Analisis Yuridis Terhadap Dugaan Praktik Predatory Pricing Dalam Fenomena Perang Harga Pada Industri
Kendaraan Listrik Di Indonesia
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Universitas Gadjah Mada, 2026 | Diunduh dari http://etd.repository.ugm.ac.id/

ANALISIS YURIDIS TERHADAP DUGAAN PRAKTIK *PREDATORY PRICING* DALAM FENOMENA PERANG HARGA PADA INDUSTRI KENDARAAN LISTRIK DI INDONESIA

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Intisari

Penelitian ini memiliki tujuan untuk menganalisis kualifikasi yuridis strategi penetapan harga PT. BYD Motor Indonesia pada segmen kendaraan listrik berbasis baterai (Batteray Electric Vehicle/BEV) di Indonesia. Fokus utama dalam penelitian ini yaitu mengidentifikasi praktik *predatory pricing* pada produk BYD Atto 1 yang diduga berpotensi menimbulkan persaingan usaha tidak sehat, serta mengevaluasi efektivitas peran Komisi Pengawas Persaingan Usaha (KPPU) dalam mengawasi industri teknologi tinggi yang sangat dinamis.

Penelitian ini menggunakan penelitian yuridis normatif dengan pendekatan perundang-undangan (*statute approach*) dan pendekatan konseptual (*conceptual approach*). Data penelitian yang didapatkan bersumber dari studi dokumen perundang-undangan, putusan perkara Komisi Pengawasan Persaingan Usaha, literatur ekonomi, serta hasil dari wawancara dengan Kepala Bidang Penegakan Hukum Kantor Wilayah VII Komisi Pengawasan Persaingan Usaha Yogyakarta. Analisis ini dilakukan secara deskriptif analitis, dengan menggunakan pendekatan *rule of reason* sebagai alat analisis utama untuk mengkaji fakta strategi bisnis pelaku usaha di lapangan.

Hasil penelitian menunjukkan bahwa strategi harga BYD Atto 1 belum dapat dikualifikasikan sebagai praktik *predatory pricing* sebagaimana diatur dalam Pasal 20 Undang-Undang No. 5 Tahun 1999. Penetapan harga tersebut didukung adanya efisiensi yang sah melalui integrasi vertikal produksi *blade battery* mandiri serta strategi bisnis garansi terbatas. Efektivitas peran Komisi Pengawasan Persaingan Usaha dalam mengawasi sektor mobil listrik diperlukan penguatan fungsi pengawasan proaktif melalui kajian dan perumusan pedoman teknis audit biaya produksi untuk mencegah distorsi pasar di masa depan.

Kata kunci: *predatory pricing*, perang harga, kendaraan listrik

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JURIDICAL ANALYSIS OF THE ALLEGED PRACTICE OF PREDATORY PRICING WITHIN THE PRICE WAR PHENOMENON IN INDONESIA'S ELECTRIC VEHICLE INDUSTRY

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Abstract

The purpose of this study is to analyze the legal aspects of PT. BYD Motor Indonesia's pricing strategy in the battery electric vehicle (BEV) segment in Indonesia. The primary focus of this study is to identify the risks of predatory pricing practices that could potentially lead to unfair business competition, as well as to evaluate the effectiveness of the Competition Supervisory Commission (KPPU) in overseeing this highly dynamic high-tech industry.

This study employs a normative legal research methodology using both the statutory approach and the conceptual approach. The research data were obtained from a review of statutory documents, decisions of the Business Competition Supervisory Commission, economic literature, and in-depth interviews with the Head of the Law Enforcement Division at the Business Competition Supervisory Commission's Regional Office VII in Yogyakarta. This analysis was conducted using a descriptive-analytical approach, employing the "rule of reason" as the primary analytical tool to examine the business strategies of market participants.

The results of the study indicate that the BYD Atto 1's pricing strategy cannot yet be classified as predatory pricing as defined in Article 20 of Law No. 5 of 1999. This pricing strategy is supported by legitimate efficiencies resulting from the vertical integration of in-house blade battery production and a limited warranty business strategy. To ensure the effectiveness of the Business Competition Supervisory Commission's role in overseeing the electric vehicle sector, it is necessary to strengthen its proactive oversight functions through research and the formulation of technical guidelines for production cost audits to prevent future market distortions.

Keywords: predatory pricing, price wars, electric vehicles

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