

BIBLIOGRAPHY

Case Laws

Judgment of 6 March 1974, *Istituto Chemioterapico Italiano S.p.A. and Commercial Solvents Corporation v. Commission*, C-7/73

Judgment of 16 December 1975, *Suiker Unie and others v. Commission*, C-40/73.

Judgment on 11 January 2017, *Topps Europe v. Commission*, T-699/14.

Judgment on 14 February 1978, *United Brands Company and United Brands Continentaal v Commission*, C-27/76.

Judgment of 23 April 1991, *Höfner and Elser v. Macrotron*, C-41/90.

Judgment of 16 March 2000, *Compagnie maritime belge transports, Compagnie maritime belge SA and Dafra-Lines A/S v. Commission*, C-395-96.

Judgment of 30 September 2003, *Atlantic Container Line and Others v Commission*, T-191/98, T-212/98, T-213/98, and T-214/98.

. Commission Decision on 27 June 2017, Google Shopping – AT.39740.

Statutes, Regulations, and Treaties

Council Regulation No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty (Text with EEA relevance).

Digital Markets Act.

European Commission, 2009, Guidance on the Commission's enforcement priorities in applying Article 82 of the EC Treaty to abusive exclusionary conduct by dominant undertakings (2009/C 45/02), European Union, ps. 2-3

European Commission, Explanatory Memorandum attached to the draft DMA adopted by the European Commission on 15 December 2020.

Government Regulation No. 80 of 2019 on Trade through Electronic Systems.

KPPU Guideline No. 3 of 2011 on Guidelines on Article 19 Letter D (Discriminatory Practices) of Law No. 5 of 1999 on the Prohibition of Monopolistic Practices and Unfair Business Competition.

KPPU Guideline No. 5 of 2011 on Guidelines on Article 15 (Closed Agreements) of Law No. 5 of 1999 on the Prohibition of Monopolistic Practices and Unfair Business Competition.

KPPU Guideline for the Implementation of Provisions of Article 19 Paragraph d of Law No. 5 Year 1999 Regarding the Prohibitions of Monopolistic Practice and Unfair Business Competition.

KPPU Regulation on the Guidance of Application for Article 25 on Abuse of Dominant Position under Law No. 5 of 1999 on the Prohibition of Monopolistic Practices and Unfair Competition.

Law No. 7 of 2014 on Trade.

Ministerial Regulation No. 31 of 2003 on Business Licensing, Advertising, Guidance, and Supervision of Business in Trade Through Electronic System.

Presidential Decree No. 80 of 2008 concerning the Amendment to the Presidential Decree No. 75 Year 1999 concerning the Commission for the Supervision of Business Competition.

Regulation No. 1 of 2003 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty.

Regulation of the Chairman of the KPPU No. 4 of 2022 on the Determination Of Relevant Market.

The European Economic Community.

The Treaty of Rome.

Treaty on the Functioning of the European Union.

Books

Amiruddin. Asikin, Zainal. 2012. *Pengantar Metode Penelitian Hukum*. Raja Grafindo Persada. DKI Jakarta.

Bhat, P. Ishwara. 2019. *Idea and Methods of Legal Research*. Oxford University Press. New Delhi.

Citrawinda, Cita. 2021. *Hukum Persaingan Usaha*. Jakad Media Publishing. Surabaya.

Clarke, Phillip and Corones, Stephen. 2000. *Competition Law and Policy: cases and materials*. Oxford University Press.

Craig, Paul. de Búrca, Gráinne. 2020. *EU Law – Text, Cases, and Materials*. Oxford University Press. New York.

Dinan, Desmond. 2004. *Europe Recast: A History of European Union*. Lynne Rienner. Colorado.

Fuady, Munir. 1999. *Pasar Modal Modern*. PT. Citra Aditya Bakti. Bandung.

Hartono, Sunaryati. 1991. *Politik Hukum Menuju Satu Sistem Hukum Nasional.*

Alumni. Bandung.

Hartono, Sunaryati. 1994. *Penelitian Hukum di Indonesia Pada Akhir Abad ke-20 (2nd Ed).* Citra Aditya Bhakti. Bandung.

Hermann, Peter W and Hansen, Knud. 2001. *Undang-Undang Larangan Praktik Monopoli dan Persaingan Usaha Tidak Sehat.* Katalis. Jakarta.

Ibrahim, Johnny. 2012. *Teori & Metodologi Penelitian Hukum Normatif.* Bayumedia Publishing. Malang.

Komisi Pengawas Persaingan Usaha (KPPU). 2017. *Buku Teks Persaingan Usaha.* KPPU.

KPPU. 2017. *Hukum Persaingan Usaha (2nd Ed).* KPPU. DKI Jakarta.

Lubis, Andi Fahmi and Anggraini, Anna Maria, et.al. 2009. *Hukum Persaingan Usaha: Antara Teks & Konteks.* KPPU.

Marzuki, Peter Mahmud. 2005. *Penelitian Hukum.* Kencana. DKI Jakarta.

Nugroho, Susanti Adi. 2014. *Hukum Persaingan Usaha di Indonesia: dalam Teori dan Praktik serta Penerapan Hukumnya.* Kencana Prenada Media Group. DKI Jakarta.

Porter, Michael E. 1998. *Competitive Strategy – Techniques for Analyzing Industries and Competitors.* The Free Press. New York.

Ricklefs, Merle Calvin. 2001. *A History of Modern Indonesia since c.1200.* Palgrave. Hampshire.

Silalahi, M. Udin. 2007. *Perusahaan Saling Mematikan & Bersekongkol: Bagaimana Cara Memenangkan.* Elex Media Komputindo.

Soesastro, Hadi. Smith, Anthony L. Ling, Han Mui. 2002. *Governance in Indonesia – Challenges Facing the Megawati Presidency*. ISEAS-Yusof Ishak Institute. Singapore.

Sunarto, Suprpto. 1990. *Metode Penelitian Deskriptif*. Usaha Nasional. Surabaya.

Whish, Richard and Bailey, David. 2015. *Competition Law*. Oxford University Press. United Kingdom.

Wignjodipoero, Soerojo. 1983. *Pengantar dan Asas-Asas Hukum Adat*. Gunung Agung. DKI Jakarta.

Zainuddin, Ali. 2019. *Metode Penelitian Hukum*. Sinar Grafika. DKI Jakarta.

Gürkaynak, Gonenc. 2019. *A New Approach Toward the Understanding of Dominance in the Digital Era: Assessing Dominant Position in Dynamic Markets*. The Second Academic Gift Book of ELIG Gürkaynak Attorneys-at-Law on Selected Contemporary Competition Law Matters.

Journal Articles

Alboneh, Hasna Mazia. “Tinjauan Yuridis Ambang Batas Pangsa, Pasar sebagai Indikator Posisi Dominan dalam Hukum Persaingan Usaha Indonesia: Studi Komparasi Indonesia, Amerika Serikat, Uni Eropa.” *Universitas Gadjah Mada*. 2022.

Amalya, Asti Rachma. “Prinsip Ekstrateritorial Dalam Penegakan Hukum Persaingan Usaha.” *Jurnal Ilmiah Mandala Education*. 2020.

Aprilianti, Ira and Dina, Siti Alifah. “Co-regulating the Indonesian Digital Economy.” Center for Indonesian Policy Studies (CIPS). 2021.

- Boudreau, Kevin J, Jeppesen, Lars, and Miric, Milan. "Competing on Freemium: Digital Competition with Network Effects." *Strategic Management Journal*. 2021.
- Carree, Martin. Günster, Andrea. Schinkel, Maarten Pieter. "European Antitrust Policy 1957 – 2004: An Analysis of Commission Decisions." *Review of Industrial Organization*, Vol. 36. No. 1., 2010.
- Cennamo Carmelo and Santalo, Juan. "Platform competition: Strategic trade-offs in platform markets." *Strategic Management Journal*. 2013.
- Chen, M. J. Miller, D. "Competitive Dynamics: Themes, Trends, and a Prospective Research Platform." *Academy of Management Annals*, Vol. 6, No. 1. 2012.
- Chopra, Rohit and Khan, Lina M. "The Case for "Unfair Methods of Competition: Rulemaking." *The University of Chicago Law Review*. 2020.
- Fadhilah, Meita. "Penegakan Hukum Persaingan Usaha Tidak Sehat oleh Komisi Pengawas Persaingan Usaha (KPPU) Dalam Kerangka Ekstrateritorial." *Wawasan Yuridika*,. 2019.
- Filistrucchi Lappo, et al., "Market Definition in Two-Sided Markets: Theory and Practice." *Tilburg Law School Legal Studies Research Paper Series*. 2013.
- Haggard, Stephen. MacIntyre, Andrew. "The Political Economy of the Asian Economic Crisis." *Review of International Political Economy*, Vol. 5, 1998.
- Hayati Adis Nur. "Analisis Tantangan dan Penegakan Hukum Persaingan Usaha Pada Sektor E-Commerce di Indonesia." *Jurnal Penelitian Hukum De Jure*. 2021.

Hildebrand, Doris. "Using Conjoint Analysis for Market Definition: Application of Modern Market Research Tools to Implement the Hypothetical Monopolist Test." Kluwer Law International. 2006.

Hlina, Evelyn. "Dominant Undertakings in the Digital Era: A Call for Evolution of the Competition Policy Towards Article 102 TFEU?." ICC Global Antitrust Review. 2016.

Kagramanto, Budi L. "Implementasi UU No. 5 Tahun 1999 oleh KPPU." *Jurnal Ilmu Hukum Yustisia*. Vol. 2, 2007.

Ketchen, David J. Snow, Charles C. Hoover, Vera L. "Research on Competitive Dynamics: Recent Accomplishments and Future Challenges", *Journal of Management*, Vo. 30, 2004.

King & Spalding LLP. February 2022. "The Digital Market Act's Per Se Prohibitions Increase Legal Risks for Non-Gatekeeper Platforms." King Spalding LLP. 2023.

Knapstad, Tone. "Digital dominance: assessing market definition and market power for online platforms under Article 102 TFEU." *European Competition Journal*. 2023.

Kobayashi, Bruce H., and Wright, Joshua D. "Antitrust and Ex-Ante Sector Regulation." *The Global Antitrust Institute Report on the Digital Economy*. 2020.

Kwoka, John and Valletti, Tommaso. "Competition — And Competition Policy — In Digital Markets: The House Report." *Competition Policy International*. 2021.

- Lancieri, Filippo. Sakowski, Patricia Morita. "Competition in Digital Markets: A Review of Expert Reports." *Stanford Journal of Law, Business & Finance*, Vol. 24, No. 1. 2021.
- Mohindroo, Aryan and Mohindroo, Rajat. "Digital Economy & Competition Law: A Conundrum." *Indian Competition Law Review*. 2020.
- Monti, Georgio. "Article 82 EC and New Economy Markets." *Competition, Regulation and the New Economy*. 2004.
- Narayanan, Badri and Makiyama, Hosuk Lee. "Economic Costs of Ex ante Regulations." *Ecipe Occasional Paper*. 2020.
- Nato, Cairo Mario and Lancieri, Filippo. "Designing remedies for digital markets: the interplay between antitrust and regulation." *Journal of Competition Law and Economics*. 2020.
- Nazhari, Farhan Akhmad and Irkham, Naufal. "Analisis Dugaan Praktik *Predatory Pricing* dan Penyalahgunaan Posisi Dominan dalam Industri *E-Commerce*." *Jurnal Persaingan Usaha*, Vol. 3. No. 1. 2023.
- Newman, John M. "Antitrust in Zero-Price Markets: Applications." *Washington University Law Review*, 2016.
- Peshin, Alan. "The Goodness of Qualitative Research." *Educational Researcher*, Vol. 22, No. 2. 1993.
- Pinar Akman, "Regulating Competition in Digital Platform Markets- A Critical Assessment of the Framework and Approach of the EU Digital Market Act." *European Law Review*. 2021.

Purbasari, Ratih, Sari, Deasy S, and Muttaqin, Zainal. "Mapping of Digital Industry Competitive Advantages: Market-Based View Approach." *Review of Integrative Business & Economics*. 2020.

Ramadhani-Putri, Vegitya. "Analisis Rule of Reason Terhadap Penyalahgunaan Posisi Dominan (Studi Komparatif: Indonesia, Uni Eropa, dan Amerika Serikat)." *Universitas Gadjah Mada*. 2012.

Shelanski Howard A. "Information, Innovation, and Competition Policy for the Internet." *University of Pennsylvania Law Review*. 2013.

Smith, Ken. Ferrier, Walter. Ndofor, Hermann. "Competitive Dynamic Research: Critique and Future Directions", *Handbook of Strategic Management*, 2001.

Sofian, Alya Lathifah. "The Abuse of Dominant Position in the Case of Department of Justice v. Google from the Perspective of Sherman Act Section 2 and Indonesian Competition Law Article 25." *Universitas Gadjah Mada*. 2022.

Spruyt, Hendrik. Lyons, Lucy. "The Development of the European Union: Columbia International Affairs Online." 2000.

Wils, Wouter P. J. "Ten Years of Regulation 1/2003 – A Retrospective." *Journal of European Competition Law & Practice*, Vol. 4, No. 4., 2013.

Witt, Anne. "The Digital Markets Act – Regulating the Wild West." *Common Market Law Review*. 2023.

Papers

Autorité de la Concurrence & Bundeskartellamt. "Competition Law and Data." *7th Franco-German Competition Day*. Paris, November 14, 2006.

Jansen, Slinger. Bloemendal, Ewoud. "Defining App Stores: The Role of Curated Marketplaces in Software Ecosystems." *International Conference of Software Business*. Potsdam, Germany, June 11 – 14, 2013.

OECD. "The Objectives of Competition Law and Policy." *Session I of the Global Forum on Competition*. Paris, 10 – February 11, 2003.

Policy Reports

APEC. 2022. *Competition Law and Regulation in Digital Markets*. Economic Committee and Competition Policy and Law Group. https://www.apec.org/docs/default-source/publications/2022/3/competition-law-and-regulation-in-digital-markets/222_cplg_competition-law-and-regulation-in-digital-markets.pdf?sfvrsn=6b8748de_2

Archick, Kristin. 2005. *The European Union: Questions and Answers*. USA Congress: Library of Congress. <https://sgp.fas.org/crs/row/RS21372.pdf>

Australian Competition & Consumer Commission. 2019. *Digital Platforms Inquiry: Final Report*. Commonwealth of Australia. <https://www.accc.gov.au/system/files/Digital%20platforms%20inquiry%20-%20final%20report.pdf>

Bundeskartellamt. 2016. *Market Power of Platforms and Networks*. Bundeskartellamt, Working Paper No. B6 113/15. <https://perma.cc/8TBN-A2WK>

Directorate General for Competition of the European Commission. "Competition Policy for the Digital Era." European Commission March 2019.

Directorate General for Internal Policies of the European Parliament. “Study of the Policy Department A: Economic and Scientific Policy on Challenges for Competition Policy in a Digitalised Economy.” July 2015.

European Commission. 2009. *Communication from the Commission — Guidance on the Commission's enforcement priorities in applying Article 82 of the EC Treaty to abusive exclusionary conduct by dominant undertakings. Official Journal of the European Union* (2009/C 45/02). <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A52009XC0224%2801%29>

European Commission. “Shaping Europe’s Digital Future.” February 2020.

Furman, J. Coyle, D. Fletcher, A. McAuley, D. Marsden, P. 2019. *Unlocking Digital Competition – Report of the Digital Competition Expert Panel*. Crown. https://assets.publishing.service.gov.uk/media/5c88150ee5274a230219c35f/unlocking_digital_competition_furman_review_web.pdf

German Bundeskartellamt. “Working Paper: Market Power of Platforms and Networks.” German Bundeskartellamt, June 2016.

Montjoye, Y., Schweitzer, H., Crémer, J. 2019. *Competition Policy for the Digital Era*. Publications Office of the European Union. <https://data.europa.eu/doi/10.2763/407537>

OECD. “Gatekeeper Power in the Digital Economy: An Emerging Concept in EU Law.” OECD. June 2022.

OECD. “Market Definition, Best Practice Roundtables on Competition Policy – ICN Merger Guidelines Workbook.” OECD. April 2006.

OECD. "The Evolving Concept of Market Power in the Digital Economy – Note by Korea." Directorate for Financial and Enterprise Affairs, Competition Committee of the OECD. DAF/COMP/WD(2022)26. 3 June 2023.

OECD. 2018. *Competition Law in Asia-Pacific: A Guide to Selected Jurisdictions*.

OECD Korea Policy Centre.

<https://www.oecd.org/daf/competition/Competition-Law-in-Asia-Pacific-Guide-2018.pdf>

Sapulette, Samuel and Muchtar, Pyan A. "Redefining Indonesia's Digital Economy." Economic Research Institute for ASEAN and East Asia. 2023. Directorate General of Taxation and Customs Union of the European Commission. "Working Paper: Digital Economy – Facts and Figures." European Commission. 2023.

Schweitzer, H., Haucap, J., Kerber, W., Welker, R. 2018. *Modernising the Law on Abuse of Market Power: for the Federal Ministry for Economic Affairs and Energy (Germany)*. German Federal Ministry for Economic Affairs and Energy. <https://perma.cc/62HE-4VHC>.

Subcommittee on Antitrust, Commercial, and Administrative Law of the Committee on the Judiciary of the House of Representatives of the United States. 2020. *Report on Investigation of Competition in Digital Markets: Majority Staff Report and Recommendations*. U.S. Government Publishing Office. <https://www.govinfo.gov/content/pkg/CPRT-117HPRT47832/pdf/CPRT-117HPRT47832.pdf>

The Netherlands Authoriteit for Consument & Markt. 2019. *Market Study into Mobile App Stores*. Autoriteit CONsument & Markt (Case No.: ACM/18/032693). <https://www.acm.nl/sites/default/files/documents/market-study-into-mobile-app-stores.pdf>

Zingales, L. Lancieri, F. M. 2019. *Stigler Committee on Digital Platforms: Policy Brief*. Stigler Center for the Study of the Economy and the State. <https://www.chicagobooth.edu/-/media/research/stigler/pdfs/digital-platforms---committee-report---stigler-center.pdf>

Official Websites

Agus Ahadi Deradjat, Gustaaf Reerink, and Nina Cornelia Santoso, “KPPU Responds to Technological Change Through New Rules on Determination of Relevant Markets.” <https://www.abnrlaw.com/news/kppu-responds-to-technological-change-through-new-rules-on-determination-of-relevant-markets>, accessed on 20th May 2024.

Civildaily, “EU’s Digital Markets Act (DMA): Lessons for India.” <https://www.civildaily.com/news/eus-digital-markets-act-dma-lessons-for-india/>, accessed on 21st May 2024.

Directorate General for Competition of the European Commission, “Potential gatekeepers notified the Commission and provided relevant information.” https://digital-markets-act.ec.europa.eu/potential-gatekeepers-notified-commission-and-provided-relevant-information-2023-07-04_en accessed on 20th May 2024.

European Commission, "The Digital Markets Act." https://digital-markets-act.ec.europa.eu/index_en Accessed on 17th May 2024.

European Parliament, 'Fact Sheets on the European Union: The Historical Development of European Integration', [europarl.europa.eu](http://www.europarl.europa.eu/factsheets) (June 16, 2018), <http://www.europarl.europa.eu/factsheets>

Indonesia Business Post, "Indonesia prepares anti-monopoly regulations for digital ecosystem." <https://indonesiabusinesspost.com/insider/indonesia-prepares-anti-monopoly-regulations-for-digital-ecosystem/>, accessed on 5th May 2024.

Indonesia Business Post. "Indonesia prepares anti-monopoly regulations for digital ecosystem." <https://indonesiabusinesspost.com/insider/indonesia-prepares-anti-monopoly-regulations-for-digital-ecosystem/>, accessed on 2nd February 2024.

Komisi Pengawas Persaingan Usaha (KPPU). "Peluang dan Tantangan KPPU dalam Menghadapi Perdagangan Berbasis Digital." <https://kppu.go.id/blog/2024/04/peluang-dan-tantangan-kppu-dalam-menghadapi-perdagangan-berbasis-digital/>, accessed on 5th May 2024.

Komisi Pengawas Persaingan Usaha, 'KPPU Lakukan Penyelidikan atas Google untuk Dugaan Praktik Monopoli dan Persaingan Usaha Tidak Sehat', kppu.go.id (September 2022), <https://kppu.go.id/blog/2022/09/kppu-lakukan-penyelidikan-atas-google-untuk-dugaan-praktik-monopoli-dan-persaingan-usaha-tidak-sehat/>

Komisi Pengawas Persaingan Usaha, 'KPPU Lakukan Penyelidikan atas Google untuk Dugaan Praktik Monopoli dan Persaingan Usaha Tidak Sehat', [kppu.go.id](https://kppu.go.id/blog/2022/09/kppu-lakukan-penyelidikan-atas-google-untuk-dugaan-praktik-monopoli-dan-persaingan-usaha-tidak-sehat/) (September 2022), <https://kppu.go.id/blog/2022/09/kppu-lakukan-penyelidikan-atas-google-untuk-dugaan-praktik-monopoli-dan-persaingan-usaha-tidak-sehat/>

Paemen, Dieter. Vinje, Thomas. Missenden, Katharine. Hergouth, Ana. Van der Beken, Bram. 'The Google Android European Court Judgment and its Wider Implications', [cliffordchance.com](https://www.cliffordchance.com/briefings/2022/09/the-google-android-european-court-judgment-and-its-wider-implica.html) (September 26, 2022), <https://www.cliffordchance.com/briefings/2022/09/the-google-android-european-court-judgment-and-its-wider-implica.html>

Sadoian, Leah. "The Digital Markets Act: Reshaping Tech Competition in the EU." <https://www.upguard.com/blog/digital-markets-act,> accessed on 20th May 2024.

Taladay, John. "The Ten Principles of Ex Ante Competition Regulation." <https://www.pymnts.com/cpi-posts/the-ten-principles-of-ex-ante-competition-regulation/#:~:text=Ex%20ante%20regulation%2C%20by%20definition,are%20more%20likely%20to%20fail>, accessed on 15th May 2024.

The Law Dictionary, <https://thelawdictionary.org/ex-post-facto/> accessed on 10th May 2024.