

BIBLIOGRAPHY

BOOKS, JOURNALS, AND PAPERS

- Ahamat, H. and Rahman, N.A. "Delimiting the Social Boundaries of Competition Law in ASEAN: A Common Approach?". *IIUM Law Journal* 22(2), 2014.
- Alford, R.P. "The Extraterritorial Application of Antitrust Laws: The United States and European Community Approaches". *Va. J. Int'l L.*, 33, 1992.
- Andrei, L., "The economic integration: concept and end of process". *Theory of Applied Economics*, 19(10), 2012.
- Arnulf, A. and Chalmers, D. eds., 2015. *The Oxford Handbook of European Union Law*. OUP Oxford, p.3
- Balassa, B. 1961. *The theory of economic integration*. Palgrave, London.
- Bellis, Jean Francois. 2005. *Competition Law of the European Community*.
- Bhat, P.I. "Comparative Method Of Legal Research: Nature, Process And Potentiality". *Journal of the Indian Law Institute*, 2015.
- Brakman, S., Garretsen, H. and Van Marrewijk, C. "Cross-Border Mergers And Acquisitions: The Facts As A Guide For International Economics". *International Mergers and Acquisitions Activity Since 1990*. Academic Press, 2007.
- Branson, J., Le, T. and Willcox, M. "Competition Policy in ASEAN: Case Studies". *Australia-Japan Research Centre*, 2008.
- Carnes, T.A., Black, E.L. and Jandik, T., "The long-term success of cross-border mergers and acquisitions", 2001.
- Carvalho, P. "Competition and Firm Productivity: Evidence from Portugal". *GEE Papers*, 2018.
- Choe, C. and Shekhar, C., "Compulsory or voluntary pre-merger notification? Theory and some evidence". *International Journal of Industrial Organization*, 28(1), 2010.
- Colino, S.M. 2011. *Competition Law of the EU and UK*. Oxford University Press.
- Dabbah, M.M. and QC, P.L. 2012. *Merger control worldwide*. Cambridge University Press.
- Davis, E., Shore, G. and Thompson, D. "Continental mergers are different". *Business Strategy Review*, 2(1), 1991.
- Dutilh, N., 2003. *Merger Control in Europe: EU, Member States and Accession States*. Kluwer Law International BV.

- El-Agraa, A.M., 1989. *The theory and measurement of international economic integration*. Springer.
- Elliot, Porter. *Merger Control: Jurisdictional Comparisons*. Sweet & Maxwell, 2011, p.340.
- Evenett, S.J. "Trouble in paradise: Will technocrats review global merger forever?". *CESifo Forum*, Vol. 7, No. 1, Ifo Institut für Wirtschaftsforschung an der Universität München, München, 2006.
- Frenz, W. 2016. *Handbook of EU competition law*. Springer, Berlin.
- Garner, B.A., Newman, J. and Jackson, T. 2009. *Black's Law Dictionary (Standard Ninth Edition)*, West.
- Gippini-Fournier, "The Modernisation of European Competition Law: First Experiences with Regulation 1/2003". *Report to FIDE Congress 2008*, In FIDE CONGRESS (Vol. 2), 2008.
- Godfrey, N. "Why is competition important for growth and poverty reduction?" *Organization for Economic Cooperation and Development (OECD) Investment Division*. Department of International Development: London, 2008.
- Gonzalez, P., Vasconcellos, G.M. and Kish, R.J. "Cross-border mergers and acquisitions: the undervaluation hypothesis". *The Quarterly Review of Economics and Finance*, 38(1), 1998.
- Gordley, J. "Comparative Legal Research: Its Function In The Development of Harmonized Law". *Am. J. Comp. L.*, 43, 1995.
- Gozali, Christie. "Perjanjian Pelaku Usaha Dengan Pihak Luar Negeri yang Bertentangan Dengan Undang-Undang nomor 5 Tahun 1999 Tentang Larangan Praktik Monopoli Persaingan Usaha Tidak Sehat.", *Undergraduate Thesis*, Universitas Sumatera Utara, 2009.
- Guzman, Andrew T. 2010. *Cooperation, Comity, and Competition Policy*. Oxford University Press.
- Hartono, D. and Hardiwinoto, S., "Legal Perspective On Asean Economic Community". *Diponegoro Law Review*, 3(2), 2018.
- Hemphill, T.A. "The 'new protectionism': Industrial policy barriers to cross-border mergers and acquisitions". *Competition & Change*, 14(2), 2010.
- Hermansyah. 2009. *Pokok Pokok Hukum Persaingan Usaha di Indonesia*. Kencana Prenada Media Group, Indonesia.
- Hutajulu, M.J. "The Reform of the Indonesian Competition Law to Anticipate ASEAN Economic Community". *Padjadjaran Journal of Law*, 5(2), 2018.

- Hutchinson, T. and Duncan, N. "Defining and describing what we do: Doctrinal legal research". *Deakin L. Rev.*, 17, 2012.
- Ivana, Rakic. "Cross-Border Mergers and Competition Law: An Overview of Comparative Practice". *Conference Paper presented at Globalisation and Law International Scientific Conference*, 2017.
- Jedin, M.H. "Trends and regional patterns of cross-border mergers and acquisitions: A case of Malaysian and Indonesian acquirers". *Journal of International Studies*, 8, 2012.
- Juwana, H., "An Overview of Indonesia's Antimonopoly Law". *Wash. U. Global Stud. L. Rev.*, 1, 2002.
- Kang, N.H. and Johansson, S., "Cross-border Mergers and Acquisitions: Their Role in Industrial Globalisation", DSTI/DOC (2000) 1. *Internal Working Paper*, OECD, Paris, 2000.
- Kharel, A. "Doctrinal Legal Research", *Research Paper*, SSRN, 2018.
- Lorenz, M. 2013. *An Introduction to EU Competition Law*. Cambridge University Press, p.1.
- Lubis, Andi Fahmi. 2009. *Hukum Persaingan Usaha: Antara Teks & Konteks. Indonesia*.
- Lubis, Andi Fahmi, et al. 2017. *Hukum Persaingan Usaha Buku Teks, Komisi Pengawas Persaingan Usaha (KPPU)*, Indonesia.
- Madura, J. and Whyte, A.M. "Diversification benefits of direct foreign investment". *MIR: Management International Review*, 1990.
- Mann, Francis A. "The Dyestuffs Case in the Court of Justice of the European Communities.", *International & Comparative Law Quarterly* 22.1, 1973.
- Matsushita, Mitsuo, et al. 2015. *The World Trade Organization: law, practice, and policy*. Oxford University Press.
- McConville, M. ed. 2017. *Research methods for law*. Edinburgh University Press.
- Meador, Anna Lee, Pamela H. Church, and L. Gayle Rayburn. "Development of prediction models for horizontal and vertical mergers." *Journal of financial and strategic decisions* 9, No. 1, 1996.
- Meng, W. 1994. *Extraterritoriale Jurisdiktion im öffentlichen Wirtschaftsrecht*. Springer.
- Mickonytė, A. "Joint Liability of Parent Companies in EU Competition Law". *Vol 1 LSEU*, 2012.
- Morten P, Broberg. "The European Commission's Extraterritorial Powers in Merger Control". *International and Comparative Law Quarterly*, 49.01, 2000.

- Mueller, D.C. 1980. *Determinants and Effects of Mergers: An International Comparison*. Oelgeschlager, Gunn & Hain.
- Nguyen, Thanh. "Defining Relevant Market Under the European Union Competition Law-Regulations and Practice-Experience for Vietnam". 2012.
- Oktaviano, Ahmad. "Dampak Prinsip Ekstrateritorialitas terhadap Regulasi Merger, Konsolidasi, dan Akuisisi dalam Hukum Persaingan Usaha di Indonesia", Universitas Indonesia.
- Ong, Burton. 2018. *The Regionalisation of Competition Law and Policy within the ASEAN Economic Community*. Cambridge University Press.
- Paemen, D. and Blondeel, J., "Appealing EU Cartel Decisions before the European Courts: Winning (and Losing) Arguments". *Bus. L. Int'l*, 18, 2017.
- Pangestu, M., Aswicahyono, H., Anas, T. and Ardyanto, D., "The evolution of competition policy in Indonesia". *Review of Industrial Organization*, 21(2), 2002.
- Pasaribu, M.S. "Challenges of Indonesian Competition Law and Some Suggestions for Improvement", 2016.
- Pavic, I., F. Galetic, and Damir Piplica. "Similarities and differences between the CR and HHI as an indicator of market concentration and market power." *Br. J. Econ. Manag. Trade* 13.1, 2016.
- Plummer, M.G. and Click, R.W. "The ASEAN economic community and the European experience", 2006.
- Ramadhan, C. "Konvergensi Civil Law dan Common Law di Indonesia dalam Penemuan dan Pembentukan Hukum". *Mimbar Hukum-Fakultas Hukum Universitas Gadjah Mada*, 30(2), 2018.
- Razak, A.A. "Understanding Legal Research". *Integration & Dissemination*, 2009.
- Rhoades, Stephen A. "Market share inequality, the HHI, and other measures of the firm-composition of a market." *Review of industrial organization* 10, No. 6, 1995.
- Ristaniemi, Michael. "What Extraterritorial Application of Competition Law Means for MNCs." *International In-house Counsel Journal*, 7.28, 2014.
- Rizkiyana, Rikrik. 2014. *Competition Law in Indonesia*, LexisNexis.
- Röller, L.H. and De La Mano, M. "The impact of the new substantive test in European merger control". *European Competition Journal*, 2(1), 2006.
- Saptono, Catur Agus. 2017. *Hukum Persaingan Usaha: Economic Analysis of Law dalam Pelaksanaan Merger*. Kencana Prenada Media Group. Indonesia.
- Sauter, Wolf. 2016. *Coherence in EU competition law*. Oxford University Press.

- Scott, Joanne. "Extraterritoriality and territorial extension in EU law." *The American Journal of Comparative Law*, 62.1, 2014.
- Şenyücel, Orçun. "An assessment of the Immediate and Possible Longterm Effects of the New Substantive Test". *Ankara Law Review*, Vol. 2 No.2, 2005.
- Sirait, N.N., "The development and progress of competition law in Indonesia". *The Antitrust Bulletin*, 54(1), 2009.
- Sweeney, Brendan J. "Combating foreign anti-competitive conduct: what role for extraterritorialism?" 8 *Melbourne Journal of International Law*, 2007, p.35-87.
- Tetley, W. "Mixed jurisdictions: Common law v. civil law (codified and uncoded)". *La. L. Rev.*, 60, 1999.
- Thu, N.A. and Anh, N.T.M. "ASEAN and EU economic integration: a comparative analysis". *Publikasi International Conference on International Relations and Development*, 2013.
- Toha, K. "Extraterritorial Applicability of Indonesia Business Competition Law as an Efforts Dealing ASEAN Single Market". *Jurnal Dinamika Hukum*, 15(1), 2015.
- Usman, Rachmadi. 2004. *Hukum Persaingan Usaha di Indonesia*, PT Gramedia Pustaka Utama, Indonesia.
- Van Gerven, W. "EC Jurisdiction in Antitrust Matters: The Wood Pulp Judgment". Annual Proceedings of the Fordham Corporate Law Institute International Antitrust Law and Policy Conference, 1990.
- Varottil, Umakanth. "The Impact of Globalization and Cross-Border Mergers & Acquisitions on the Legal Profession in India". *The Indian Legal Profession in the Age of Globalization: The Rise of the Corporate Legal Sector and its Impact on Lawyers and Society*. Cambridge University Press, 2017.
- Von Weizsacker, C.C. "A welfare analysis of barriers to entry". *The Bell Journal of Economics*, 1980.
- Whish, R. and Bailey, D. 2015. *Competition Law*. Oxford University Press, USA.
- Xia, Yue. "Assessing Extraterritorial Application of EU Competition Law". *Master thesis*, 2017.
- Zaheer, S. "Overcoming the liability of foreignness". *Academy of Management Journal*, 38(2), 1995.
- Zainuddin Ali. 2009. *Metode Penelitian Hukum, Sinar Grafika*, Jakarta.
- ZHE, H., "Cross-Border mergers & acquisitions and the legal response of host countries". *Doctoral Dissertation*, 2005.

Zweigert, K. and Kötz, H., 1992. *Introduction to comparative law*. Oxford University Press, USA.

Zulheri. “Competition Merger Review for Cross-border Mergers and Acquisitions in Indonesia”. *Indon. L. Rev.*, 7, 2017.

DOCUMENTS AND REPORTS

Contribution from the European Union. “Roundtable on Cross-border Merger Control: Challenges for Developing and Emerging Economies”. *Global Forum on Competition*, DAF/COMP/GF/WD(2011)23, 2011.

Model Law on Competition (2017) – Revised Chapter II, United Nations Conference on Trade and Development, 2017, TD/B/C.1/CLP/L.8.

UNCTAD. “World Investment Report 1997: Transnational Corporations”. *Market Structure and Competition Policy*. United Nations.

UNCTAD. “Challenges in the design of a merger control regime for young and small competition authorities”, United Nations, 2017.

EUROPEAN UNION COURT DECISIONS

A. Ahlström Osakeyhtiö et al v. Commission of the European Union, Case No. 89/85, 1988.

Air France v. Commission of the European Union, Case No. T-2/93, Court of First Instance, 1994.

Airtours/First Choice v. The Commission of the European Communities, Case No. IV/M.1524, Commission Decision, 1999.

Bartelsmann and Sony Corporation of America v. Impala, Case No. C-413/06 P 2, Grand Chamber, 2008.

Coca-Cola Company and Coca-Cola Enterprises Inc. v. Commission of the European Communities, Joined Case No. T-125/97 and T-127/97, 2000.

Consten SaRL and Grundig GmbH v Commission, European Court of Justice, Case 56/64, 1966.

EDP v. Commission of the European Communities, Case No. T-87/05, Court of First Instance, 2005.

French Republic et al v. Commission of the European Communities, Joined Case no. C-68/94 and C-30/95, 1998.

Gencor Ltd v. Commission of the European Communities, Court of First Instance, Case No. T- 102/96, 1999.

Imperial Chemical Industries Ltd. v. Commission of the European Union, Case No. 48-69, 1972.

Intel v. Commission of the European Communities, General Court, Case No. T-286/09, 2014.

Intel v. Commission of the European Communities, Grand Chamber, Case No. C-413/14P, 2017.

Kraus v. Land Baden-Wuerttemberg, European Court, Case No. C-19/92, 1993.

Ryanair Holdings Plc v. Commission of the European Union, Case No. T-342/04, General Court, 2010.

Sun Chemical Group BV et al v. Commission of the European Union, Case No. T-282/06, Court of First Instance, 2007.

United Brands Company and United Brands Continental BV v. Commission of the European Communities, Case No. 27/76, 1978.

Tetra Laval/Sidel v. Commission of the European Union, Commission Decision, Case. No. COMP/M. 2416, 2001.

EUROPEAN UNION LEGISLATIONS

Agreement between the Government of the United States of America and the Commission of the European Communities Regarding the Application of their Competition Law, 1991.

Commission Notice on Case Referral in Respect of Concentration, Commission of the European Communities, 2005/C56/02, 2005.

Commission Notice on the Definition of Relevant Market for the Purpose of Community Competition Law, Commission of the European Communities, 97/C 372/03, 1997.

Commission Notice of Relevant Market for the Purposes of Community Competition Law, Commission of the European Communities, 97/ C 372/03, 1997.

Council Regulation (EC) No 1/2003 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty, Brussels: Council of the EU, 2002.

Council Regulation (EC) No 139/2004 on the Control of the Concentrations between Undertakings (the EC Merger Regulation).

Directive 2005/56/EC of the European parliament and of the Council on Cross-Border Mergers of Limited Liability Companies.

European Commission Regulation No. 1 of 2003 on the Implementation of the Rules on Competition Law Down in Articles 81 and 82 of the Treaty.

EU/US Competition Cooperation Agreement 1991.

EU/US Positive Comity Agreement 1998.

Guidelines on the Assessment of Horizontal Mergers under the Council Regulation on the Control of Concentrations between Undertakings, 2004/C 31/03.

Guidelines on the Assessment of Non-horizontal Mergers under the Council Regulation on the Control of Concentrations between Undertakings, 2008/C 265/07, 2008.

INDONESIAN LEGISLATIONS

Attachment of KPPU Regulation No. 3 of the Year 2012 concerning the Second Change towards KPPU Regulation No. 13/2010 concerning Implementation Guideline of Mergers or Consolidation of Legal Entities and the Acquisition of Shares that Can Cause Monopolistic Practices or Unfair Competition.

Government Regulation No. 57 of the Year 2010 concerning Mergers or Consolidations of Legal Entities and Acquisitions that can cause Monopolistic Practices and Unfair Business Competition, Ministry of Human Law and Human Rights, Jakarta, 2010.

Implementation Guideline for Mergers, Consolidation, and Acquisitions Pre-Merger Notification, Attachment of KPPU Regulation No. 1 of the Year 2009 Concerning Mergers, Consolidations, and Acquisition Pre-Merger Notification.

KPPU Regulation No. 2 of the Year 2013 concerning the Third Amendment to KPPU Regulation No. 13 of the Year 2010 concerning the Implementation Guidelines of Business Entity mergers or Consolidation and Acquisition of Company Shares that Can Result in the Practice of Monopoly and Unfair Business Competition, Jakarta: KPPU, 2013.

KPPU Regulation No. 3 of the Year 2012 concerning the Second Amendment to KPPU Regulation No. 13 of the Year 2010 concerning the Implementation Guidelines of Business Entity mergers or Consolidation and Acquisition of Company Shares that Can Result in the Practice of Monopoly and Unfair Business Competition, Jakarta: KPPU, 2012.

Law No. 5 of the Year 1984 concerning Industrial Affairs, Jakarta: The House of Representatives of the Republic of Indonesia, 1984.

Law No. 5 of the Year 1999 concerning The Prohibition of Monopolistic Practices and Unfair Business Competition, Jakarta: The House of Representatives of the Republic of Indonesia, 1999.

Presidential Decree No. 75 of the Year 1999 concerning the Commission for the Supervision of Business Competition, Jakarta, 1999.

INDONESIAN COURT DECISIONS

Komisi Pengawas Persaingan Usaha v. PT Pertamina et al, KPPU Decision No. 07/KPPU-L/2004, 2004.

Komisi Pengawas Persaingan Usaha v. PT. Carrefour Indonesia, KPPU Decision No. 9/KPPU-L/2009, 2009.

Komisi Pengawas Persaingan Usaha v. Temasek Holding, KPPU Decision No. 07/KPPU-L/2007, 2007.

Komisi Pengawas Persaingan Usaha v. Toray Advance Materials Korea Inc., KPPU Decision No. 17/KPPU-M/2015, 2015.

Komisi Pengawas Persaingan Usaha v. PDTV et al., KPPU Decision No. 03/KPPU-L/2008, 2008.

US CASE LAW

United States v. Aluminum Co. of America, U.S Court of Appeals for the Second Circuit, 184 F 2d 416, 1945.