Open Access for Pipeline Gas Industry on Competition Law in Indonesia

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ABSTRACT
That the gas trading practice through this pipeline is still monopolized by a business actor or business entity. With the monopoly nature of this gas pipeline is detrimental to the owner of the gas where the take it of leave it principle emerges, inevitably it must be sold to the owner of the pipe at the price desired by the pipe owner, so that the gas price is detrimental to consumers. That there is power to monopolize prices so that the price of gas in consumers is very expensive. The emergence of traders due to slow investment in pipelines and makes gas prices more expensive for non-pipeline consumers. Temporary gas cannot be stockpiled for long so that it is immediately discharged in the lifting must be immediately transmitted to consumers by LNG, CNG or LPG. That the concept of natural monopoly is inappropriate to be used in Indonesia to achieve economic growth and fair business competition. 

Keywords: Competition Law, gas, pipeline, business

1. INTRODUCTION

The gas industry through its development pipeline has shifted to no longer absolutely protected by the principle of natural monopoly[1]. The policy now directs to build competition and open access to transportation networks. Gas companies are now shifting from full bundling systems to end to end ala carte services, along with the emergence of a natural monopoly neck bottle. Natural monopoly is a natural market condition where demand in a given market will incur the lowest cost with only one business actor compared to two or more business actors[2].

The 1945 Constitution Article 33 mandates that natural resources, including natural gas, must be controlled and used to the maximum extent possible for the prosperity of the people. Unfortunately, the supply of gas for industry and electricity generation is still a classic problem that seems without solution. Discussion of the Gas Industry Forum in Jakarta entitled “Open Access for the Sustainability of National Industries and the Competitiveness of Domestic Products”, a number of groups offered a solution to overcome the problem of gas supply. The solution is the use of an open access doctrine system on natural gas pipeline infrastructure that has been owned by a number of companies, especially state-owned enterprises that are the main managers.

The use of open access doctrine is considered to be able to prevent gas monopolistic practices by certain companies, including SOEs, which also have implications for the economic price of gas, while also meeting the needs of industry and power plants[3]. PT Perusahaan Gas Negara (Persero) Tbk is one of the long-standing players, and one of the owners of a large gas pipeline network in Indonesia. In the

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that are highly dependent on the carrying capacity of land availability.
Finally it was time for calculations with the aim of fulfilling a desire for social integrity to become a reality. At this point, the logic attached to "common property" is cruelty, greed which results in tragedy. Rationally, every shepherd will look for maximum profit. Explicitly or implicitly, consciously or not, he said, "What are the benefits for me if I add one or more to my pastoralism?" This assumption has both positive and negative things.
Management of downstream natural gas currently uses the open access and unbundling skepa
Open access has historically originated from the concept of transporting natural gas through pipelines that start with the principle of shared utilization of transportation facilities.
Oil and Gas Law article 8 paragraph (3) reads: GasBumi transportation business activities through pipes that concern the public interest, the exploitation is regulated so that its utilization is open to all users.
The explanation reads: "... its utilization needs to be regulated and monitored in order to guarantee the same service treatment of its users."
Joint use in Government Regulation No. 67 of 2002 there is an explanation; "... natural gas transportation activities so that their utilization is open to all users" Government Regulation No. 36 of 2004 explanation of article 31 paragraph (1); reads; "... With regard to transport facilities through pipelines that have more capacity, other parties can exploit them without disrupting the operations of the other parties. Other parties who will take advantage of facilities must consider the economic interests of the facility owner, including the rate of return.

3. CONCLUSION
That the gas trading practice through this pipeline is still monopolized by a business actor or business entity. With the monopoly nature of this gas pipeline is detrimental to the owner of the gas where the take it of leave it principle emerges, inevitably it must be sold to the owner of the pipe at the price desired by the pipe owner, so that the gas price is detrimental to consumers. That there is power to monopolize prices so that the price of gas in consumers is very expensive. The emergence of traders due to slow investment in pipelines and makes gas prices more expensive for non-pipeline consumers. Temporary gas cannot be stockpiled for long so that it is immediately discharged in the lifting must be immediately transmitted to consumers by LNG, CNG or LPG. That the concept of natural monopoly is inappropriate to be used in Indonesia to achieve economic growth and fair business competition.

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