

Competition Law: Antitrust and Market Protection

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Competition law plays a strategic role in maintaining a healthy, fair, and competitive market. In Indonesia, competition regulations are stipulated in Law Number 5 of 1999 concerning the Prohibition of Monopolistic Practices and Unfair Business Competition, which aims to prevent market domination, protect consumers, and create fairness for all business actors, including small and medium enterprises. This study aims to analyze the effectiveness of the implementation of competition law and the challenges faced in its enforcement, particularly amidst the development of the digital economy. The research method used is normative juridical with a qualitative approach through a study of relevant laws and regulations, legal literature, and academic studies. The results indicate that although the legal framework for competition in Indonesia is quite comprehensive, its implementation still faces institutional obstacles, limited executive authority of the Business Competition Supervisory Commission (KPPU), and new challenges resulting from the dominance of platform-based digital companies. Therefore, regulatory strengthening, institutional capacity building, and adaptation of competition law are needed to effectively and sustainably respond to modern market dynamics.

Keywords: Competition law, antitrust, KPPU, digital market, consumer protection.

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1. Introduction

Business competition is a fundamental element of the modern economy because it plays a role in driving efficiency, innovation, and the availability of quality products and services for consumers. In a competitive market (Febrina, 2022), businesses are encouraged to improve product quality, reduce production costs, and create innovative marketing strategies. However, healthy competition does not always occur automatically. Monopolistic practices, cartels, or abuse of dominant positions can disrupt market balance, harm consumers, and reduce overall economic efficiency (Akfarizi, 2014).

Competition law exists as an instrument to regulate and maintain healthy competition in the market. In Indonesia, this regulation is regulated through Law Number 5 of 1999 concerning the Prohibition of Monopolistic Practices and Unfair Business Competition (Prasetyo et al., 2024). This law provides a legal framework for antitrust enforcement, including prohibitions on monopolistic practices, price cartels, distribution arrangements, and abuse of dominant positions. This regulation serves as a foundation for protecting consumers, businesses, and overall market stability (Sommaliagustina & Nosi, 2025).

The implementation of competition law is not only crucial for market balance but also plays a role in creating a healthy investment climate. Investors tend to be attracted to markets that are transparent, competitive, and free from anti-competitive practices (Tumangkar et al., 2024). With clear regulations, businesses can compete fairly, while the government has a legal basis to take action against violations. Therefore, the effectiveness of competition law is an indicator of the maturity of a country's economic system (Kennedy, 2024).

Globally, the antitrust phenomenon has become a significant concern, particularly in countries with open economies. Monopolistic or cartel practices can cause market distortions with broad impacts, including on prices, product quality, and consumer choice (Wahjono & Marina, 2009). Developed countries have developed independent competition supervisory bodies with broad authority to prosecute violations. This international experience serves as a reference for Indonesia in strengthening competition law oversight and enforcement mechanisms (Andrias et al., 2025).

Despite the existence of regulations, the implementation of competition law in Indonesia still faces various challenges. Several studies indicate obstacles to oversight, limited resources of regulatory agencies, and low business awareness of antitrust regulations (Rianto et al., 2025). Furthermore, lengthy and complex legal processes sometimes hinder effective law enforcement. This situation highlights the need to evaluate and strengthen law enforcement strategies to achieve market protection goals (Dewi et al., 2024).

Consumer protection is an integral aspect of competition law. When monopolistic or cartel practices occur, consumers are often disadvantaged, either through high prices, declining product quality, or limited choice (Bhakti, 2015). Therefore, competition law is not only economic but also social, as it aims to protect consumer rights and ensure fairness in market interactions (Apriani & Syafrinaldi, 2022).

Research on competition law in Indonesia should emphasize the effectiveness of antitrust implementation and market protection. This approach can provide a comprehensive picture of the extent to which competition law is able to create a healthy and fair market. Thus, this research is not only descriptive but also analytical and evaluative, providing recommendations for the development of more effective regulations and law enforcement strategies.

Based on this background, this research focuses on analyzing competition law, with an emphasis on antitrust and market protection. This research is expected to provide academic and practical contributions to understanding market oversight mechanisms, identifying challenges in implementing competition law, and providing recommendations for strengthening regulations and law enforcement practices in Indonesia.

2. Method

This research uses a qualitative approach with a normative juridical method. Data were collected through literature studies, legal documents, laws and regulations, court decisions related to competition law, and relevant academic literature (Ariawan, 2013). This approach was chosen because the research focuses on the analysis of law, regulation, and the implementation of antitrust practices in protecting the market, thus requiring an in-depth understanding of the applicable legal framework as well as the interpretation of legal doctrine and real-world cases. Data analysis was conducted descriptively and qualitatively, with the aim of describing, evaluating, and drawing conclusions regarding the effectiveness of competition law in Indonesia. The research emphasizes the identification of monopolistic practices, cartels, and abuse of dominant position, as well as consumer protection mechanisms. The research results are presented in the form of a systematic analytical narrative, thus providing a comprehensive picture of the application of competition law, challenges in antitrust enforcement, and recommendations for improving the effectiveness of market regulation and supervision.

3. Result and Discussion

A competitive market is an ideal condition for economic activity because it allows businesses to compete fairly based on their respective capabilities, innovation, and efficiency. In a competitive market, there are no unreasonable barriers to entry for new businesses, and there are no practices that restrict competitive freedom, such as monopolies, cartels, or collusion. Healthy competition encourages businesses to

continuously improve the quality of products and services, reduce production costs, and offer more competitive prices (Syafiudin, 2025). Thus, the market can function optimally and benefit all parties involved.

Healthy business competition also plays a crucial role in protecting consumers from various forms of exploitation and abuse of market power. When businesses possess excessive market power, consumers can potentially be harmed through unfair pricing, limited product choices, and reduced quality of goods and services. Through oversight of business competition practices, it is hoped that no party can exploit its dominant position to the detriment of consumers. This ensures that consumers receive tangible benefits from market mechanisms that operate fairly and transparently (Rombot, 2020).

Furthermore, healthy business competition creates fairness in the market structure by preventing single-party dominance that can harm small and medium-sized enterprises. The dominance of large businesses often creates an imbalance in economic power, making it difficult for small businesses to survive and thrive. With balanced competition, every business actor has an equal opportunity to grow according to their capacity and innovation. This not only ensures the sustainability of small and medium-sized enterprises but also supports the creation of an inclusive and sustainable economy.

Competition law also serves as a legal safeguard against various unfair practices that can undermine the economic order, such as collusion, corruption, and other unfair business practices. These practices not only create unfair competition but also undermine public trust in market mechanisms and the legal system (Tarigan, 2016). With firm regulation and oversight, businesses are encouraged to conduct their business activities transparently and with integrity. Preventing these unfair practices is crucial for maintaining market stability and ensuring that competition is based on merit and performance, not through manipulation or abuse of economic power.

In addition to preventing unfair practices, healthy business competition creates opportunities for small and medium-sized enterprises (SMEs) to survive and thrive amidst the dominance of large businesses. Without adequate regulation, large-scale businesses have the potential to dominate the market and crowd out small businesses through unfair strategies. By maintaining a balanced market structure, small and medium-sized enterprises have the space to innovate, expand their market share, and increase their competitiveness. This fair business opportunity is crucial for creating economic equality and strengthening the national economy (Tresnawatu, 2022).

Healthy competition also promotes overall economic efficiency. In a competitive market, businesses are required to manage resources more efficiently, increase productivity, and continuously innovate to attract consumers. Competitive pressures encourage companies to offer more competitive prices with better product and service quality. Consequently, consumers benefit from a wider choice of choices, more affordable prices, and improved quality, while the economy moves toward a more dynamic and sustainable direction (Mantili et al., 2016).

Law Number 5 of 1999 concerning the Prohibition of Monopolistic Practices and Unfair Business Competition is the primary legal basis for regulating business competition mechanisms in Indonesia. This law aims to prevent market dominance by one or a group of business actors, which could potentially cause market distortion. This regulation is expected to create a healthy, fair, and open competitive climate so that every business actor has an equal opportunity to develop and consumers benefit from competitive prices and quality.

Substantively, Law Number 5 of 1999 regulates various forms of business behavior prohibited in the competition system. These provisions include prohibitions on monopolistic and monopsony practices, unfair

market dominance, collusion between business actors, and abuse of dominant position. Furthermore, this law also prohibits various forms of anti-competitive agreements, such as oligopoly agreements, price fixing, division of marketing areas, and cartels, which can harm consumers and hinder market efficiency (Usman, 2004).

Antitrust Law in Indonesia, as regulated by Law No. Law No. 5 of 1999 has several objectives, including:

Guaranteeing a Competitive Market

The Indonesian Competition Law (antitrust), as regulated in Law No. 5 of 1999, aims to ensure the creation of a competitive market as the main foundation of the national economy. A competitive market allows all business actors, both large and small, to compete fairly based on product quality, cost efficiency, and innovation, without unreasonable or discriminatory barriers. With healthy competition, business actors cannot unilaterally dominate the market, set prices arbitrarily, or eliminate competitors through unfair practices such as cartels, price fixing, and abuse of dominant position. Competitive market conditions also encourage economic efficiency, improved quality of goods and services, and a diversity of choices for consumers. Furthermore, guaranteeing a competitive market plays a crucial role in creating legal certainty and a conducive business climate, thereby attracting investment and encouraging sustainable economic growth. Thus, the primary objective of competition law in ensuring a competitive market is not only to protect the interests of business actors and consumers, but also to maintain stability and fairness within the national market structure.

Protecting Consumers

Competition Law in Indonesia aims to protect consumers from various forms of exploitation and abuse of market power by businesses. In uncompetitive market conditions, businesses with dominant positions tend to set unfair prices, lower the quality of products or services, and limit consumer choices in order to maximize profits. These practices can harm consumers both economically and socially. Through the regulation and enforcement of competition law, the state strives to prevent monopolistic practices, cartels, and collusion that can deprive consumers of their right to obtain goods and services at fair prices and of adequate quality. Consumer protection in the context of competition law also includes efforts to create market transparency, so consumers can make decisions based on honest and competitive information. Thus, competition law plays a crucial role in maintaining a balance between the interests of businesses and consumers and ensuring that market power is not abused to the detriment of the wider community.

Creating Justice

Competition Law also aims to create justice in economic activities by preventing market domination by one or a few business actors with significant economic power. Uncontrolled domination has the potential to give rise to unfair business competition, such as predatory pricing practices, distribution control, or exclusive agreements that can exclude small and medium-sized enterprises (SMEs) from the market. This situation not only harms SMEs but also hinders equal business opportunities and widens economic disparities. Through the implementation of competition law, the state strives to ensure that every business actor has an equal opportunity to develop according to their capabilities and innovation, without being pressured by disproportionate market power. Thus, competition law serves as an instrument of economic justice that maintains a balanced market structure, protects the sustainability of small and medium-sized enterprises, and encourages the creation of an inclusive and sustainable economic system.

Despite having a fairly comprehensive legal framework, the implementation of Law Number 5 of 1999 in practice still faces various obstacles. One of the main obstacles is the limited resources, both institutionally

and technically, of competition law enforcement officials. Furthermore, lengthy and complex bureaucratic processes often delay case resolution, thus reducing the effectiveness of law enforcement against competition violations.

External factors also contribute to the weak implementation of this law. Lack of political support, corrupt practices, and the strong influence of large business actors pose serious challenges to the enforcement of competition law. In some cases, political intervention has reportedly prevented the Business Competition Supervisory Commission (KPPU) from taking firm action against businesses with significant economic and political power. This situation creates inequality in law enforcement and has the potential to undermine public trust in the competition law system.

As Fuady (2003) noted, the success of Law Number 5 of 1999 depends heavily on the consistency and firmness of its enforcement. Without effective and sustainable law enforcement, the law's primary objective of creating healthy competition and protecting the market will not be optimally achieved. Therefore, institutional strengthening, transparency, and political commitment are crucial factors in ensuring the effectiveness of competition law in Indonesia.

The legal provisions on business competition in Law No. 5 of 1999 are systematically formulated to anticipate and take action against various forms of business behavior that have the potential to create unfair competition. This law divides the substance of its regulations into several main categories: prohibited agreements, prohibited activities, regulations regarding dominant positions, and the establishment of a supervisory body authorized to enforce competition law. This division demonstrates the state's comprehensive approach to maintaining a competitive and fair market structure.

Provisions regarding prohibited agreements are regulated in Articles 4 through 16 of Law No. 5 of 1999. These articles regulate various forms of agreements between business actors that have the potential to inhibit competition, such as price-fixing agreements, division of marketing areas, cartels, and binding agreements such as tying and resale price maintenance. These practices are considered to eliminate competitive mechanisms because business actors no longer compete freely but instead collectively regulate the market for mutual benefit. As a result, consumers are harmed through uncompetitive prices, limited product choices, and decreased quality of goods and services.

In addition to prohibited agreements, Law No. 5 of 1999 also regulates various prohibited activities as listed in Articles 17 through 24. These provisions include prohibitions on monopolistic and monopsony practices, unfair market dominance, and acts of sabotage in production and distribution that could harm other business actors. These activities are considered detrimental to the market structure because they grant excessive economic power to one or a few business actors, thereby preventing other business actors from competing fairly. These regulations aim to maintain market balance and prevent economic distortions that harm the wider community.

Regulations regarding dominant positions are regulated in Articles 25 through 29 of Law No. 5 of 1999. Dominant positions are not inherently prohibited, but abuse of such positions is the primary focus of the regulations. Business actors holding dominant positions are prohibited from using their power to hinder or eliminate competitors, for example by establishing unfair trading conditions, restricting production, or controlling distribution channels. These provisions are intended to prevent unfair competition practices stemming from imbalances in market power, while also protecting smaller businesses so they can continue to have opportunities for growth.

To ensure the effective implementation of this law, Articles 30 through 37 stipulate the establishment of the Business Competition Supervisory Commission (KPPU), an independent institution tasked with

overseeing and enforcing competition law in Indonesia. The KPPU has the authority to conduct investigations, audits, and impose administrative sanctions on businesses that violate competition law provisions. The KPPU's existence reflects the state's commitment to creating a healthy, transparent, and fair business competition system and serves as a crucial instrument in maintaining the stability and integrity of the national market.

The Business Competition Supervisory Commission (KPPU) is an independent institution mandated to implement and oversee the implementation of Law Number 5 of 1999 concerning the Prohibition of Monopolistic Practices and Unfair Business Competition. The KPPU has the authority to conduct investigations, audits, and decide on cases related to alleged violations of competition law. This role makes the KPPU a central institution in maintaining a healthy and fair business competition climate in Indonesia.

However, in practice, the KPPU faces several limitations, particularly related to its law enforcement authority. The KPPU does not have the status of a law enforcement agency like the police or prosecutors, and therefore does not have direct enforcement authority over its decisions. As a result, the implementation of KPPU decisions often depends on the good faith of business actors or requires enforcement through general judicial mechanisms. This situation opens up opportunities for business actors to avoid or delay the implementation of decisions, thereby reducing the effectiveness of competition law enforcement. This limited enforcement authority results in weak legal certainty and has the potential to hinder the creation of a fair and competitive market. When KPPU decisions cannot be immediately and effectively implemented, competition violations can continue, harming other business actors and consumers.

Antitrust law faces significant challenges in its efforts to protect markets and ensure fair competition. These challenges are complex and dynamic, influenced by technological developments, globalization, and changing business models. Some of the key challenges are as follows:

Dominance of the Digital Economy and Giant Platforms

The dominance of the digital economy by giant technology companies, or Big Tech, is a key challenge in enforcing competition law in the digital era. The platform-based business models implemented by these companies enable them to build significant market power in a relatively short period of time. Digital platforms function not only as service providers but also as intermediaries between various user groups, such as consumers, advertisers, and other service providers. This creates a complex market structure that is often difficult to address within conventional competition law frameworks.

One key factor reinforcing the dominance of platform companies is the existence of network effects. The more users join a platform, the greater the value of that platform to other users. This situation drives market concentration because users tend to choose platforms with a large user base, while new competitors struggle to attract sufficient users. As a result, market entry barriers have become extremely high, strengthening the dominant or even monopolistic positions of established platform companies.

In addition to network effects, the collection and control of large-scale data also provide significant sources of market power for large technology companies. User data enables companies to conduct in-depth behavioral analysis, improve the accuracy of ad targeting, and accelerate product and service innovation. These data-driven advantages are difficult for smaller companies or new entrants without access to similar data volumes to replicate. Consequently, a competitive imbalance has emerged, widening the gap between large companies and their competitors, while strengthening their dominant positions in the digital market.

The Dynamic and Difficult-to-Measure Nature of Competition

Competition in the digital market is highly dynamic and complex, making it difficult to measure using traditional competition law approaches. Many digital products and services, such as search engines, social

media, and content-sharing platforms, are offered free to end users. These business models generally monetize user data or advertising revenue, rather than through direct pricing. This situation presents challenges for competition law enforcement, as classic indicators such as price increases are no longer relevant for assessing the level of competition and potential legal violations.

One of the main difficulties lies in applying the concept of "consumer harm." Within the conventional competition law framework, consumer harm is typically measured through price increases or output restrictions. However, when services are provided free of charge, harm is not always monetary. Harm can manifest itself in the form of decreased service quality, exploitation of personal data, violation of privacy, restriction of innovation, or reduced choice for consumers. Therefore, competition law enforcement in the digital sector needs to adopt a broader and more adaptive approach, considering non-price dimensions as indicators of negative impacts on consumers.

Furthermore, there is the challenge of distinguishing between legitimate innovation and anticompetitive behavior. Digital companies often grow rapidly due to successful technological innovations and efficient business models, naturally becoming market leaders. However, in practice, this dominance can morph into behavior that stifles the innovation of others, for example by blocking market access, unfairly copying competitors' products, or exploiting a dominant position to exclude competitors. Determining a clear line between market leadership born of innovation and harmful monopoly is a major challenge for competition law, particularly in the face of the ever-evolving dynamics of the digital market.

Regulatory and Expertise Gaps

Regulatory and expertise gaps pose serious challenges to competition law enforcement in the digital era. Competition authorities often face limited human resources, budgets, and adequate technical expertise to understand and analyze rapidly evolving technology-based business models. The complexity of algorithms, the use of artificial intelligence, and the use of large-scale data require cross-disciplinary understanding, not only in law but also in the digital economy and information technology.

This situation results in suboptimal competition law supervision and enforcement processes, as conventional approaches often fail to capture the rapid and multidimensional dynamics of the digital market. Therefore, significant investment in institutional capacity development is required, particularly through the training and recruitment of experts in competition economics and digital technology. Strengthening this expertise is crucial for competition authorities to conduct more accurate market analyses, formulate responsive policies, and effectively enforce competition law in the face of increasingly complex digital economic challenges.

4. Conclusion

Based on the explanation presented, it can be concluded that competition law plays a crucial role in maintaining a healthy, fair, and competitive market. Law Number 5 of 1999 provides a comprehensive legal basis for preventing monopolistic practices and unfair business competition through regulations regarding prohibited agreements and activities, abuse of dominant positions, and the establishment of the Business Competition Supervisory Commission (KPPU). Normatively, this regulation aims to protect consumers, maintain market balance, and provide fair opportunities for all business actors. However, in its implementation, the enforcement of competition law in Indonesia still faces various obstacles. The limited executive authority of the KPPU, weak legal certainty, and the influence of external factors such as the dominance of large business actors and non-legal intervention are major obstacles to creating a truly competitive market. This situation demonstrates the need for institutional strengthening and regulatory reform so that competition law can be applied more effectively and consistently. On the other hand, the

development of the digital economy presents new challenges for competition law. The dominance of giant technology companies, network effects, control of data, and the difficulty of measuring consumer losses in free-to-use services require adaptations to the competition law approach. Therefore, increasing the capacity and expertise of competition authorities, particularly in the field of digital economy and technology, is important so that competition law remains relevant and is able to maintain fairness and healthy competition in the digital era.

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