

Regulasi: Teori dan Praktek

Kasus: Sektor ICT

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Outline

- Pengantar
- Dasar-dasar Regulasi
- Kasus

Pengantar

- Menyajikan (kepada mahasiswa) teori dan praktek regulasi;
- Mempelajari sifat, proses regulasi, dan aktor yang terlibat;
- *Multidisciplinary Approach*, Regulasi berhubungan dengan berbagai disiplin ilmu (hukum, ekonomi, politik, sosiologi, sejarah, psikologi, geography, management, administrasi dan sektor terkait).

What is Regulation?

- A specific set of command
- Deliberate state influence
- All form of social control or influence
- An activity that restricts behaviour and prevents occurrence of a certain undesirable activities (*red light concept*)
- Enabling and facilitating (*green light concept*)

Issues on the Regulatory Agenda

- Control over public utilities :price, safety, quality of service
- Dealing with issues such as: monopolies, gaming, industrial relations, civil aviation, discrimination, and workplace health and safety
- Costs of regulation: efficiency, accountability, fairness

Dasar-dasar Regulasi

Why Regulate?

- *Market failure*, tidak ada yang bersedia memenuhi kebutuhan pasar; atau
 - *Market absence*, pasar tidak efektif
- Monopoli
 - Windfall profit
 - Externalities
 - Information inadequacies
 - Continuity and Availability of Service
 - Anti-competitive behavior and predatory pricing
 - Public goods and Moral Hazard
 - Unequal Bargaining Power
 - Scarcity and Rationing
 - Distributional Justice and Social Policy
 - Rationalization and Coordination
 - Planning

Rationale for Regulating

Rationale	Main aims of regulation	Example
Monopolies and natural monopolies	Counter tendency to raise prices and lower output	Utilities
Windfall profits	Transfer benefits of windfalls from firm to consumers or taxpayers	Firm discovers unusually cheap source of supply
Externalities	Compel producer or consumer to bear full costs of production rather than pass on to society	Pollution of river by factory
Information inadequacies	Inform consumers to allow market to operate	Pharmaceutical, Food and drinks labelling
Continuity and availability of service	Ensure socially desired (or protect minimal level of essential service	Transport service to remote region
Anti-competitive and behaviour predatory pricing	Prevent anti-competitive behaviour	Below-cost pricing in telephone services

Rationale for Regulating

Rationale	Main aims of regulation	Example
Public goods and Moral Hazard	Share costs where benefits of activity are shared but free-rider problems exist	Defence and security services. Health services
Unequal Bargaining Power	Protect vulnerable interests where market fails to do so	Health and Safety at work
Scarcity and Rationing	Public interest allocation of scarce commodities	Petrol shortage
Distribution Justice and Social Policy	Distribute according to public interest. Prevent undesirable behaviour or result.	Victim protection Discrimination
Rationalization and Coordination	Secure efficient production. Standardization	Disparate production in agriculture and fisheries
Planning	Protect interest of future generations.	Environment.

Explaining Regulation

- Pendekatan Eksternal
 - Penekanan pada ide-ide baru untuk menggantikan *status quo*, menggunakan: *experimental evidences, logical force, rethorical power*.
 - Penekanan pada kepentingan.
 - Penekanan pada perlunya perubahan lingkungan akibat dorongan ekonomi dan teknologi.
- Pendekatan Internal
 - Memperbaiki kegagalan birokrasi atau regulasi yang ada.

Teori Regulasi

- Public Interest
- Interest Group
- Private Interest
- Force of Ideas Explanations
- Institutional

Explaining Regulation

Type of Theory	Main Emphasis	Key Problems
Public Interest	Regulator acting in pursuit of public rather than private interests. Regulator disinterested and expert.	Difficult to agree a conception of public interest.
Interest Group	Regulation as product of relationships between groups and with the state	Understates role of private economic power
Private Interest	Role of private economic interest in driving regulation. Incentives of firms to secure benefits and regulatory rents by capturing regulator.	Assumes that parties in regulation are rational maximizers of own welfare.
Force of Ideas	Role of ideas in steering regulatory developments	Difficult to separate the force of ideas from the role of economic interests.
Institutional	Influence of organizational rule and social setting on regulation. Actor seen as action, knowledge, preference. Principal-Agent issue.	How to balance institutional explanations with others and accounting for regulatory changes.

Strategi Regulasi

- Regulasi dimaksudkan untuk:
 - *command*, legal authority and the command of law is used to pursue policy objective
 - *deploy wealth*, contract, grants, loans, subsidies, or other incentives are used to influences conduct.
 - *harness market*,
 - *inform*,
 - *act directly*,
 - *confer protected rights*,

Who Regulates?

- Self-regulators;
- Local authorities;
- Parliament;
- Courts and tribunals;
- Central government departments;
- Regulatory agencies;
- Director General.

What is Good Regulation?

- Is the action or regime supported by legislative authority?
- Is there an appropriate scheme of accountability?
- Are procedures fair, accessible, and open?
- Is the regulator acting with sufficient expertise?
- Is the action or regime efficient?

Enforcing Regulation

- Style of enforcement
- Rules and enforcement
- When to enforce
- How much to enforce
- Controlling corporations.

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