

CHAPTER V

CONCLUSION AND RECOMMENDATION

A. Conclusion

Related to the statement of problems that the researcher developed in the research “The Supervision of Commission for the Supervision of Business Competition (KPPU) against Unfair Business Competition to the Telecommunication Business in Indihome Package”, there are two conclusions provided as follows:

1. The allegations of KPPU is against PT. Telekomunikasi Indonesia regarding the allegation of violating article 15 paragraph (2) about tying agreement, article 17 about monopoly, and article 25 paragraph (1) point a and c about abuse of dominant position. Telkom allegedly requires its customers to use Indihome Triple Play package which consists of three products, namely Telephone, TV, and Internet at once. Secondly, in the presence of monopolistic practices, Consumers are required to use three services at once and cannot be partially chosen. It has the potential to eliminate opportunities for competitors and hide alternative options for consumers to choose based on their needs. Third, the allegation of abuse of dominant position of PT. Telekomunikasi Indonesia controls fixed line market. Based on the analyzing of the researcher, the researcher argues the allegations of

KPPU against PT. Telekomunikasi Indonesia are not true, because Telkom does not fulfill the element of violate allegation by KPPU.

2. KPPU as the commission settle this case through several stages. This case is based on initiative KPPU. After KPPU stated that Telkom conduct the unfair business competition, KPPU brought this case by several stages:
 - a. Doing the study, the purposes of the study are to make clear if the Telkom violates the law;
 - b. Doing the research, this research is to obtain the early evidence related to the allegation and it can be continue to the next step;
 - c. KPPU conduct the supervision on the Telkom;
 - d. KPPU conduct the investigation;
 - e. Filing the case
 - f. The trial of the Commission Council
 - 1) Formation of the Commission Council
 - 2) Trial of the Commission Council
 - 3) Preliminary Examination
 - 4) Advanced Examination
 - 5) Decision

B. Recommendation

This recommendation is given to PT. Telekomunikasi Indonesia which should socialize the products offered by Telkom, so that people do not misunderstand. Then, for the society, they must better understand the full information of what Telkom offers, so there is no misunderstanding. Even, the Commission for the Supervision of Business Competition (KPPU) as an institution that supervises the implementation of Law No. 5 of 1999 on the prohibition of monopolistic practices and unfair business competition, KPPU has been carrying out its duties mandated by the Law. In the future KPPU must be better to execute the unfair business competition and more careful in guarding unfair business competition.