

CHAPTER V

CONCLUSIONS, LIMITATIONS & RECOMMENDATIONS

A. CONCLUSIONS

1. Indonesia, Singapore and Malaysia were similarly the founding members of the ASEAN and all of them have established an actively enforce competition law and an authority or agency responsible for competition policy. Indonesia has an article that specifies its prohibition on oligopoly market structure. Singapore and Malaysia also prohibits oligopoly in their Competition Act that prohibits agreements that significantly impact the combined market share of those participating in the anti-competitive agreement.
2. Indonesia specifically and explicitly prohibits oligopoly in its Law that prohibits practices based solely on market structure and market shares having the first paragraph of article 4 to prohibit agreements if they result in anti-monopolistic practices while the second paragraph prohibits market structure and market share combination of 75% as a trigger to prohibition. Singapore does not prohibit oligopoly specifically in its Competition Act but does prohibit any agreement that causes anti-monopolistic practices with either with an oligopoly market structure or any other structures. Malaysia differentiates its agreement into Horizontal

and Vertical agreements that serves as a guideline for prohibition of competition.

3. An ideal regulation to regulate oligopoly in the ASEAN region would have to consist of a specific set of rules that is general yet concise such as the Competition Act 2004 of Singapore that clearly shows the approach of any given rule such as the Article 4 of Law 5/1999 of Indonesia with a competition authority capable of enforcing the law without any bias and should include specific exclusions that accommodates legitimate differences between the economies, market and policies of different members of the ASEAN and their different distribution.

B. LIMITATIONS

Difficulties in researching in a specific environment of oligopoly can be felt when this research was written. The only country specifically prohibits oligopoly is Indonesia, whereas Malaysia and Singapore prohibits the agreements and conducts if it is proven to be anti-competitive. Substantial amount of time was taken into reading and sorting the materials to be put into this research.

C. RECOMMENDATIONS

1. Comparative law method should be used in finding out the similarities in law to find out what is similarly regulated between the countries in the region and how are they the same in regulating the same number of things.

2. Looking out for differences in the laws of the three countries, there is an urgency to find out the differences and look for their key strengths and weaknesses which will be used to find out the ideal oligopoly law.
3. In achieving the goal of the ASEAN Economic Community as it envisions ASEAN as a single market and production base, a highly competitive region, with equitable economic development, and fully integrated into the global economy, a speed up to the harmonising the competition policy in the region would be wise. This is to ensure a fair business competition environment as the region move forward into the global economy.