

## IMPLICATIONS OF IMPLEMENTING BEHAVIOR CHANGES IN ABUSE OF DOMINANT POSITION BASED ON BUSINESS COMPETITION LAW

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### Abstract

Abuse of dominant position is a form of violation that can be resolved through a mechanism for behavior change based on business competition law. This research is motivated by the lack of legal certainty regarding the criteria for behavior change, as well as the negative impact that will be caused if the dominant business actor fails to fulfill the commitment to change behavior. The purpose of this study is to examine the implications of behavior change in cases of abuse of dominant position and to build relevant legal constructions to support legal certainty in the enforcement of business competition laws. The method used is a normative juridical approach with analytical descriptive specifications. The results of the study show that giving opportunities for behavior change to business actors who abuse dominant positions, such as Google's case, has the potential to create legal uncertainty and provide opportunities for repeated violations with new strategies. The recommended legal construction emphasizes on the per se illegal approach to resisting behavior change if the violation has a significant impact or is connected to another violation. In conclusion, there is a need for firm criteria and adaptive legal construction to maintain efficiency, effectiveness, and legal certainty in business competition.

**Keywords:** Abuse of Dominant Position, Behavior Change, Legal Construction

## INTRODUCTION

Human life cannot be separated from the social aspects of society which include various aspects, including social, political, cultural, educational, and cannot be separated from economic arrangements in society, in which case a law is needed to regulate and organize society (Alamudi, 2023). The goal of economic development in Article 33 of the 1945 Constitution is based on economic democracy, it aims to achieve sustainable development so it requires collaboration and active participation from various parties, including the community. (Rusmini & Sari, 2023)

The active role of society in a country's economic development can be reflected in its participation in business activities. To create business competition that has positive implications, the state formulated this by enacting Law Number 5 of 1999 concerning the Prohibition of Monopoly Practices and Unfair Business Competition, hereinafter referred to as UULPM. The role of law is reflected in its enactment UU LPM It is the state's goal to regulate and maintain economic activities in Indonesia so that they run in an orderly and balanced manner. (Sanger, 2021)

The birth of the LPM Law resulted in the birth of the Business Competition Supervisory Commission (KPPU), in the state administration system, KPPU is a complementary state institution (state auxiliary organ). Simply put, state auxiliary organs, namely State Institutions that were formed outside the constitution and are institutions that assist in carrying out the duties of the main state institutions, namely the executive, legislative and judiciary (Prananingtyas et al., 2017). The broad authority possessed by the KPPU is an authority directly mandated by the UULPM, in other words the KPPU can be said to be a "referee" who supervises and can provide execution for business actors who violate the LPM Law. (Rusmini & Sari, 2023)

KPPU can handle cases based on two working mechanisms, namely based on reports submitted to KPPU or based on KPPU's initiative in looking at phenomena that occur in the business world. To provide legal certainty regarding the handling of cases in business competition, the KPPU issued Business Competition Supervisory Commission (Perkom) Regulation Number 2 of 2023 concerning Procedures for Handling Cases of Monopoly Practices and Unfair Business Competition (Perkom No. 2 of 2023), one of the parts discussed in the regulation is the opportunity to resolve cases through behavior change mechanisms. The statement of behavior change in Article 1 Paragraph 15 of the LPM Law is a written statement made by business actors and/or other parties who are suspected of violating the Law and are committed to canceling prohibited agreements, stopping prohibited activities, stopping abuse of dominant positions, and/or implementing Commission orders.

Not all violations in the LPM Law are given the opportunity to change behavior, abuse of a dominant position is one type of violation in the LPM Law which can be given the opportunity to change behavior. Dominant position is closely related to the ability of a business actor in terms of *market power*; becoming superior (*Market leader*) in the market is not an act that is prohibited in the LPM Law as long as the business actor who has become superior in the relevant market uses appropriate methods to obtain it *fair*. Business actors in gaining a dominant position in the market often use methods that are not justified, resulting in prohibited business competition actions (Prananingtyas et al., 2017).

KPPU issued Perkom No. 6 of 2010 concerning Guidelines for Article 25 concerning Prohibition of Abuse of Dominant Position to provide an explanation regarding the scope of abuse of dominant position which explains that Article 25 is illegal in itself Thus, as long as the necessary elements have been fulfilled, the KPPU will declare that the alleged violation of the article in question has been legally and convincingly proven because in point c of the regulation it is stated that a dominant position can prevent other business actors from entering the relevant market. Yahya Harahap used the term "initially illegitimate" to describe the concept illegal in itself, Elements of proof, so that an act is an act that "breaks the law. (Harahap, 1997)

As one type of violation that can be given the opportunity to change behavior, business actors who violate the abuse of a dominant position are not always able to make good use of that opportunity, for example in the abuse of a dominant position by *market leader* carried out by Google LLC which violates the provisions of Article 25 of the UULPM regarding Abuse of Dominant Position in implementation *google play billing system*. Google is the largest digital giant company that holds a digital market share of almost 90% in the world. Google, in marketing its products, has an application distribution platform called Google Play Store which holds an Indonesian market share of up to 93%. (Shafa & Haryanto, 2023)

From the example of Google's failure to fulfill the integrity pact in changing behavior, of course it has negative implications and has a big influence on the business competition climate. The behavior change mechanism in cases of abuse of dominant position has implications for various parties, namely, the KPPU, the violating business actor, competing business actors and for consumers, the majority of

whom use products or services from the violating business actor because of their position as *market leader*.

In terms of providing an opportunity to change behavior, the Commission Council considers the type of violation, the time of the violation and the losses caused by the violation. There is no further explanation regarding the criteria for providing an opportunity to change behavior by the Commission Council. Legal construction is needed in terms of behavior change mechanisms, especially in the abuse of a dominant position so that the law can keep up with developments in business competition that are in line with technological developments. *As is often the case, the law lags behind the transformation of policy-making, thereby giving rise to uncertainties and frictions. The latter have only been solved on a piecemeal, trial-and-error basis (Ibáñez Colomo, 2025).*

Based on the problems above, research related to abuse of a dominant position given the opportunity to change behavior is very important, considering the resulting implications affecting various parties and the absence of definite criteria regarding the concept of behavior change regarding abuse of a dominant position by *market leader* based on the background is interesting to study Implications of Implementing Behavioral Changes in Abuse of Dominant Position Based on Business Competition Law.

Based on this description, a problem formulation is formed, namely What are the Implications of Implementing Behavior Change by Market Leader In Matters of Abuse of Dominant Position? and How Legal Construction Implements Behavior Change By Market Leader In Abuse of Dominant Position? This research aims to find legal certainty in the development of business law in Indonesia, especially regarding the concept of settlement at the KPPU relating to providing behavioral changes in violations of abuse of dominant position and in it providing a point of view that prioritizes the principle illegal in itself in determining the KPPU's decision to provide an opportunity to change behavior by analyzing the implications resulting from the act of abusing a dominant position.

## RESEARCH METHOD

In this study, a normative legal approach was employed, which involves conceptualizing law as what is written in laws and regulations (law in books). Alternatively, law is conceptualized as a rule or norm that serves as a benchmark for human behavior considered appropriate. This normative legal research is based on primary and secondary legal materials, namely research that refers to the norms contained in laws and regulations. The research specifications employed are descriptive-analytical, involving the description of applicable laws and regulations about legal theories and the practice of implementing positive law relevant to the problem. (Irianto, 2017)

## RESULTS AND DISCUSSION

### Juridical Study of the Implications of Implementing Behavioral Changes in Cases of Abuse of Dominant Position

"Law can be considered to play a constitutive role in designing the structure of a country's socio-economic life, law shapes social and economic reality, law is not a consequence of social and economic reality," *law can be perceived to play a constitutive role in designing socio-economic structures: it shapes social and economic reality rather than merely reacting to it". (Bernatt, 2024).* The presence of economic law is part of the essence of things which are a guarantee or mandate from the constitution. According to JimlyAsshiddiqie, constitutional rights are rights guaranteed in and by the 1945 Constitution of the Republic of Indonesia. The guarantee of these rights is either stated expressly or impliedly (Jimly Asshiddiqie, 2021). For this reason, it is necessary to construct economic law in guaranteeing human interests based on the concept of justice. According to Theo Huijbers, law must be closely intertwined with justice. Laws can only become law if they fulfill the principles of justice. Fairness is a constitutive element of all understanding of law. (Huijbers, 1982)

The principle of fairness in business competition law has existed since the reform era, UULPM is an important instrument in encouraging the creation of economic efficiency and a healthy business competition climate for all business actors. In essence, the existence of the Business Competition Law is an effort to create healthy and effective business or business competition in certain markets with the principles of economic democracy (Adnan, 2024). In other words, UULPM also aims to provide legal certainty in an effective way. Many business actors, especially MSMEs, may be reluctant to invest in developing their business if they feel they are not protected by existing regulations. (Sengge & Umar, 2024)

The LPM Law was formed with the aim of maintaining competition and anti-competitive behavior, namely prohibited agreements, prohibited activities and dominant positions. Abuse of Dominant Position is a situation where a business actor has a dominant position in the relevant market

share and with this dominant position carries out activities that are detrimental to other business actors which results in difficulties for other business actors which makes it difficult for business actors to carry out their business activities and makes it difficult for competing business actors to enter the relevant market. (Imron, 2024)

Planning the right solution for the abuse of dominance by *market leaders* is a challenge because it requires a clear vision of the function and goals to be achieved through its implementation." In the context of business competition law, the main goal of settlement is to stop violations, prevent recurrence of violations, and restore or rebuild competitive conditions. "...In the context of competition law, the primary objectives of remedies are to end the violation, prevent its recurrence, and restore or re-establish a competitive environment.<sup>8</sup> Ending the unlawful practice is generally considered to be the first step to be taken in any case." (Mandrescu, 2024)

In resolving cases of abuse of dominant position, the KPPU provides space for business actors who violate them to be given the opportunity to change their behavior. Behavior Change is a commitment of Business Actors in the form of an Integrity Pact, which contains a statement of Behavior Change and a commitment not to commit any more violations. From this statement it is clear that Behavioral Change is an action that can be taken by canceling agreements, and/or stopping vertical integration, and/or stopping activities that are proven to give rise to monopolistic practices or unfair business competition, and/or stopping abuse of a dominant position (Safura, 2022). Requests for changes in behavior can be submitted during the investigation or at the first panel session, namely the preliminary examination. This settlement mechanism has implications for the KPPU, market leaders (business actors who violate), and for competing business actors.

The implication for the KPPU in implementing behavior change for abuse of a dominant position is the formation of a supervisory team by the KPPU whose task is to supervise the implementation of behavior change by the reported party in accordance with the integrity pact that has been approved by the commission meeting. This supervision also aims to: *market leaders* who abuse dominant positions stop activities that violate the rules.

Perkom No. 2 of 2003 does not provide a clear time period regarding the implementation of monitoring behavior change, the period of supervision and implementation depends on the submission by the reported party which has been approved by the commission meeting either at the time of submitting the behavior change during the investigation process or the preliminary examination process. 35 Paragraph 3), as an illustration of the development over time of changes in behavior in the previous Perkom can be seen from the following table.

PERKOM NUMBER YEAR 2006	PERKOM NUMBER 1 YEAR 2019	PERKOM NUMBER 2 YEAR 2023
Implementation and Monitoring of Behavioral Change Determination is carried out within a maximum of 60 days and can be extended by a Commission Decision (Article 37 paragraph (3))	Implementation and Supervision of Behavioral Change is carried out within a maximum of 60 days (Article 35 paragraph (3)), and there is no article stating that it can be extended.	Depends on the submission by the reported party that has been approved in the commission meeting.

**Figure 1.** Changes in the period of Perkom

The authority possessed by the KPPU is similar to that of other judicial institutions, namely: *investigative authority, enforcement authority, and litigating authority* (Nusantara & Harman, 1999). One of the authorities of the KPPU is to issue decisions, which are referred to as Commission Decision (Sidauruk, 2021). KPPU supervision in implementing behavioral changes is part of the commission's

decision as an embodiment of legal certainty regarding business competition in Indonesia, this is regulated in Article 36 letter (j), letter (k) and letter (l) UULPM.

Bearing in mind that the aim of business competition law in Article 3 of the LPM Law is said to be :

- a. Maintaining public interests and increasing national economic efficiency as an effort to improve people's welfare.
- b. Creating a conducive business climate through regulating healthy business competition so as to ensure certainty of equal business opportunities for large business actors, medium business actors and small business actors.
- c. Prevent monopolistic practices and/or unfair business competition caused by business actors.
- d. Creating effectiveness and efficiency in business activities.

If seen from the above objectives, then in terms of legal certainty the implementation period for implementing behavioral changes can be contrary to effectiveness and efficiency in business activities and can affect the business climate in Indonesia. According to Mochtar Kusuma atmadja, the role or function of law must be reduced to providing pathways for political, economic and socio-cultural development. On the other hand, law also functions to maintain order and security and create an atmosphere of fair legal certainty in the social order (Sulistiyono & Rustamaji, 2009).

The implications of this problem are very broad, especially if the concept of behavior change is given to the respondent who violates the abuse of a dominant position. The basic concept of a dominant position is when a company controls the market in which the company operates and has small competitors. The dominant company's competitors are usually smaller companies competing with each other for the remaining market share (Nazhari & Irkham, 2023). On the other hand, Article 3(b) UULPM also provides opportunities for smaller business actors to compete through a conducive business climate.

Changes in behavior given in the abuse of a dominant position also have implications for the reported party who violates having to follow the contents of the existing integrity pact in accordance with the time determined by the KPPU, even though the reported party is given the right to submit the contents of the integrity pact which will be implemented for changes in behavior, Perkom No. 2 of 2023 gives the authority to the KPPU to add conditions to the integrity pact submitted by the reported party, either submitting a change in behavior at the investigation stage (Article 35 Paragraph 3c) or requesting a change in behavior at the preliminary examination stage (Article 35 Paragraph 3c). 35 Paragraph 2b). The difference from the contents of the integrity pact in submitting changes to behavior by the reported party at the investigation and preliminary examination stages is that in submitting changes to behavior at the preliminary examination stage there is an obligation for fines and/or compensation to be paid as a result of losses from violations committed. The provisions regarding fines are in line with the authority of the KPPU in Article 47 Paragraph 1 of the LPM Law that the Commission has the authority to impose sanctions in the form of administrative action against Business Actors who violate the LPM Law.

Reported persons in cases of abuse of dominant position were given the opportunity to change their true behavior as market leader and usually has the highest revenue in the relevant market, "*A market leader usually has the biggest market share or the highest revenue in a relevant market. (Gunawan, 2022)*, thus market leader has more power from an economic perspective to influence the market so that if the opportunity to change behavior is given it has the potential to prolong the resolution of violations of abuse of dominant position if market leader failure to implement the behavior change integrity pact which results in the failure to achieve legal certainty for competing business actors. For example, in the case of Google LLC's failure to implement behavioral changes in the abuse of dominant position, this failure had a major impact on competing business actors because Google stipulated conditional sales which prevented other business actors who had the potential to become competitors from entering the relevant market in accordance with Article 25 Paragraph 1(c) UULPM.

Implementing behavioral changes in the abuse of a dominant position is one of the implementations of the objectives of UULPM, namely creating effectiveness and efficiency in business activities. Market leaders who abuse their dominant position immediately end activities that violate Article 25 of the LPM Law. In a broad sense, the aim of law enforcement in business competition is to end infringing behavior, prevent the recurrence of such behavior, and restore, as far as possible, business competition conditions in markets affected by the violation, "*to end infringing conduct, prevent its recurrence, and restore, as far as possible, competitive conditions in the market affected by the infringement*" (Wagner-von Papp, 2023).

Changes in behavior in abusing a dominant position will open up opportunities for the reported person to design abuse strategies in the future with different strategies, therefore ordering him to stop his abuse behavior may not be enough to restore the state of business competition in the short and long term. "*If the dominant undertaking, through its abusive behaviour, has accumulated significant*

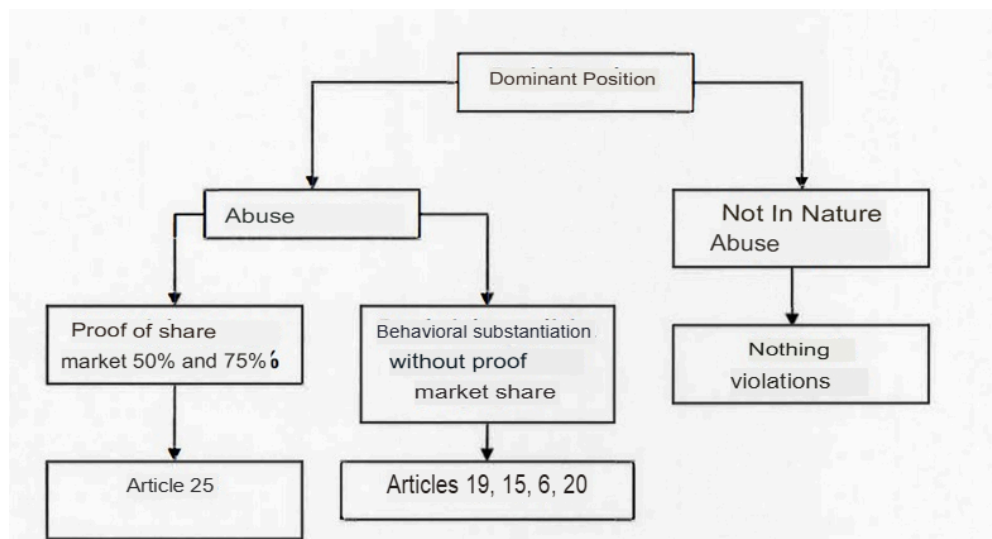
*market power, ordering it to cease its abusive behaviour may not be sufficient to restore the state of competition in the short and long term. This, in turn, may even motivate the dominant undertaking to pursue comparable strategies in the future. (Mandrescu, 2024)”*

### Legal Construction of Implementing Behavior Change y Market Leader In Abuse of Dominant Position

The development of technology in business competition is a challenge in business competition law considering that the relevance of existing regulations must be able to keep up with existing technological developments, legislation is static while society and business competition are dynamic, often legislation is left behind by developments in society, especially in the legal aspect of business competition. To fill legal gaps or unclear legal regulations in legal science is known as Legal Construction and Interpretation (Interpretation). Legal Construction (Engineering) is a way of filling the gaps in statutory regulations with legal principles and principles. (Juanda, 2017)

In deciding whether to provide an opportunity to change behavior, the KPPU considers the type and characteristics of the violation, the period of time of the violation and the losses resulting from the violation.

The KPPU in Perkom No. 2 of 2023 provides special qualifications for the types of violations that can be given the opportunity to change behavior whether submitted at the investigation stage or in the preliminary examination stage. Violations in the LPM Law that cannot be submitted for changes in behavior are price fixing (Article 5), area division agreements (Pasa; 9), cartels (Article 11), collusion of tender winners (Article 22), and violations of mergers or consolidation of business entities (Article 29). Abuse of a dominant position has the opportunity to propose changes in behavior, on the other hand, abuse of a dominant position is linked to other violations in the LPM Law (see Figure 2). (Rombot et al., 2020)



**Figure 2.** The relationship between abuse of a dominant position and other violations

Based on this scheme, it can be seen that abuse of a dominant position has the potential to commit other violations under the LPM Law. Abusive behavior by business actors who have a dominant position in the relevant market share has the possibility of committing other anti-competitive acts. Business actors can use a dominant position because they own bargaining position of these profits can affect competition in the relevant market and can be considered abuse (Woodward, 2009).

Starting from the KPPU's starting point in determining violations of abuse of dominant position, in Perkom No. 6 of 2010 concerning Guidelines for the Implementation of Article 25 it is stated that abuse of dominant position in Article 25 of the LPM Law is *illegal in itself*. Thus, as long as the necessary elements have been fulfilled, the KPPU will declare that the alleged violation of the article in question has been legally and convincingly proven. Calculation and presentation of the impacts of abuse of a dominant position, presentation of these impacts can be carried out with the aim of strengthening evidence of violations and determining the amount of sanctions if violations are proven.

In comparison, currently competition law enforcement in the European Union wants to limit economic investigations to the impact of behavior or the impact of business transactions on market competition. Correspondingly, in the United States competition law enforcement wants to revive the rules *per se* against behavior or business transactions that limit the number of companies involved in

market competition, regardless of the impact, the belief of law enforcement in Europe and America that society is better off by enforcing competition law in a simpler and stricter way. *“The belief of reformers on both sides of the Atlantic is that societies are better off with simpler and tougher enforcement of competition law”*. (Petit & Teece, 2024).

Based on this explanation, in determining the legal construction to achieve legal certainty regarding providing changes in behavior in the abuse of a dominant position, the KPPU must look at the type and impact of violations that will be given the opportunity to change behavior, referring to the approach *per se*. In the case of abuse of a dominant position along with the impacts before or after giving a change in behavior, the KPPU based on the description above can reject the abuse of a dominant position in the violation criteria which can be given the opportunity to change behavior. Providing behavior change in the abuse of a dominant position has negative implications that are more dominant than the positive goals of providing the opportunity to change behavior. *“The Practice is sometime harmful, sometimes neutral, and sometimes beneficial, but the aggregate between of harm and beneficial, harm far outweighs benefit”* (Nugroho, 2014).

The main purpose of applying the principle *per se* in abusing a dominant position is so that the offending business actor can be punished without the need for a complicated investigation (Mahmuda, 2020). a behavior can be said to be *per se* illegal if the behavior is almost always anti-competitive, and almost never brings social benefits (Prananingtyas et al., 2017).

UULPM provides an alternative in applying these two different methods to assess the actions of business actors. *Per se* is an approach method that considers certain actions to be illegal without further investigating the impacts, while rule of reason is an approach method that uses market analysis and the impact of business competition before declaring an action to violate the law.

As an alternative step, if you look at the weaknesses in implementation *illegal in itself*, in considering providing changes in behavior for abuse of a dominant position, the KPPU can apply an alternative approach, namely by looking at the elements of loss caused, if the perpetrator of abusing a dominant position at the same time commits a violation that fulfills the elements in another article, changes in behavior can be rejected, whereas for perpetrators of abuse of a dominant position who only violate Article 25 of the LPM Law, then by considering other aspects such as commitments that will be made at the time of changing behavior, the KPPU can provide an opportunity to make changes in behavior.

## CONCLUSION

In resolving cases of abuse of dominant position, KPPU provides space for business actors who violate them to be given the opportunity to change their behavior and have implications for various parties. The implication for the KPPU is that a supervisory team was formed by the KPPU, but there is no legal certainty regarding the implementation of supervision by the supervisory team, the period of supervision and this is contrary to the objectives in the LPM Law, namely effectiveness and efficiency in business activities. The implication for the reported party is that they must follow the contents of the reported integrity pact market leader who have more power from an economic perspective to influence the market so that if the opportunity to change behavior is given it can potentially prolong the resolution of violations of abuse of dominant position if market leader failure to implement the behavior change integrity pact which results in the failure to achieve legal certainty for competing business actors. Changes in behavior in abusing a dominant position will open up opportunities for the reported person to design abuse strategies in the future with different strategies, therefore ordering him to stop his abuse behavior may not be enough to restore the state of business competition in the short and long term.

Abuse of dominant position in article 25 of the LPM Law is illegal in itself. In determining the legal construction to achieve legal certainty regarding providing behavior change in the abuse of a dominant position, the KPPU must look at the type and impact of violations that will be given the opportunity to change behavior, referring to the approach *per se* in the abuse of a dominant position as well as the impact before or after providing changes in behavior, the KPPU based on the description above can reject the abuse of a dominant position in the criteria for violations that can be given the opportunity to change behavior. Providing behavior change in the abuse of a dominant position has negative implications that are more dominant than the positive goals of providing the opportunity to change behavior. As an alternative step, if you look at the weaknesses in implementation *illegal in itself*, in considering providing changes in behavior for abuse of a dominant position, the KPPU can apply an alternative approach by conducting an analysis if the perpetrator of abusing a dominant position at the same time commits a violation that fulfills the elements in another article, changes in behavior can be rejected, whereas for perpetrators of abuse of a dominant position who only violate Article 25 of the



LPM Law, then by considering other aspects such as commitments that will be made at the time of changing behavior, the KPPU can provide an opportunity to make changes in behavior.

## REFERENCES

- Adnan, K. (2024). Fungsi Hukum Pembangunan Ekonomi Dalam Persaingan Usaha Yang Sehat. *Lex Renaissance*, 9(2), 478–505.
- Alamudi, I. A. (2023). RELASI HUKUM DAN EKONOMI DALAM PENDEKATAN FILSAFAT. *JURNAL DARUSSALAM: Pemikiran Hukum Tata Negara Dan Perbandingan Mazhab*, 3(2). <https://doi.org/10.59259/jd.v3i2.62>
- Bernatt, M. (2024). Competition law through the lenses of national constitutions: connecting competitive markets with socio-economic and environmental values. *Journal of Antitrust Enforcement*, jnae047.
- Gunawan, A. V. (2022). UNFAIR BUSINESS COMPETITION BY PT FORISA NUSAPERSADA AS A MARKET LEADER. *Kanun Jurnal Ilmu Hukum*, 24(3), 251–268.
- Harahap, M. Y. (1997). *Beberapa Tinjauan Tentang Permasalahan Hukum*. Penerbit PT. Citra Aditya Bakti.
- Huijbers, T. (1982). Filsafat hukum dalam lintasan sejarah. Yogyakarta: Kanisius, 1990.
- Ibáñez Colomo, P. (2025). Remedies in EU antitrust law. *Journal of Competition Law & Economics*, nhae022.
- Imron, M. (2024). TINJAUAN NORMATIF POSISI DOMINAN DALAM UNDANG-UNDANG NOMOR 5 TAHUN 1999 TENTANG LARANGAN PRAKTEK MONOPOLI DAN PERSAINGAN USAHA TIDAK SEHAT PADA STUDI PUTUSAN PERKARA: 03/KPPU-L/2020. *Jurnal Cakrawala Ilmiah*, 3(5), 1413–1426.
- Irianto, S. (2017). METODE PENELITIAN KUALITATIF DALAM METODOLOGI PENELITIAN ILMU HUKUM. *Jurnal Hukum & Pembangunan*, 32(2). <https://doi.org/10.21143/jhp.vol32.no2.1339>
- Jimly Asshiddiqie, S. H. (2021). *Konstitusi dan konstitusionalisme Indonesia*. Sinar Grafika.
- Juanda, E. (2017). Konstruksi hukum dan metode interpretasi hukum. *Jurnal Ilmiah Galuh Justisi*, 4(2), 168–180.
- Mahmuda, S. (2020). *Prinsip Per Se Illegal dan Rule of Reason Secara Alternatif dalam Penetapan Harga Industri Jasa Freight Container (Uang Tambang)* [Universitas Airlangga]. <https://repository.unair.ac.id/98289/>
- Mandrescu, D. (2024). Designing (restorative) remedies for abuses of dominance by online platforms. *Journal of Antitrust Enforcement*, jnae040.
- Nazhari, A. F., & Irkham, N. (2023). Analisis Dugaan Praktik Predatory Pricing dan Penyalahgunaan Posisi Dominan dalam Industri E-Commerce. *Jurnal Persaingan Usaha*, 3(1), 19–31.
- Nugroho, S. A. (2014). *Hukum persaingan usaha di Indonesia*. Prenada Media.
- Nusantara, A. H. G., & Harman, B. K. (1999). *Analisa dan perbandingan undang-undang antimonopoli: undang-undang larangan praktek monopoli dan persaingan usaha tidak sehat di Indonesia*. Elex Media Komputindo: Bank Naskah Gramedia, Kelompok Gramedia.
- Petit, N., & Teece, D. (2024). Capabilities: the next step for the economic construction of competition law. In *Journal of European Competition Law & Practice* (p. lpa073). Oxford University Press.
- Prananingtyas, P., Lubis, A. F., Anggraini, A. M. T., & Toha, K. (2017). *Hukum Persaingan Usaha*.
- Rombot, R. J. T., Anis, H., & Sepang, R. (2020). Peranan Komisi Pengawas Persaingan Usaha (Kppu) Dalam Menyelesaikan Sengketa Usaha Perdagangan Menurut Undang-Undang No. 5 Tahun 1999 Tentang Larangan Praktek Monopoli Dan Persaingan Usaha Tidak Sehat. *Lex Privatum*, 8(4).
- Rusmini, R., & Sari, J. H. (2023). Kedudukan Komisi Pengawas Persaingan Usaha Dalam Sistem Kenegaraan Di Indonesia. *Jurnal Hukum Tri Pantang*, 7(2). <https://doi.org/10.51517/jhtp.v7i2.326>
- Safura, N. R. (2022). Sanksi Administrasi Bagi Pelaku Usaha yang Melakukan Kesempatan Perubahan Perilaku Dalam Hukum Acara Persaingan Usaha. *Jurist-Diction*, 5(4).
- Sanger, B. D. N. (2021). Tinjauan Yuridis Problematika Penegakan Hukum Persaingan Usaha dalam Menciptakan Kepastian Hukum. *Lex Administratum*, 9(3).
- Sengge, A., & Umar, W. (2024). PENGAWASAN DAN PENEGAKAN HUKUM E-COMMERCE OLEH KPPU DALAM MENGATASI PERSAINGAN USAHA TIDAK SEHAT. *Jurnal Hukum Lex Generalis*, 5(4).
- Shafa, N. B., & Haryanto, I. (2023). Penghapusan Praktik Penjualan Bersyarat oleh Google Sebagai Bentuk Persaingan Usaha Sehat di Indonesia. *JURNAL USM LAW REVIEW*, 6(2). <https://doi.org/10.26623/julr.v6i2.7301>



- Sidauruk, G. D. (2021). Kepastian Hukum Putusan Komisi Pengawas Persaingan Usaha Dalam Penegakan Hukum Persaingan Usaha. *Lex Renaissance*, 6(1), 132–151.
- Sulistiyono, A., & Rustamaji, M. (2009). *Hukum Ekonomi sebagai panglima*. Masmedia Buana Pustaka.
- Wagner-von Papp, F. (2023). Remedies, sanctions and commitments. In *Research Handbook on Abuse of Dominance and Monopolization* (pp. 283–316). Edward Elgar Publishing.
- Woodward, R. (2009). *The organisation for economic co-operation and development (OECD)*. Routledge.