

## INTISARI

### **ANALISIS PERBANDINGAN KERANGKA HUKUM *MERGER CONTROL* DALAM MENANGANI *ALGORITHMIC PRICING* (STUDI KOMPARATIF HUKUM PERSAINGAN USAHA INDONESIA DAN UNI EROPA)**

Aqshal Muhammad Arsyah,<sup>1</sup> Muhammad Hawin<sup>2</sup>

Penelitian ini bertujuan untuk menyelidiki pelajaran yang dapat diambil dari pengaturan pengendalian merger yang melibatkan *algorithmic pricing* di Uni Eropa guna melengkapi kerangka pengendalian merger di Indonesia. Pelajaran-pelajaran ini didapatkan melalui tinjauan terhadap regulasi dan implementasi pengendalian merger di Uni Eropa. Metode penelitian yang digunakan adalah pendekatan yuridis-normatif dengan menggunakan data sekunder yang diperoleh dari studi kepustakaan. Penelitian ini dianalisis dengan metode kualitatif dan pendekatan komparatif, dengan membandingkan perundang-undangan, kasus, dan konsep.

Hasil penelitian menghasilkan temuan-temuan berikut: Pertama, pengendalian merger di Uni Eropa secara umum sudah memadai dalam mengatasi tantangan *algorithmic pricing* terhadap merger. Kedua, kerangka pengendalian merger di Indonesia memiliki kesamaan signifikan dengan regulasi di Uni Eropa, meskipun belum diterapkan di Indonesia. Ketiga, belum adanya implementasi dari kerangka pengendalian merger di Indonesia disebabkan oleh ketidaklengkapan Panduan Merger KPPU dalam menilai *coordinated effects*, serta perbedaan dalam sistem notifikasi antara Indonesia dan Uni Eropa.

Berdasarkan temuan-temuan tersebut, Penulis memberikan saran untuk membuat panduan yang detail dan komprehensif dalam menilai *coordinated effects*. Selain itu, perlu dipertimbangkan untuk menyesuaikan sistem notifikasi merger di Indonesia dari *post-merger notification* menjadi *pre-merger notification* agar implementasi penilaian merger, khususnya yang melibatkan *algorithmic pricing*, dapat berjalan efektif. Dengan memperkuat kerangka pengendalian merger dengan mengambil pelajaran dari Uni Eropa, Indonesia akan lebih siap mengatasi tantangan baru oleh *algorithmic pricing* dalam transaksi merger.

**Kata Kunci:** *Algorithmic Pricing*, *Coordinated Effects*, Indonesia, Pengendalian Merger, Uni Eropa

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## **ABSTRACT**

### ***COMPARATIVE ANALYSIS OF MERGER CONTROL FRAMEWORK IN ADDRESSING ALGORITHMIC PRICING (A COMPARATIVE STUDY OF INDONESIAN AND EUROPEAN UNION COMPETITION LAW)***

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This study aims to investigate the lessons that can be derived from the regulation and control of mergers involving algorithmic pricing in the European Union (EU) in order to enhance the merger control framework in Indonesia. These lessons are obtained through an examination of the regulations and implementation of merger control in the EU. The research methodology employed is a juridical-normative approach using secondary data obtained from literature reviews. The study is analyzed using qualitative methods and a comparative approach, comparing legislation, cases, and concepts.

The research findings yield the following observations: Firstly, the merger control in the EU is generally sufficient in addressing the challenges posed by algorithmic pricing in mergers. Secondly, the merger control framework in Indonesia exhibits significant similarities to the regulations in the EU, although it has not yet been implemented in Indonesia. Thirdly, the lack of implementation of the merger control framework in Indonesia is due to the incomplete Guidelines for Merger Control issued by the Indonesian Competition Commission (KPPU) in assessing coordinated effects, as well as differences in the notification system between Indonesia and the EU.

Based on these findings, the author suggests creating a detailed and comprehensive guideline for assessing coordinated effects. Additionally, it is important to consider adjusting the merger notification system in Indonesia from post-merger notification to pre-merger notification to ensure effective implementation of merger assessment, particularly in cases involving algorithmic pricing. By strengthening the merger control framework and learning from the EU, Indonesia will be better prepared to address new challenges posed by algorithmic pricing in merger transactions.

**Keywords:** *Algorithmic Pricing, Coordinated Effects, European Union, Indonesia, Merger Control*

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