

ABSTRACT

Monopoly and unfair business practices often occur as a result of the acquisition of a company to expand its presence in the business world. PT Carrefour Indonesia violated Law No. 5 of 1999 on Prohibition of Monopolistic Practices and Unfair Competition. Based on KPPU's decision No. 09/KPPU-L/2009, PT Carrefour Indonesia was regarded as conducting unfair competition in the form of monopoly and dominant position in the modern retail sector after acquisition PT Alfa Retailindo. This study aims to determine how the approach used by the KPPU in determining the acquisition of PT Alfa Retailindo by PT Carrefour Indonesia has violated Law No. 5 of 1999. In addition, the study investigates how the legal arguments of the Supreme Court rejected the KPPU's cassation to annul the decision of the South Jakarta District court Number 1598/Pdt.G/2009/PN.Jak.Sel about the cancellation of the KPPU's. The study is a normative legal research based on library research and the data were analyzed using descriptive qualitative. This research approach is using the statute and case approach. The results of this study indicate that the approach used by KPPU in this case uses two approaches; rule of reason and per se illegal approach. Legal argument used by the supreme court is according to how the law should be applied, and the KPPU has misapplied the provisions of articles which were dropped against PT Carrefour Indonesia in connection with the legal facts and empirical data in the modern retail sector put forward for consideration by law good and true.

Keywords: *acquisition, monopoly, ritel trade, dominant position PT Carrefour Indonesia, PT Alfa Retailindo, KPPU.*