, Asril. *Praktek Monopoli Dan Persaingan Usaha Tidak Sehat*. Jakarta: PT Citra Aditya Bakti, 2019.
- Usman, Rachmadi. *Hukum Persaingan Usaha Di Indonesia*. Banjarmasin: Sinar Grafika, 2013.
- Whish, R., and D. Bailey. *Competition Law: Tenth Edition*. Oxford: Oxford University Press, 2021.
- Zweigert, K., and H. Kötz. *An Introduction to Comparative Law*. 3rd ed. Oxford: Clarendon Press, 1998.

B. Articles

- Adnan, Kuntonugroho. "Fungsi Hukum Pembangunan Ekonomi Dalam Persaingan Usaha Yang Sehat." *Terang : Jurnal Kajian Ilmu Sosial, Politik Dan Hukum* 1, no. 4 (2024): 238–58. <https://doi.org/10.62383/terang.v1i4.649>.
- Akman, P., and H. Kassim. "Contextualizing Competition Policy in Developing Economies." *World Competition Journal* 37, no. 1 (2014): 5–29.
- Bonakele, T., E. M. Fox, and K. McNabb. "Competition Policy for Inclusive Growth in Developing Economies." *Journal of Antitrust Enforcement* 5, no. 3 (2017): 221–45.
- Bukido, Rosdalina, and Laila F Bamatraf. "Peranan Komisi Pengawas Persaingan Usaha (KPPU) Dalam Menegakan Undang-Undang Nomor 5 Tahun 1999 Tentang Larangan Praktek Monopoli Dan Persaingan Usaha Tidak Sehat." *Jurnal Ilmiah Al-Syir'ah* 15, no. 1 (2017): 56–73. <https://doi.org/10.30984/as.v15i1.474>.

- Chandra, Alston, and Sari Murti Widiyastuti. "Peran Komisi Pengawas Persaingan Usaha (KPPU) Dalam Mendorong Iklim Persaingan Usaha Yang Sehat Di Sektor Perunggasan." *Justitia Et Pax Jurnal Hukum* 33 (2017): 1–11.
- Dabbah, M. M. "Competition Law and Policy in Developing Countries: A Critical Assessment." *Cambridge Journal of International and Comparative Law* 59, no. 4 (2010): 879–905.
- European Union. "Competition in the Food Retail Sector Proceedings of the Workshop." Brussels, 2016. [http://www.europarl.europa.eu/RegData/etudes/STUD/2016/578981/IPOL_STU\(2016\)578981_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2016/578981/IPOL_STU(2016)578981_EN.pdf).
- Evenett, S. J. "Tackling Market Concentration: Competition Policy and Social Equity in Developing Economies." *World Competition Journal* 43, no. 2 (2020): 121–45.
- Fox, E. M. "Inclusive and Sustainable Competition Policy for Development." *Antitrust Law Journal* 77, no. 2 (2012): 191–214.
- Fox, E. M., and D. Healey. "When the State Harms Competition — The Role for Competition Law." *Antitrust Law Journal* 79, no. 2 (2014): 769–814.
- Jenny, F. "Competition Law and Economic Development: Reconciling Efficiency and Equity." *Concurrences Review* 2, no. 21 (2021): 15–27.
- Kaplow, L., and C. Shapiro. "Antitrust, Innovation, and the Balance between Efficiency and Fairness." *Harvard Law Review* 120, no. 6 (2007): 1265–1312.
- Khan, L. "Amazon's Antitrust Paradox." *Yale Law Journal* 126, no. 3 (2018): 710–805.
- Motta, M., and A. de Stree. "Digital Platforms and the New Rules of Competition." *Competition Policy International* 17, no. 2 (2021): 45–67.
- Nasution, A. *Hukum Ekonomi Dan Efisiensi Sosial Dalam Persaingan Usaha Di Indonesia*. Jakarta: RajaGrafindo Persada, 2014.
- Ningsih, Ayup Suran. "Implikasi Undang-Undang Nomor 5 Tahun 1999 Tentang Larangan Praktek Monopoli Dan Persaingan Usaha Tidak Sehat Pada Pelaku Usaha Mikro Kecil Dan Menengah (UMKM)." *Jurnal Penelitian Hukum De Jure*, 2019, 210.
- Posner, R. A. "The Chicago School of Antitrust Analysis." *University of Pennsylvania Law Review* 127, no. 4 (1979): 925–48.
- Putri, Uray Allysa, and Muhammad Sodik Qamal. "Analisis Implementasi Undang-Undang Nomor 5 Tahun 1999 Tentang Larangan Praktek Monopoli Dan Persaingan Usaha Tidak Sehat Terhadap Penyelesaian Hukum Atas Pengembalian Kerugian Konsumen." *Tanjungpura Legal Review*, 2022, 30–41.
- Rakhmani, Inaya, and Zulfa Sakhiyya. "The Cultural Political Economy of Knowledge in Neo-Liberal Indonesia." *Journal of Contemporary Asia* 55, no. 3 (May 27, 2025): 388–404. <https://doi.org/10.1080/00472336.2023.2298449>.
- Saidi, Abdurrahman. "Mengatasi Tantangan Besar: KPPU Dan Strategi Penegakan Hukum Untuk Pelanggaran Tender." *Iuris Studia: Jurnal Kajian Hukum* 6, no. 1 (2025): 114–22. <https://doi.org/10.55357/is.v6i1.839>.
- Simbolon, Alum Petronella. "Komisi Pengawas Persaingan Usaha Dalam Penegakan Hukum Persaingan Usaha." *Mimbar Hukum - Fakultas Hukum Universitas Gadjah Mada* 20, no. 3 (2008): 459. <https://doi.org/10.22146/jmh.16288>.
- Sokol, D. D., and T. K. Cheng. "Law and Development: Building Capabilities through Competition Policy." *Journal of Competition Law & Economics* 15, no. 3 (2019): 517–43.

- Tria, Putri Novi, Finkky Fati'ah Cahyaningsih, Risma Ayu Suwandi, and Riska Andi Fitriono. "Implementasi Pancasila Dalam Bidang Ekonomi Di Era Globalisasi." *Jurnal Gema Keadilan* 9, no. 3 (2022): 1–9. <https://doi.org/10.14710/gk.2022.16456>.
- Widiyanti, Marlina, Febrian Febrian, and Annalisa Yahanan. "Praktik Monopoli Dan Persaingan Usaha Tidak Sehat Terkait Persetujuan Perpanjangan Kontrak Pengadaan Give Away Oleh PT. Garuda Indonesia (Studi Kasus Putusan Perkara Nomor: 23/Kppu-l/2010)." *Lex LATA* 2, no. 2 (2022): 556–77. <https://doi.org/10.28946/lexl.v2i2.830>.
- Wulandari, Ratih Agustin, Dewi Pramita, Sefra Divo, and Onky Febri Naldi. "Pengaruh Hukum Persaingan Usaha Terhadap Pertumbuhan Ekonomi Nasional." *Jurnal Dimensi Hukum* 9, no. 1 (2025): 56–63.
- Yulivestra, Malse. "Neo-Liberalism and Global Economic Crises (The Changing of the State-Market Relations in Indonesia)." *Andalas Journal of International Studies Volume 1*, no. 1 (2012): 55–69.

C. Internet

- CNN Indonesia. "Kronologi Kasus Grab Hingga Denda Rp30 M Oleh KPPU." CNN Indonesia, 2020. Accessed October 9, 2025. <https://www.cnnindonesia.com/ekonomi/20200703074627-92-520318/kronologi-kasus-grab-hingga-denda-rp30-m-oleh-kppu.html>.
- hukum online. "Indomaret Diperintahkan Hentikan Ekspansi Usaha," 2001. Accessed October 9, 2025. <https://www.hukumonline.com/berita/a/indomaret-diperintahkan-hentikan-ekspansi-usaha-hol3092/>.
- Saputra, Andi. "MA Menangkan KPPU Soal Kartel Tiket Pesawat, Ini Isi Putusannya." detik. News, 2023. Accessed October 9, 2025. <https://news.detik.com/berita/d-6844010/ma-menangkan-kppu-soal-kartel-tiket-pesawat-ini-isi-putusannya.html>.

D. Regulations

- Undang-Undang Nomor 5 Tahun 1999 tentang Larangan Praktek Monopoli dan Persaingan Usaha Tidak Sehat.

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