

## CHAPTER V

### CLOSING

#### A. Conclusion

The conclusion of this research is as follows:

1. Based on research conducted by the author, the mechanism for handling unfair business competition of PT. Tirta Investama used by KPPU was in accordance with the applicable rules.
2. Based on the legal considerations of the Commission Council, PT. Tirta Investama as a producer of Aqua Amdk and PT Balina Agung Perkasa as a distributor of Aqua amdk are legally and proven to have violated Article 15 paragraph 3 letter b and article 19 letter a and b Law No. 5 of 1999 on Prohibition of Monopolistic Practices and Unfair Business Competition. The Commission Assembly has imposed penalties on PT. Tirta Investama amounted to Rp. 13,845,450,000 (Thirteen Billion Eight Hundred and Forty-Five Million Four Hundred and Fifty Thousand Rupiah) and PT. Balina Agung Perkasa fined Rp.6,294,000,000 (Six Billion Two Hundred Ninety Four Million Rupiah). This case use two (2) approaches namely Per Se Illegal and Rule of Reason.

#### B. Recommendation

1. Law No. 5 of 1999 concerning Prohibition of Monopolistic Practices and Unfair Business Competition must be carried out properly and honestly so that the conditions of business competition in Indonesia can run well, and there is no unfair business competition among businesses.

2. KPPU as an independent body must monitor the implementation of Law No. 5 of 1999 on Prohibition of Monopolistic Practices and Unfair Business Competition. Through its authority, KPPU can become a referee in resolving cases related to the prohibition of monopoly and unfair competition. Through this case, KPPU further improves its performance so that the decision each case competition, it must be carried out by considering any legal provisions that are possible without ignoring the elements of proof, facts and data relating to producing quality decisions and prioritizing justice for all parties. In condition, it must concern and approaches with related cases.