

INTISARI

Tulisan ini dibuat untuk mengetahui perkembangan fenomena *low cost carrier* (LCC) sebagai model bisnis penerbangan dari sisi hukum persaingan usaha. Rumusan masalah dari penelitian ini adalah bagaimana praktik LCC dalam penerbangan di Indonesia maupun Amerika apabila dilihat dari sudut pandang hukum persaingan usaha dan siapa saja yang berperan dalam mengawasi penerapan LCC dari sudut pandang hukum persaingan usaha. Tulisan ini bersifat yuridis-normatif yaitu mengumpulkan data studi pustaka dan akan mengkaji perbandingan atas praktik LCC di kedua negara dengan masing-masing hukum persaingan usaha dan kepustakaan lainnya yang terkait. Dalam penelitian ini, ditemukan bahwa terdapat perbedaan praktik pelanggaran persaingan usaha yang bersinggungan dengan fenomena LCC di kedua negara. Di Indonesia, fenomena LCC berkaitan dengan peraturan *pricing*, kartelisasi, dan oligopoli. Sedangkan di Amerika, fenomena LCC cenderung berkaitan dengan peraturan merger, aliansi, dan praktik *pricing*. Namun, Indonesia dan Amerika memiliki titik temu yaitu berkaitan dengan praktik *pricing*. Kemudian, ditemukan pula bahwa terdapat pihak-pihak yang berperan langsung. Di Indonesia diantaranya adalah Dirjen Perhubungan Udara, KPPU, dan INACA. Sedangkan di Amerika yang berperan adalah DOT, FTC dan DOJ, dan American Antitrust Institute. Terdapat perbedaan pelaksanaan kewenangan antara badan pemerintah Indonesia dan Amerika dan juga peran antara komisi pengawas persaingan antara Indonesia dan Amerika.

Kata kunci: LCC, hukum persaingan usaha, Indonesia, Amerika.

ABSTRACT

This research was written to discover the development of low cost carrier (LCC) phenomenon as a business model in airline industry from the point of view of antitrust laws. There are two main issues contained in this research. Firstly, the issue is to find out how LCC practices in both Indonesian and United States' airline industry and its intersection with their antitrust law. Secondly is to find out any authorities who involved in supervising LCC airlines due to enforce fair market competition. This research is based on juridical-normative method as collecting literature references materials and analyzed it by making a comparison of LCC practices to both states. The result of this research is that there are some distinctions between airline of Indonesia and United States in regards to the LCC practices. In Indonesia, the phenomenon of LCC is related to pricing practices, cartel, and oligopoly. On the other hand, LCC airlines in United States tend to be related with merger, airline alliance, and pricing practices. However, Indonesia and United States have a meeting point, which both states are concern with pricing practices held by LCC airlines. Furthermore, there are several authorities involved directly in a matter of LCC. In Indonesia, there are Dirjen Perhubungan Udara, KPPU, and INACA. On the other side there are Department of Transportation, FTC and Department of Justice, and American Antitrust Institute as the authorities in United States. There were several differentiations between the regulatory body of Indonesia and United States due to its competencies, as well as there were several differentiations of role between commission of fair trade in both states.

Key words: *LCC, antitrust laws, Indonesia, United States*