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Monopoly Practices in Lobster Seed Exports by Cargo Company Pt. X

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ABSTRACT: Monopolistic practices are one of the obstacles for other business actors to enter a particular business sector, because the market has been controlled by one company, or a group of companies, while other parties are blocked. In this case, a cargo company PT. X has been monopolized by a lobster seed exporter, which is none other than the same group as PT. X, while other cargo companies are powerless, so that lobster seed exporters have difficulty and are hampered from using other cargo services.

Business actors who monopolize the delivery of lobster seeds can use special services, with high priority and fast delivery times, other business actors are already closed to using the same transportation services, so that other business actors who do not have special routes will experience delivery obstacles, even losses if delivery is slow and the service is not conducive, there is a possibility that the lobster seeds could die.

The monopoly held by the cargo company PT. X is due to its special network and special services with licensing authority, while other cargo companies to obtain permits are very difficult, as a result, other cargo companies are unable to load or transport lobster seeds to the destination country. Of course, exporters who obtain transportation facilities are also considered to be monopolizing. Not only cargo companies monopolize transportation, but also exporters monopolize the export of lobster seeds. This monopoly creates a business climate that does not face meaningful competition, because this cargo company and exporters have colluded with the authorities to beat or eliminate other companies. As a result, it is very detrimental to other cargo companies and exporters, who are very powerless against the authorities.

KEYWORDS: Monopoly, Special Services, Cargo and Exporters, Losses

1. BACKGROUND

In Indonesia, the government prohibits the export of lobster seeds, as they are a protected marine species. Lobsters are invertebrates belonging to the Arthropoda phylum that live in water (Robles, 2007). Marine fisheries recognize two types of shrimp: penied shrimp and lobsters. These two types of shrimp are fishery resources with high economic value. Lobsters, also known as spiny lobsters, are a genus of the Palinuridae family and comprise 49 species. There are 11 species in the Indo-West Pacific waters, six of which are found in Indonesian waters. The six lobster species found in Indonesia are: Panulirus homarus, Panulirus panicillatus, Panulirus cygnus, Panulirus polyphagus, Panulirus versicolor, and Panulirus ornatus (Moosa & Aswandy, 1984).

Lobster (Palinuridae) is a type of marine biota that has important economic value (Williams 2007). Indonesian fisheries statistics data in 2012 showed that lobster ranked fourth highest export commodity after Penaeus shrimp (WWF 2015). One of the destination countries for Indonesian lobster seed exports is Vietnam, where the volume of lobster seed exports to Vietnam in 2012 was recorded at 45 kg or worth 680 US$ (Hilal and Fachri 2016). When viewed from the number of lobster catches in the world, the lobsters caught are dominated by lobsters from the Nephropidae family (61%), the Paniluridae family (31%), and the Scyllaridae family (1%) (FAO 2011)

Lobster (Panulirus versicolor) is a genus belonging to the freshwater shrimp (Crustacea) group, which naturally has a large body size and its entire life cycle is in freshwater environments. Lobsters have several international names, namely crawfish and crawdad. Based on their distribution in the world, there are three lobster families: Astacidae, Cambaridae, and Parastacidae (Handoko, 2013). The lobster's body is covered by a cuticle containing lime. Lobsters are large marine crustaceans with claws and soft, sweet meat. Lobsters are included in the seafood group along with shrimp and crab. Lobsters do not have bones, but their entire body is wrapped in a shell, making them expensive.

The government has banned the export of lobster seeds, as part of an effort to increase lobster production in Indonesia. Lobster production in Indonesia is not comparable to demand in the international market. Many businesses secretly export lobster seeds. One official even exported lobster seeds, which is clearly prohibited, but still dared to do so and was caught, resulting in his dismissal and punishment. Lobsters and lobster seeds have high economic value, high demand, while supplies are scarce, resulting in soaring prices. Unfair business competition occurs, with some even monopolizing the export of lobster seeds. The decision to ban the export of lobsters and lobster seeds is intended to protect the sustainability and sustainability of lobsters in Indonesia. Illegal and excessive lobster catches will reduce the lobster population in Indonesian waters.

The ban on lobster seed exports is regulated in the Minister of Maritime Affairs and Fisheries Regulation No. PER.11/MEN/2018 concerning Control of Lobster Seed Exports. Essentially, this regulation stipulates that

(1) lobster seeds may only be exported as live lobsters that have reached a minimum size of 10 cm.
(2) hatched lobster seeds or lobster eggs may not be exported abroad. Furthermore, parties wishing to export live lobsters are required to obtain a permit from the Directorate General of Aquaculture.

The ban on lobster seed exports is the initial stage of the government's efforts to control lobster production in Indonesia. Furthermore, the government will also undertake other efforts to increase domestic lobster production. This ban also includes the prohibition of exporting hatched lobster seeds or lobster eggs. Furthermore, parties wishing to export live lobsters are required to obtain a permit from the Directorate General of Aquaculture. However, recently, around the end of 2024, there was talk that the government would open up opportunities for businesses to export lobster seeds. This received a mixed response from the public, with some pro and con. Therefore, until now, in 2025, there is no explicit regulation regarding the permitting of lobster seed exports.

It must be acknowledged that Indonesia is a country that has natural resources derived from the sea, and the potential of Indonesia's natural resources is very abundant, making it easy to cultivate marine products as natural resources.

According to the data of fisheries area in Indonesia, stipulated through Regulation of the Minister of Maritime Affairs and Fisheries Number 18 of 2014, concerning the fisheries management area of the Republic of Indonesia (hereinafter abbreviated as PP No. 18/2014) includes inland waters, territorial seas, additional zones, and the Indonesian Exclusive Economic Zone. In 2020, the Government has opened up relaxation for business actors to export clear lobster seeds, which means annulling the ban on the export of clear lobster seeds regulated in the Regulation of the Minister of Maritime Affairs and Fisheries No. PER.11/MEN/2018 concerning Control of Lobster Seed Exports. On May 4, 2020, Regulation of the Minister of Maritime Affairs and Fisheries No. 12/PERMEN-KP/2020 was issued, the contents of which provide opportunities for business actors to export clear lobster seeds. With the opening of the export of clear lobster seeds, demand from various countries has soared, these seeds are cultivated in importing countries, then after the lobsters are mature, they are exported again to countries that need them. This soaring demand has the potential to create unhealthy business competition, some are monopolizing the export of clear lobster seeds, of course, involving authorized officials. Exporting lobster seeds generates profits quickly, making them a lucrative business option compared to cultivating lobsters to adulthood.

In fact, many business actors secretly export lobster seeds, even competing in unfair ways, because the export of lobster seeds is only carried out by certain cargo business actors, of course this leads to monopoly. Monopoly itself is regulated in Article 1 number 2 of Law Number 5 of 1999 (hereinafter abbreviated as Law No. 5/1999) concerning the Prohibition of Monopolistic Practices and Unfair Business Competition. Monopoly is the concentration of economic power by one or more business actors resulting in control of production and/or marketing or certain goods and/or services, thus giving rise to unfair business competition that can harm the public interest. (Kusumawati, 2010: 124). This means that monopoly is a situation in the market where there is only one or a handful of companies that sell certain products or commodities that have no similar substitutes, and there are barriers for other companies or entrepreneurs to enter the industrial or business sector.

With the existence of a monopoly, other business actors are unable to compete, transportation has been monopolized, some through air, sea and land cargo, with logistics services, namely supply chain management, storage, packaging, distribution, coordination of other logistics to ensure goods arrive at their destination safely and smoothly. In addition, business actors who monopolize the delivery of lobster seeds can use special services, with high priority and fast delivery times, other business actors are already closed to using the same transportation services, so that other business actors who do not have special routes will experience delivery obstacles, even losses if delivery is slow and the service is not conducive, The possibility of lobster seeds dying. Article 17 of Law No. 5/1999 requires serious attention from the government. Monopolies have fueled unfair business competition. This is evident in the case of PT. X, which was reported for its monopoly on the export of clear lobster seeds in Case Number XX/KPPU-X/202X, which found:

(1) PT. X was the sole exporter of clear lobster seeds since the issuance of Ministerial Regulation No. 12/Permen-KP/2020, until November 2020;
(2) The company controlled more than 50% of the market share for clear lobster seed export services, preventing other businesses from exporting due to the lack of cargo services capable of transporting other businesses' goods;
(3) PT. X has a monopoly position in the facts at trial, it was proven that there was a concentration of economic power where there was government support for PT. X for the smooth issuance of permits, while other business actors experienced difficulties in obtaining a Letter of Determination of the Time of Issuance (hereinafter abbreviated as SPWP).

Therefore, from what is described in the background above, problems can be identified that need to be investigated.

2. PROBLEM FORMULATION

The problem that needs to be investigated in the case of monopolistic practices in the export of lobster seeds is:

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Can PT. X be categorized as engaging in prohibited monopolistic practices regarding the Special and Express Services it provides as a means of transportation for lobster seeds exports?

3. LEGAL BASIS USED

- Law Number 5 of 1996 concerning Business Competition
- Regulation of the Minister of Maritime Affairs and Fisheries Number 18 of 2014 concerning the Fisheries Management Area of the Republic of Indonesia
- Ministerial Regulation No. PER.11/MEN/2018 concerning Control of Lobster Seed Exports;
- Regulation of the Minister of Maritime Affairs and Fisheries No. 12/Permen-KP/2020
- Regulation of the Minister of Maritime Affairs and Fisheries of the Republic of Indonesia Number 16 of 2022 concerning Amendments to Regulation of the Minister of Maritime Affairs and Fisheries Number 17 of 2021 concerning Lobster Management
- Regulation of the Minister of Maritime Affairs and Fisheries Number 7 of 2024 concerning the Management of Lobsters, Crabs, and Swimming Swimming Crabs, dated May 16, 2024

4. PURPOSE OF RESEARCH

To find out the monopoly settlement carried out by PT. X and does not violate Law Number 5 of 1999 concerning Prohibition of Monopolistic Practices and Unfair Business Competition.

5. LITERATURE REVIEW

5.1. Freshwater Lobster Cultivation Management

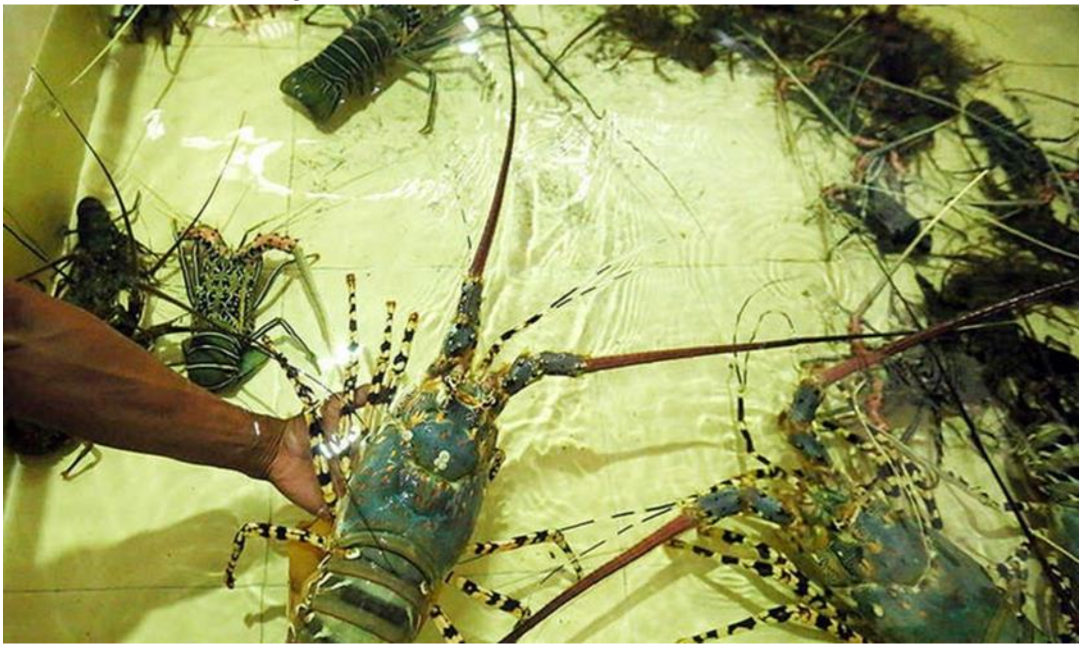

Figure 1: How to cultivate freshwater lobster seeds
Source: The Easiest Way to Cultivate Freshwater Lobsters for Beginners – Star Farm International

Lobster cultivation begins with selecting superior seeds, meaning healthy and productive. Then, carefully distinguish between male and female lobsters and mate them. Prepare a space, add several female and male lobsters. Wait about three weeks, and the female lobster will lay eggs. After five weeks, the female lobster will incubate the eggs, which will hatch. Once the eggs have attached to the shrimp and the tail ends are open, the mother lobster is moved to another location. After about five weeks, the eggs will begin to detach from the mother and can forage for food on their own.

Once all the fry have separated from their parents, care for them properly. Feed the baby lobsters, which can be purchased in prepackaged food, which is now widely available in stores. Feeding should be done regularly to ensure proper development. Proper cultivation will yield abundant harvests. It's important to ensure healthy food is provided to maintain the health of the freshwater lobsters, thus maximizing profits

Currently, many people are cultivating freshwater lobsters, the seeds can be purchased in many places, including Toko Pedia, each seed is sold for around Rp. 5,000, - Many people are interested, so many business actors have switched jobs by cultivating lobster seeds and exporting them, but for the export of lobster seeds there are many obstacles, due to government prohibitions, as well as obstacles in the transportation sector which is monopolized by certain business actors, because business actors have good relationships with officials who issue permits, while other actors are hampered by permits. Regarding this permit, the government is not transparent, only certain business actors get priority rights, or special services.

Figure 2: A profitable freshwater lobster farming business.
Source: Image of a lobster pond - Search Images

Ponds are a good home and place for raised lobsters, and thorough preparation is essential to ensure their survival and rapid reproduction. Freshwater lobster cultivation is a lucrative business opportunity with promising prospects, as the market has established a consistent demand. (**Source**: Bisnis.com, JAKARTA) The results of cultivating lobster seeds have led many businesses to export them overseas, with demand exceeding expectations. This has led to unfair competition, with lobster seed export monopolies being established. This violates Law No. 5/1999 concerning Business Competition.

According to data on lobster seed exports, which began on May 4, 2020, based on the Regulation of the Minister of Maritime Affairs and Fisheries Number 12 of the Regulation of the Minister of Maritime Affairs and Fisheries of 2020, it turns out that demand for lobster commodities is very high, and has triggered new demand from various countries. The lobster seeds are also cultivated in importing countries, then re-exported to Indonesia in the form of adult lobsters. Indonesia is a maritime country that has many diverse and abundant biological resources, including marine resources in the form of lobster seeds compared to cultivation and

the sale of adult lobsters. Therefore, exporting lobster seeds is a promising business alternative that yields significant profits in a shorter timeframe than cultivating lobsters to maturity.

In November 2020, there was an attempt to export lobster seeds without using the services of the reported party, and successfully shipped 10,000 individuals per shipment, resulting in the reported party (PT.X) controlling 100% of the market for transportation services related to the delivery of lobster seeds. Indonesia is a major exporter of lobster seeds, especially to export destination countries, such as Singapore, Thailand, Vietnam, Hong Kong, and so on. The types of lobsters exported are Panulirus homarus (sand lobster) and Panulirus ornatus (pearl lobster). The high demand has caused the price of lobster seeds to rise sharply, from Rp. 3,000 to Rp. 5,000 per 2-3 cm, to Rp. 20,000 to Rp. 25,000 per 2-3 cm in 2025. The high demand for seeds and soaring prices have led many people to cultivate lobster seeds in freshwater, and even sell their catches directly to adult lobsters rather than engaging in cultivation activities. The price of a consumption-sized lobster, about 500 grams, is around US$150 in Bali, using the dollar standard.

The trade in clear lobster seeds triggers market domination by business actors, both in the form of a group of business actors or each business actor, which leads to unfair business competition, one of which is monopolistic practices as one of the prohibited activities, according to Article 17 of Law No. 5/1999. This monopoly can occur due to lack of supervision and weak law enforcement in Indonesia, therefore PT. X is the only exporter of lobster seed services, of course with the knowledge and permission of the Minister of Maritime Affairs and Fisheries as the licensing authority. Then the Regulation of the Minister of Maritime Affairs and Fisheries Number 12/2020 concerning the management of lobsters, crabs and references was issued, intended for preventive measures, by providing fishing limits and maintaining the sustainability of the 3 (three) types of species, so that they can be sustainable in the long term, also aims to maintain the sustainability of the availability of fishery resources, improve community welfare, equality of cultivation technology, investment development, increase state foreign exchange and develop lobster, crab and crab cultivation.

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Based on the decision of case Number XX/KPPU – X/202X concerning Transportation management services for the export of clear lobster seeds. In this case, there is a fact that PT. X has controlled the market for more than 50%, this is a statement from the exporters, if the export of clear lobster seeds does not go through PT. X, then the export of clear lobster seeds will not be able to be carried out, so that the exporters have no other choice, thus PT. X has a monopoly position in the relevant market.

According to Husein, there are three types of monopolies:

(1) Monopoly by Law

This monopoly is regulated by law, for example, Article 33 of the 1945 Constitution: "Land, water, and the natural resources contained therein, as well as branches of production vital to the livelihood of the people, are controlled by the state."
Examples: State Electricity Company, Pertamina, Drinking Water Company. (Anita et al., 2021)

Figure 3: Pursuing Profit through Monopoly by Law

(2) Monopoly by Nature

This type of monopoly emerges and develops naturally, supported by suitable climatic and environmental conditions. This type of monopoly can be seen in companies that possess certain advantages and strengths, which can grow into large businesses that dominate the entire market share. They grow large because of characteristics that suit the location where they operate. In addition, they thrive because they possess superior talent and other dominant factors.

Natural monopolies are uncontested, and firms have no real competition. Therefore, without government intervention, they can abuse their market power and set higher prices. Therefore, natural monopolies often require government regulation. For example, OFWAT and OFGEM regulate water and energy.

Figure 4: Illustration of Natural Monopoly
(**Source**: **https://pluang.com/blog/glossary/natural-monopoly)**

(3) Monopoly by License

This type of monopoly is obtained through the granting of licenses using a mechanism of power. This type of monopoly causes economic distortion because its existence disrupts the market balance, which is developing in the direction desired by the monopoly holder. License-based monopolies are usually granted to business actors close to elites or centers of power. The practice of corruption, collusion, and nepotism is closely linked to the granting of this type of monopoly.

Figure 5: Chasing Profits through Monopoly by License
(**Source**: **https:www.shutterstock.com/id/image-generated/mr-monopoly-fist-full-dollars-2493374117)**

Factors Causing the Emergence of Monopolies

(1) Technical knowledge and ownership of raw materials
One characteristic of a monopoly is the possession of strategic raw materials. Furthermore, the company also possesses specific technical production knowledge. Generally, a monopoly company controls all or most of the available raw materials.

(2) Patent rights for products or production processes.
Granting a patent protects the company or the creators of a product from imitation by others.

(3) Economies of scale exist. In some cases, the use of technology allows companies to achieve cost efficiencies. As a result, companies can significantly increase production volumes to meet market demand. Technology allows companies to incur minimal costs while still producing the same volume as actual market demand. This situation may be somewhat difficult for new companies to implement. This is because technology is typically implemented by large, stable companies. These companies also have a market with stable demand, unlike new companies that are still trying to gain market share.

(4) Granting of monopoly rights by the government
Through government regulations, the government can grant monopoly powers to certain companies or institutions. This is of course done with careful consideration of the interests of all Indonesian citizens.
(**Source: Detik.com https://apps.detik.com/detik/)**

Cargo and Logistics Companies, including:

(1) Air cargo shipping:
Shipping by air is a fast and effective way to move cargo from one location to another;

(2) Ocean cargo shipping
Shipping by ship is generally used to transport large and heavy goods or products;

(3) Logistics Services
Supply chain management, storage, packaging, distribution, and other logistics coordination to ensure goods reach their destination safely.

(4) Land cargo services
Shipping using trucks or other land transportation for domestic shipments;

(5) Express services
Shipping with high priority and fast delivery times, often used for sending important documents or items with tight arrival times.

(6) Special Services
Some cargo and logistics companies may also offer special services such as shipping valuables, dangerous goods, or items requiring special handling.

(**Source**: 14 Shipping Services in Indonesia and Their Advantages)

Figure 6: Export Transportation Facilities
Source: Cargo Image - Search Images

The reason for the prohibition on monopolies is:

a. Product prices increase due to the lack of competition and free competition. High prices, in turn, lead to inflation, which is detrimental to society at large;
b. Businesses earn profits above normal levels. They will arbitrarily set prices to maximize profits because consumers have no other choice and are forced to purchase the product;
c. Consumers are exploited because they lack the right to choose between consumers and products. Consumers will arbitrarily determine the quality of a product without regard to the costs incurred. This exploitation also affects employees and workers who work for these producers, who set arbitrary salaries and wages without regard to applicable regulations.
d. Uneconomical and inefficiency are passed on to consumers in producing a product, as monopolies tend to operate at minimum average costs;
e. Entry barriers exist, preventing other companies from entering the monopoly's business due to its control of a large market share. Smaller companies are denied the opportunity to grow and will eventually die out one by one.
f. Income is not evenly distributed, as funds and capital are siphoned off to monopolistic companies. The masses must share a very small portion with many others, while monopolistic companies with a small number of people will enjoy a larger share. (Achmad Yani and Gunawan Wijaya, 1999: 30, as cited by Lanny, 2010: 126-127).

6. PREVIOUS RESEARCH

Previous research written by:

6.1. Tomo Gunawan, in a journal titled "Monopoly Practices and Prohibited Business Competition in Positive Law"
6.2. Yusuf Husein, in a journal titled "Monopoly on Lobster Seed Exports from the Perspective of Positive Law and Islamic Law" (Case Study), 2021.
6.3. Arvin Rozan Sudarmoko, in a journal titled "Monopoly on the Market for Lobster Seeds Carried Out by PT. Aero Citra Cargo," 2024
6.4. Ekarinta Vanis Tarigan, in a journal titled "Resolution of Disputes Over Monopolistic Practices in the Transportation Management Services for Bening Lobster Seed Exports," 2024

7. CONTENT

A monopoly exists when a single entity has exclusive control over the production, distribution, or sale of a particular good or service. This dominance can arise naturally, through government regulation, or via anti-competitive practices. The legal classification of a monopoly is based on three essential characteristics.

A monopoly in legal terms refers to a market structure where a single entity dominates the supply of a good or service, significantly restricting competition and potentially harming consumers.

A monopolistic market is a theoretical condition that describes a market where only one company may offer products and services to the public. A monopolistic market is the opposite of a perfectly competitive market, in which an infinite number of firms operate. In a purely monopolistic model, the monopoly firm can restrict output, raise prices, and enjoy super-normal profits in the long run.

A monopolistic market is a market structure with the characteristics of a pure monopoly. A monopoly exists when one supplier provides a particular good or service to many consumers ultimately allowing it to set the price and supply of a good or service.

Purely monopolistic markets are scarce and perhaps even impossible in the absence of absolute barriers to entry, such as a ban on competition or sole possession of all-natural resources.

When they do occur, the monopoly that sets the price and supply of a good or service is called the price maker. Due to a lack of competition in the market and high barriers to entry, the company can inflate prices. Going further, the monopoly can find the level of output that maximizes its profit by determining the point at which its marginal revenue exceeds its marginal cost.

(**Source** : **Monopolistic Markets: Characteristics, History, and Effects**)

Characteristics of a Monopoly Market

(1) The Firm Controls Supply

In a monopoly market, a firm has complete control over the supply of a product, with zero or very low cross-elasticity of demand for the product.

(2) There Is Only One Single Seller

In a monopoly market, there is only one firm supplying or producing a particular product/commodity. In this case, there is no distinction between a firm and an industry, as the firm itself constitutes an industry.

(3) No Substitutes

There are no substitutes for the goods/products sold in a monopoly market. In other words, the goods/products in a monopoly market are unique and cannot be found in other identical companie

(4) The Company Becomes the Price Setter

The company can freely determine product prices because it has market power by being the sole seller. Consumers must accept the price set by the company because there are no other sellers or close substitutes.

(5) There are Barriers to Entry for Other Companies

Another characteristic of a monopoly market is the existence of barriers for other companies to enter the market. These barriers can be economic, legal, institutional, and so on.

These are some of the characteristics of a monopoly market. In Indonesia, the majority of monopoly markets come from state-owned enterprises (BUMN), such as PT Pertamina, PT Perusahaan Listrik Negara (*PLN*), PT Kereta Api Indonesia (*KAI*), and the Regional Drinking Water Company (*PDAM*).

Figure 7: Dominating the market can control prices and yields.

Monopoly Is One of the Prohibited Activities.

Law No. 5/1999 aims to create healthy and conducive business competition in a particular market, which encourages business actors to compete fairly and effectively. Therefore, prohibited activities include:

(1) Monopoly (Article 17)

a. Controlling or producing certain goods, services, or goods and services;
b. Controlling the marketing of certain goods, services, or goods and services;

c. Such control may result in monopolistic practices;
d. Such control may result in unfair business competitio

(2) Monopsony (Article 18)
A market situation in which only one business actor or group of business actors controls a large market share, either as the sole seller or the sole buyer.

(3) Dumping (Article 20)
Business actors are prohibited from supplying goods and/or services by selling at a loss or setting very low prices with the intention of eliminating or destroying competitors in the relevant market, which could result in monopolistic practices and/or unfair business competition.

(4) Manipulation of Production Costs (Article 21)
Business actors are prohibited from committing fraud by setting production costs and other costs as part of the price components of goods and/or services, which could result in unfair business competition.

(5) Conspiracy (Article 22)
Business actors are prohibited from engaging in collusive activities that limit or hinder business, because such activities result in unfair business competition. This is categorized as conspiracy.

8. METHODOLOGY OF STUDY

This research was conducted using qualitative methods to analyze the constraints and alternative policy strategies for monopolistic practices against cargo businesses offering special and priority services, which are detrimental to other companies, particularly those managing lobster cultivation businesses for sustainable lobster seed exports without violating the law.

The research method used in this study is normative legal research. The normative legal research method is a scientific research procedure to discover the truth based on the scientific logic of law from its normative perspective. This study used this method because it was conducted in response to the enactment of Law Number 5 of 1999 concerning the Prohibition of Monopolistic Practices and Unfair Business Competition for State-Owned Enterprises (SOEs). The approach used by the researchers is the Statute Approach. This statutory approach conducts an assessment of the relevant laws and regulations related to the research being conducted.

8.1. Type of Research

This research uses a normative juridical research method, based on primary law, in the form of statutory regulations, and secondary legal sources, in the form of relevant literature

8.2. Problem Approach

This research uses a statutory approach and a conceptual approach.

9. LEGAL MATERIAL

Is anything in the form of writings, documents, or manuscripts, used as evidence to explain the research being conducted.

9.1. Primary Legal Material

Primary legal materials are legal materials that are binding in nature, for example statutory regulations, jurisprudence and international agreements.

9.2. Secondary Legal Material

Materials that provide explanations regarding primary legal materials, which are obtained from books/literature, journals, newspapers, and theories.

10. RESEARCH PROCEDURE

Qualitative research involves more data and information obtained through respondents who can express their own answers and feelings to obtain a holistic overview of the matter being studied.

This research begins with deductive reasoning, moving from the general to the specific, by gathering general facts and then narrowing them down to more specific facts.

10.1. Collection of Legal Materials

This legal material collection begins with literature review, reading, interviews, and the collection of relevant data.

10.2. Analysis of Legal Materials

Analyze using norms, namely relevant laws and regulations, and supporting theories.
Legal materials must be systematically described.

11. RESULTS AND FINDINGS

11.1. Results

From this case, it is clear that PT. X and the lobster seed exporter have engaged in monopoly, monopsony, and collusion. PT. X and the exporter are said to have engaged in monopoly because they controlled the transportation of lobster seed exports without any competition, as their competitors have automatically withdrawn and are powerless. There is suspicion of government intervention to provide special services for licensing of PT. X and its exporter's cargo. It is suspected that PT. X and the exporter exercised control over the production and/or marketing of goods or services because there are no substitutes or competitors.

PT. X and the exporter are said to have engaged in monopsony because the only cargo and exporter that can demonstrate the market situation is a single business actor or group of business actors who control a large market share, as the sole exporter and trader. This allows the business actor to control and determine, even control, the desired price level. This activity creates unfair business competition and is detrimental to other businesses, as it is prevented from entering the lobster seed trade sector.

PT. X and exporters can be said to be carrying out market domination activities, because other business actors cannot export lobster seeds, because the cargo is monopolized by certain business actors who have colluded with PT. X because they are one group. Market domination in question is an economic institution where sellers and buyers, both directly and indirectly, can conduct trade transactions for goods and services. In the case where the market is only controlled by certain business actors, while in the market there are many buyers, then the seller plays with the price, because there are no competitors.

Figure 8: Transportation Facilities: Trains, planes, ships, trucks
(**Source**: https://www.bing.com/images/search?view=detailV2&ccid)

11.2. Finding

PT. X has collaborated with certain business actors as exporters of lobster seeds, resulting in monopolistic practices and/or unfair business competition. This is proven by:

a. PT. X's cargo company has refused and/or prevented other business actors from conducting the same business activities in the relevant market;
b. Preventing consumers or customers of its competing business actors from engaging in business relations with those competing businesses;
c. Restricting the distribution and/or sale of goods and/or services in the relevant market by PT. X refusing to transport goods from its competing business actors;
d. PT. X has engaged in discriminatory practices against certain business actors, thereby disempowering its competing business actors.

12. CONCLUSION AND RECOMMENDATION

Based on the above description, we can reach a conclusion to address the research problem.

12.1. Conclusion

PT. X's cargo company can be categorized as having engaged in monopolistic practices because it provides special services and express services to certain businesses as exporters of lobster seeds. This results in these exporters being the only businesses with easy access to transportation to export lobster seeds. Furthermore, PT. X has indirectly attempted to hinder other businesses from exporting lobster seeds by failing to provide adequate services. Consequently, PT. X's partner exporters have controlled more than 50% of the relevant market share. Other exporters have difficulty exporting lobster seeds due to transportation difficulties. PT. X is the only one with an export permit to load lobster seeds.

12.2. Recommendation.

The Business Competition Supervisory Commission (KPPU) should:

a. Conduct strict supervision and enforce the law firmly, imposing sanctions commensurate with their actions on violating business actors.
b. The KPPU's functions must be carried out actively, not simply waiting for reports but also going into the field to monitor business actors.

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