

## **ANALISIS YURIDIS TERHADAP PENGATURAN PRODUKSI BIBIT AYAM PEDAGING DALAM PERSEPEKTIF HUKUM PERSAINGAN USAHA DI INDONESIA**

### **INTISARI**

Oleh:

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Penelitian ini bertujuan untuk mengetahui dan menganalisis perjanjian pengaturan produksi bibit ayam pedaging pada Putusan KPPU No. 02/KPPU-I/2016 ditinjau dari ketentuan menurut kartel defensif dan Untuk melakukan analisis terhadap putusan Majelis Komisi KPPU yang menyatakan bahwa 12 Perusahaan Terlapor telah melanggar Pasal 11 Undang Nomor 5 Tahun 1999 tentang Larangan Praktik Monopoli dan Persaingan Usaha Tidak sehat terkait kesepakatan pemotongan/pengafkiran induk ayam pedaging (*Parent Stock*).

Penelitian ini merupakan penelitian hukum normatif yang dilakukan melalui penelitian kepustakaan dengan studi dokumen atas bahan hukum primer, sekunder dan tersier. Analisis data dilakukan secara kualitatif.

Hasil penelitian dan pembahasan menunjukkan bahwa Perjanjian kesepakatan pemotongan/pengafkiran induk ayam pedaging (*Parent Stock*) yang dilakukan oleh para pelaku usaha (Terlapor) pada Putusan KPPU No. 02/KPPU-I/2016 apabila ditinjau dari ketentuan syarat kartel defensif maka termasuk dalam katagori kartel defensif. Namun demikian Putusan KPPU No. 02/KPPU-I/2016 apabila ditinjau dari unsur-unsur di dalam Pasal 11 Undang-Undang No. 5 Tahun 1999 yang digunakan untuk membuktikan dan menentukan unsur-unsur adanya kartel maka unsur-unsur tersebut terpenuhi semua. Dengan demikian Putusan KPPU tentang Pelanggaran Pasal 11 Undang No. 5 Tahun 1999 tentang Larangan Praktik Monopoli dan Persaingan Usaha Tidak sehat terkait pemotongan/pengafkiran induk ayam pedaging (*Parent Stock*) pada Putusan KPPU No. 02/KPPU-I/2016 sudah tepat.

**Kata Kunci:** Analisis Yuridis, Pengaturan Produksi, Kartel Ayam

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**JUDICIAL ANALYSIS ON BROILER CHICKEN SEED PRODUCTION  
REGULATION FROM THE PERSPECTIVE OF BUSINESS  
COMPETITION LAW IN INDONESIA**

**ABSTRACT**

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This study aimed to determine and analysis the agreement of broiler chicken seed production regulation in the decision of KPPU No. 02/KPPU-I/2016 from the stipulation of defensive cartel and to analyze the decision of the Board of KPPU which states that 12 reported companies have violated Article 11 of Law No. 5 of 1999 on Prohibition of Monopoly and Unhealthy Business Competitions practices in relation with agreement to cut/cull broiler chicken parent stock.

This study was a normative legal study performed through literary study by document study on primary, secondary, and tertiary legal materials. Data analysis was performed qualitatively.

Research result and discussion show that the agreement to cut/cull broiler chicken parent stock performed by the businesspeople (the Reported) in the Decision of KPPU No. 02/KPPU-I/2016 viewed from the stipulation of defensive cartel is categorized as a defensive cartel. However, the Decision of KPPU No. 02/KPPU-I/2016 viewed from the elements in Article 11 of Law No. 5 of 1999 which was used to prove and determine elements of cartel existence showed that the elements were met. Therefore, the Decision of KPPU on Violation of Article 11 of Law No. 5 of 1999 on Prohibition of Monopoly and Unhealthy Business Competitions practices in relation with agreement to cut/cull broiler chicken parent stock in the Decision of KPPU No. 02/KPPU-I/2016 is correct.

**Keywords:** Judicial Analysis, Production Regulation, Chicken Cartel

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