

## COMPETITION LAW PARADIGM IN THE MAJAPAHIT CONSTITUTION

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### **Abstract**

*This paper aims to map and analyze business activities potentially resulting in monopolistic practices and unfair business competition in the Majapahit kingdom. This research also attempts to figure out how the rule of law was applied during the Majapahit kingdom to curb monopolistic business activities. This research applied a qualitative design with normative legal or library research that relies on secondary data sources. Primary legal materials in this research are two ancient books by Slamet Muljana, namely Majapahit Legislation and Nagarakretagama Historical Interpretation; secondary legal materials are books and journals related to this research. The results show that 4 (four) types of activities can lead to monopolistic practices and unfair business competition, namely, destroying or burning agricultural land, reducing farm yields, refusing others to do the same business and controlling land owned by small farmers by large farmers. For these activities, the Majapahit royal government imposed the rule of law contained in Articles 260 - 262 of the Kutaramanawa and Article 88 paragraph (3) of the Nagarakretagama which includes a prohibition on burning and destroying agricultural land, a ban on reducing agricultural yields by narrowing the land or leaving the land abandoned, a prohibition on refusing others to work on the land, and a prohibition on large farmers to control the land of small farmers. The government in the Majapahit era demonstrated how the law should be implemented, and that it should be emulated by modern countries, including Indonesia, to enforce the country's welfare by encouraging vigorous and competitive law in Indonesia.*

**Keywords:** Legal paradigm, Competition law, Majapahit Constitution

## Introduction

Historically, Indonesia has inherited legal problems in unfair business competition.<sup>1</sup> The monopolistic nature of business actors who like to control an area or market and close the way for other business actors to enter the market has occurred since the Majapahit Kingdom.<sup>2</sup> In addition to being regulated in the Nagarakretagama book as the Majapahit constitution,<sup>3</sup> the prohibition of monopolistic practices and unfair business competition is also regulated in the Kutaramanawa Dharmasastra, which Slamet Muljana calls the Majapahit statutory book.<sup>4</sup> Thus, the legal instrument of business competition in Indonesia has been formed since the Majapahit Kingdom to provide justice for business actors.

The study of the Majapahit Kingdom tends to be discussed in three ways. *First*, Majapahit is seen as a constitutional Kingdom in running the wheels of government and the constitutional system, especially the provision of fundamental rights in the form of the right to freedom of religion, belief and/or belief for all the people of Majapahit Kingdom. Muwaffiq, in his research, stated that the Majapahit Kingdom provided fundamental rules for freedom of religion. The Majapahit Kingdom has also exemplified the growth of mutual respect and appreciation between religious communities, so there was no conflict between religious communities then.<sup>5</sup> In addition to the right to freedom of religion, which represents the constitutional Majapahit kingdom government system, Purwadi has also studied the Majapahit kingdom governance system.<sup>6</sup> *Second*, Majapahit was seen as a kingdom that was very concerned about business activities at that time;

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<sup>1</sup> Theodore G. Th. Pigeaud and Ph. D. Leyden, "Economy and Commerce in 14th Century Majapahit," in *Java in the 14th Century* (Dordrecht: Springer Netherlands, 1962), 494–504, [https://doi.org/10.1007/978-94-017-7133-7\\_34](https://doi.org/10.1007/978-94-017-7133-7_34).

<sup>2</sup> Tanti Kirana Utami, Rusman Rusman, and Aji Mulyana, "Digitising the Dissemination of Historical Legislation in Indonesia (Kitab Kutaramanawadharmasastra from Majapahit Kingdom)," in *Changing of Law: Business Law, Local Wisdom and Tourism Industry" (ICCLB 2023)* (Paris, France: Atlantis Press, 2023), 1500–1506, [https://doi.org/10.2991/978-2-38476-180-7\\_154](https://doi.org/10.2991/978-2-38476-180-7_154).

<sup>3</sup> Muwaffiq Jufri, "Regulation Model of Religious Rights and Freedoms for Local Religious Believers in the Majapahit Constitution," *Jurnal HAM* 13, no. 3 (December 22, 2022): 539, <https://doi.org/10.30641/ham.2022.13.539-556>.

<sup>4</sup> Slamet Muljana, *Tafsir Sejarah Nagara Kretagama* (Yogyakarta: LKiS, 2011), 213.

<sup>5</sup> Muwaffiq Jufri, "Perbandingan Pengaturan Hak Kebebasan Beragama Antara Indonesia Dengan Majapahit," *Jurnal Konstitusi* 14, no. 2 (November 2, 2017): 396, <https://doi.org/10.31078/jk1428>.

<sup>6</sup> Purwadi, "Sistem Tata Negara Kerajaan Majapahit," *Jurnal Konstitusi* 3, no. 4 (2006): 164–68.

business activities such as buying and selling, pawning, entrustment, and debts were regulated in detail in the Majapahit statutory book.<sup>7</sup> Third, Majapahit has also attracted the interest of researchers in the field of legal and political science, which Irham Rosyidi has carried out regarding the actualisation of the legal norm formulation model based on the principle of honesty in the constitution of the kingdoms of the archipelago.<sup>8</sup> Of the three trends above, there is no study focusing on monopolistic practices, unfair business competition, and their legal regulation in the Majapahit Kingdom.

This paper aims to fill the gap or what has been neglected by previous authors who have not discussed legal arrangements in the prohibition of monopolistic practices and unfair business competition that apply in the Majapahit Kingdom. Specifically, this paper deals not only with mapping out how business activities potentially manipulated by business actors in the Majapahit Kingdom but also analyzing how these business activities are regulated in the Majapahit constitution and Majapahit legislation. The results of this study are expected to add insight and knowledge for readers. They are even expected to contribute to preparing legal instruments for business competition in Indonesia in the future. Thus, the disclosure of competition law instruments in the Majapahit kingdom has become a novelty in several studies that make the Majapahit kingdom the object of research.

This paper is constructed on the argument that the Majapahit Kingdom, through its legal products, has provided a valuable law illustration for Indonesia as the lineage of the Majapahit Kingdom continues with the victorious and controlled the entire archipelago region to the Malay Peninsula in the history.<sup>9</sup> Thus, the more profound research related to the legal products of the Majapahit Kingdom the

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<sup>7</sup> Bhismodi Tri Wahyu Faizal, "Pengaturan Aktivitas Bisnis Dalam Konstitusi Majapahit," *As-Shahifah: Journal of Constitutional Law and Governance*, 2022, <https://doi.org/10.19105/asshahifah.v2i2.7933>.

<sup>8</sup> Irham Rosdyidi, "Reaktualisasi Model Formulasi Norma Hukum Berbasis Asas Kejujuran Konstitusi Kerajaan-Kerajaan Di Nusantara Ke Dalam Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 (Kerajaan Pagarruyung, Kasunanan Surakarta, Kerajaan Bone, Dan Kesultanan Tidore)" (Universitas Brawijaya, 2015).

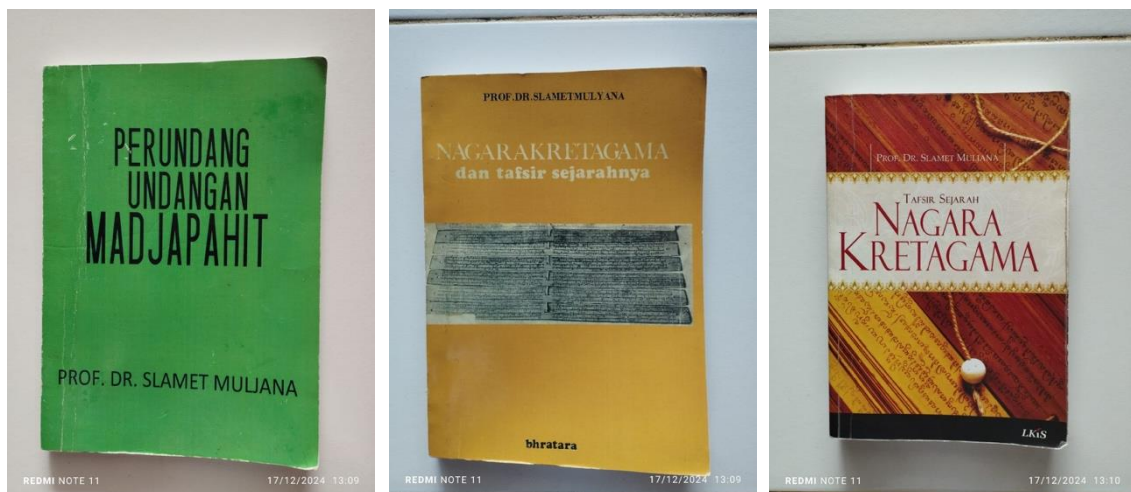
<sup>9</sup> Slamet Muljana, *Menuju Puncak Kemegahan (Sejarah Kerajaan Majapahit)* (Yogyakarta: LKiS, 2009).

more valuable discoveries are revealed, especially in the business competition sector. In addition to preserving the historical heritage of Indonesia's ancestors, considering the historical context is also important to remember the origins of the formation of the Unitary State of the Republic of Indonesia.<sup>10</sup> In addition, reflecting the regulatory model from Majapahit kingdom is advantageous in contributing to the renewal of Indonesia's current modern competition law system.

## Methods

This paper adopts a normative legal research design, relying secondary data sources or research based on the analysis of library materials.<sup>11</sup> This research implements historical and conceptual approaches. This paper's secondary data consists of primary and secondary legal materials.

**Figure 1.** Primary legal materials in this research



**Source:** Figure taken by the author based on a collection of books about legislation in Majapahit.

Figure 1 above is the Nagarakretagama book and the Majapahit Legislation book by Slamet Muljana as the primary legal materials in this paper. The book of Majapahit Legislation is the original translation of the book of Kutaramanawa

<sup>10</sup> Muh. Kamil and Sidik Jamika, "The Role of the Javanese Diaspora in Suriname in Bridging the National Development of Indonesia," *Multidisciplinary Reviews* 7, no. 11 (August 4, 2024): 2024252, <https://doi.org/10.31893/multirev.2024252>.

<sup>11</sup> Pradeep M.D., "Legal Research- Descriptive Analysis on Doctrinal Methodology," *International Journal of Management, Technology, and Social Sciences* 4, no. 2 (2019): 95–103, <https://doi.org/10.47992/ijmts.2581.6012.0075>.

Dharmasastra, the book of legislation applicable in the Majapahit kingdom. In contrast, the book of Nagarakretagama is a product that traces chronologically the discovery of the Nagarakretagama manuscript written by Mpu Prapanca. To date, the primary reference in writing the History of Majapahit Kingdom is the secondary legal material consisting of books and journals on the History of Majapahit Kingdom and business competition law. Data collection is carried out using desk review, examining library materials, and classifying data from primary legal materials according to the focus of this research: the regulations on the prohibition of monopolistic practices contained in the Nagarakretagama book and the book of Majapahit Legislation by Slamet Muljana. The literature data that has been collected is then analysed descriptively—analytically. The steps above determine monopolistic practices, unfair business competition in the Majapahit Kingdom, and the applicable legal arrangements.

## **Discussion**

### **Monopolistic Practices and Unfair Business Competition in the Majapahit Kingdom**

The selection of business competition law regulation in the Majapahit Kingdom as the material object of this paper is based on two things. *The first* is that Majapahit is the forerunner of the formation of the Indonesian state.<sup>12</sup> The applicable law in Indonesia should refer to the legal wisdom prevailing in Majapahit. *Secondly*, Majapahit is the most significant work that has ever existed in the archipelago, with its territory able to penetrate the territorial boundaries of the current Indonesian state.<sup>13</sup> According to Slamet Muljana, Majapahit's territory at that time reached the areas of Kedah, Kelantan, Pahang, Kuala Muda (now

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<sup>12</sup> Sandy Herho, Katarina Herho, and Raden Susanto, "Did Hydroclimate Conditions Contribute to the Political Dynamics of Majapahit?: A Preliminary Analysis," *Geographica Pannonica* 27, no. 3 (2023): 199–210, <https://doi.org/10.5937/gp27-44682>.

<sup>13</sup> John N. Miksic, "The Classical Cultures of Indonesia," in *Southeast Asia* (London: Routledge, 2023), 234–56, <https://doi.org/10.4324/9781003416609-11>.

Malaysia), Tumasik (now Singapore), and even the Bangkok area of Thailand.<sup>14</sup> This indicates that Majapahit was the most advanced and respected country of its time, especially in Southeast Asia.<sup>15</sup>

Based on the review of those two books as the primary legal materials in this paper, monopolistic practices and unfair business competition practised in the Majapahit Kingdom tend to occur in the agricultural and trade sectors.<sup>16</sup> This is supported by the majority of the population of the Majapahit Kingdom, which is dominated by the Vaisya, namely the population of the Majapahit Kingdom with professions such as farmers and traders.<sup>17</sup> They live from their crops and get income from the sale of their crops. Prima Handayani pointed out that the dominance of the *Vaisya* in the Majapahit Kingdom has also become a supporting factor in the ability of the Majapahit Kingdom to reach the peak of glory.<sup>18</sup>

Monopolistic practices, referring to the provisions in Law Number 5 of 1999 concerning the Prohibition of Monopolistic Practices and Unfair Business Competition,<sup>19</sup> are the concentration of economic power by one or more business actors that control the production and/or marketing of certain goods and/or services initiating the unfair business competition and may harm the public interest.<sup>20</sup> When referring to the definition above, monopolistic practices can also

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<sup>14</sup> Dion Maulana Prasetya, Suyatno Ladiqi, and Mohd Affandi Salleh, "Back to the Past: The Roots of Indonesian Middlepowermanship," *Asian Journal of Comparative Politics*, March 12, 2024, <https://doi.org/10.1177/20578911241236518>.

<sup>15</sup> Bill Hayton, "The South China Sea during the Colonial and Post-Independence Periods," in *Security Dynamics in the South China Sea* (London: Routledge, 2024), 38–61, <https://doi.org/10.4324/9781032657493-4>.

<sup>16</sup> Tod Jones and Adrian Perkasa, "Crimes against Cultures: How Local Practices of Regulation Shape Archaeological Landscapes in Trowulan, East Java," in *Moral Ecologies* (Cham: Springer International Publishing, 2019), 129–58, [https://doi.org/10.1007/978-3-030-06112-8\\_6](https://doi.org/10.1007/978-3-030-06112-8_6).

<sup>17</sup> Novrida Q. Lutfillah et al., "The Existence of Accounting on Local Trade Activity in the Majapahit Kingdom (1293 AD -1478 AD)," *Procedia - Social and Behavioral Sciences* 211 (November 2015): 783–89, <https://doi.org/10.1016/j.sbspro.2015.11.168>.

<sup>18</sup> Prima Handayani, *Strata Sosial Dan Sistem Kasta Dalam Masyarakat Hindu* (Surabaya: Segitiga Emas, 1995), 42.

<sup>19</sup> Ni Luh Made Mahendrawati, "Prohibition of Monopolistic Practices and Unfair Business Competition in Indonesia: A Legal Mechanism to Balance the Public Interest," *International Journal of Criminology and Sociology* 10 (May 11, 2021): 1023–28, <https://doi.org/10.6000/1929-4409.2021.10.120>.

<sup>20</sup> Inge Graef and Bart van der Slot, "Collective Data Harms at the Crossroads of Data Protection and Competition Law: Moving Beyond Individual Empowerment," *European Business Law Review* 33, no. Issue 4 (June 1, 2022): 513–36, <https://doi.org/10.54648/EULR2022024>.

be carried out in the agricultural sector to govern the production and marketing of land in the field of crops.<sup>21</sup> Accordingly, it can be underlined that the activity or the business of controlling agricultural land and closing the way the other people to farm reflects monopolistic practices and unfair business competition in the classical context.<sup>22</sup>

The act of monopoly and classical business competition in the Majapahit Kingdom featured large farmers as actors, agricultural land or fields as objects or targets that could be monopolized or controlled according to their interests, and small farmers as victims of agricultural land monopoly practices carried out by large farmers.<sup>23</sup> All of this can harm the community of farmers based on their profession. Still, it can also harm the kingdom because the rural economy in the agricultural sector is the backbone of the centre of government to provide welfare for the people and the country.<sup>24</sup> Agricultural products have also become commodities in trade activities in the Majapahit Kingdom. Supratikno Raharjo states that trading is also one of the driving factors to escalate the Majapahit kingdom's economy with a massive scale. This trading activity is not only between the archipelago regions but also in international trading.<sup>25</sup> The traders are grouped into two categories based on the type of goods traded and their place of origin: Nusantara traders and foreign traders.<sup>26</sup>

There are four actions triggering the monopolistic practices and unfair business competition in the Majapahit Kingdom. The first is burning or damaging crops in farmers' fields; this action is a despicable act and can harm farmers and the

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<sup>21</sup> Firat Cengiz, "The Conflict between Market Competition and Worker Solidarity: Moving from Consumer to a Citizen Welfare Standard in Competition Law," *Legal Studies* 41, no. 1 (March 8, 2021): 73–90, <https://doi.org/10.1017/lst.2020.31>.

<sup>22</sup> Michael G Jacobides and Ioannis Lianos, "Ecosystems and Competition Law in Theory and Practice," *Industrial and Corporate Change* 30, no. 5 (December 31, 2021): 1199–1229, <https://doi.org/10.1093/icc/dtab061>.

<sup>23</sup> Ioannis Lianos, "Competition Law as a Form of Social Regulation," *The Antitrust Bulletin* 65, no. 1 (March 28, 2020): 3–86, <https://doi.org/10.1177/0003603X19898626>.

<sup>24</sup> Slamet Muljana, *Menuju Puncak Kemegahan (Sejarah Kerajaan Majapahit)*.

<sup>25</sup> L. Evita and Abdurakhman, "The Golden Age of the East Indonesian Economy during the NIT Era (1946–1950)," in *Cultural Dynamics in a Globalized World* (London: Routledge, 2017), 687–94, <https://doi.org/10.1201/9781315225340-96>.

<sup>26</sup> Supratikno Rahardjo, *Peradaban Jawa Dari Mataram Kuno Sampai Majapahit Akhir* (Jakarta: Komunitas Bambu, 2011), 93.

Kingdom. *Second*, reducing income or in other languages in the context of modern business competition law, namely reducing or regulating the amount of production to gain profits through improper means.<sup>27</sup> Regulating production or, in the Majapahit Kingdom, reducing agricultural income by narrowing agrarian land to reduce the amount of agricultural income can lead to commodity scarcity, which leads to an imbalance between supply and demand; this action will damage the market and can trigger monopolistic practices and unfair business competition. *Third*, refusing to let others work on the land.<sup>28</sup>

This action is a reflection of monopolistic practices and unfair business competition because refusing others to do the same business in one business environment indicates that the refusing party does not want competition with others in the same field. Refusing to compete with other business actors suggests a desire to control agricultural land for their interests. *Fourth*, the control of land or agricultural land by large farmers. An act or activity that has the motive to maintain a production land is a monopolistic practice.<sup>29</sup> Monopolistic practices and unfair business competition that occurred in the Majapahit Kingdom can be seen in the following table;

**Table 1:** Monopolistic practices and unfair business competition in the Majapahit Kingdom

No	Type of Action	Indication
1	Destroying and/or burning agricultural land	It can harm farmers and the Kingdom, destroying the income of others to increase their income (can lead to monopolistic practices and unfair business competition)
2	Reducing agricultural output by narrowing farmland	It is a strategy of business actors to regulate production to balance supply and demand. The impact may damage market prices (may lead to monopolistic practices and unfair business competition)

<sup>27</sup> Moh Fadli, Airin Lemanto, and Zainal Arifien, "Re-Actualising the Potential of Temples in Greater Malang as a New Tourist Attraction in Indonesia: The Need to Transform Regulations into Digitalised and Integrated Management," *GeoJournal of Tourism and Geosites* 25, no. 2 (July 31, 2019): 474–84, <https://doi.org/10.30892/gtg.25216-374>.

<sup>28</sup> I Gede Yusa, Bagus Hermanto, and Ni Ketut Ardani, "Law Reform as the Part of National Resilience: Discovering Hindu and Pancasila Values in Indonesia's Legal Development Plan," in *Proceedings of the International Conference For Democracy and National Resilience (ICDNR 2021)* (Paris, France: Atlantis Press, 2021), <https://doi.org/10.2991/assehr.k.211221.001>.

<sup>29</sup> Slamet Muljana, *Tafsir Sejarah Nagara Kretagama*.



		competition).
3	Refusing to let one another work on land or farms	Do not want competitors to enter the type of business being run; there is potential to control farm products (can cause monopolistic practices and unfair business competition)
4	Land tenure by large farmers	An attempt to monopolise agricultural land by one or a group of large farmers

**Source:** *processed based on the author's creation from Nagarakretagama and Kutaramanawa Dharmasastra*

### **Regulations on the Prohibition of Monopolistic Practices and Unfair Business Competition in the Majapahit Constitution**

The Majapahit Kingdom has enacted regulations related to acts that may lead to monopolistic practices and unfair business competition.<sup>30</sup> The rules referred to are based on the findings of this study, summarized in Table 1. Monopolistic practices and unfair business competition, summarized in Table 1, are regulated in Articles 260-262 of the Kitab Kutaramanawa and Article 88, paragraph (3), second line of the Nagakretagama Constitution.<sup>31</sup> Thus, all actions with monopolistic motives that can result in unfair business competition in the Majapahit kingdom will be subject to sanctions by applicable laws and regulations.<sup>32</sup>

Destroying and/or burning agricultural land is an illegal act that can harm farmers and the entire population of the Majapahit kingdom in general.<sup>33</sup> The high attention of the kings of the Majapahit kingdom to the agricultural sector is the main reason for the strict punishment of residents of the kingdom who damage and/or burn agrarian land. It is explained in Article 82 of the Nagarakretagama Constitution that the efforts of the kings of the Majapahit kingdom in developing

<sup>30</sup> Hafid Setiadi, Hadi Sabari Yunus, and Bambang Purwanto, "A Spatial Political-Economic Review on Urban Growth in Java under Economic Liberalization of Dutch Colonialism During the 19th Century," *Indonesian Journal of Geography* 54, no. 3 (December 20, 2022), <https://doi.org/10.22146/ijg.60550>.

<sup>31</sup> Harish Trivedi, Harry Aveling, and Teri Yamada, "South Asia, Southeast Asia, and Oceania," in *Literature* (Wiley, 2022), 355-425, <https://doi.org/10.1002/9781119775737.ch14>.

<sup>32</sup> Geby Febiola Lenggu and Ari Budi Kristanto, "Tax In Nusantara: Historical Analysis of The Fiscal Sociology Dynamics," *Perspektif Akuntansi* 5, no. 2 (June 27, 2022): 157-81, <https://doi.org/10.24246/persi.v5i2.p157-181>.

<sup>33</sup> Rita Padawangi, *Urban Development in Southeast Asia*, Elements i (Cambridge University Press, 2022), <https://doi.org/10.1017/9781108669108>.

the population's business in agriculture were very high.<sup>34</sup> King Kertawardhana cleared forests in Sagala, King Wijayarajasa of Wengker cleared forests in Surabaya, Pasuruan and Pajang, King Dyah Hayam Wuruk cut down forests in Watsara near Threeawangi to make fields and rice paddies.<sup>35</sup> The rule of law regarding the prohibition of destroying and/or burning agricultural land is regulated in Kitab Kutaramanawa Article 260, which reads:

*"Whoever burns paddy in a field, regardless of size, shall pay five times the paddy to the owner plus a fine of two laksa by the ruling King."*<sup>36</sup>

The act of destroying and/or burning other people's agricultural land is the same as shutting down other people's businesses for the benefit of the company owned by the perpetrator of the farmland burning.<sup>37</sup> This can lead to monopolistic practices and unfair business competition in the agricultural sector.<sup>38</sup>

Reducing agricultural products has also become an act and agreement that can lead to monopolistic practices and unfair business competition.<sup>39</sup> Modern competition law through Law Number 5 Year 1999 on the Prohibition of Monopolistic Practices and Unfair Business Competition prohibits business actors from entering into agreements with other business actors to influence prices by regulating the production or marketing of a product and or service that may result in monopolistic practices and unfair business competition.<sup>40</sup> Therefore, in the context of classical business competition law that once occurred in the Majapahit kingdom, reducing agricultural products can also be categorized as an act that can

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<sup>34</sup> Jazim Hamidi, "Re-Actualisation of Honesty as a Principle in Human Rights in the Nusantara Constitution," *Pertanika Journal of Social Sciences & Humanities* 26, no. 2 (2018): 675–88, <http://www.pertanika.upm.edu.my/>.

<sup>35</sup> Slamet Muljana, *Tafsir Sejarah Nagara Kretagama*.

<sup>36</sup> Slamet Muljana, *Perundang-Undangan Majapahit* (Jakarta: Bhratara, 1967).

<sup>37</sup> Sangaralingam Ramesh, "The Chola Dynasty and Southeast Asia: 350BC to 1279AD," in *The Political Economy of India's Economic Development: 5000BC to 2024AD*, Chapter II (Cham: Springer International Publishing, 2024), 117–54, [https://doi.org/10.1007/978-3-031-67004-6\\_4](https://doi.org/10.1007/978-3-031-67004-6_4).

<sup>38</sup> Rini Astuti and Yuti A. Fatimah, "Science in the Court: Expert Knowledge and Forest Fires on Indonesia's Plantations," *Environmental Science & Policy* 151 (January 2024): 103631, <https://doi.org/10.1016/j.envsci.2023.103631>.

<sup>39</sup> Ria Setyawati et al., "Indonesia Merger Control Re-Evaluation : Twenty Years' Experience In Legal Limbo," *Yuridika* 39, no. 2 (May 17, 2024): 211–30, <https://doi.org/10.20473/ydk.v39i2.44330>.

<sup>40</sup> Thee Kian Wie, "Competition Policy in Indonesia and the New Anti-Monopoly and Fair Competition Law," *Bulletin of Indonesian Economic Studies* 38, no. 3 (December 17, 2002): 331–42, <https://doi.org/10.1080/00074910215540>.

lead to monopolistic practices and unfair business competition<sup>41</sup>. Three indications are that reducing agricultural yields can lead to monopolistic practices and unfair business competition. *First, the actor who reduces agricultural products intends to make agrarian products scarce. Second, the scarcity of agricultural products will increase the demand in the market. Third, the increased demand in the market will cause prices to soar.* The prohibition to reduce agricultural products is regulated in the Kutaramanawa Article 261, which reads:

*"Whoever reduces the income of food, for example, by narrowing the fields or leaving neglected anything that can produce food, or neglects any domestic animals, and then this becomes known to the people, such a person is treated as a thief and is liable to death. Such is the teaching of literature."<sup>42</sup>*

The content of the Article above emphasizes that every farmer as a business actor in agriculture is prohibited to reduce agricultural yields by narrowing rice fields, especially if they leave the fields abandoned with an element of deliberation. It implies that they cannot produce commodities from agriculture.<sup>43</sup> This action is equated with thievery because it can harm the people and the Majapahit kingdom.

Another action that indicates monopolistic practices and unfair business competition is the attitude of business actors who refuse or obstruct other business actors from carrying out the same business activities because they are afraid of being competed.<sup>44</sup> The paradigm of business competition law that developed in the Majapahit kingdom, among others, was to impose rules on each of its people so that they would not refuse their neighbors to carry out the same business activities jointly. Instead, it is recommended that people cooperate to develop the business they run in agriculture. The prohibition of refusing others to carry out the same business activities is regulated in the book of Kutaramanawa Article 262 as follows:

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<sup>41</sup> Tom Hoogervorst, "Commercial Networks Connecting Southeast Asia with the Indian Ocean," in *Oxford Research Encyclopedia of Asian History* (Oxford University Press, 2021), <https://doi.org/10.1093/acrefore/9780190277727.013.541>.

<sup>42</sup> Slamet Muljana, *Perundang-Undangan Majapahit*.

<sup>43</sup> Bozhong Li, "Fighting on Sea and Land: International Conflicts in East Asia in the Era of Early Economic Globalization," in *Guns and Ledgers* (Singapore: Springer Nature Singapore, 2023), 203–53, [https://doi.org/10.1007/978-981-99-6323-2\\_5](https://doi.org/10.1007/978-981-99-6323-2_5).

<sup>44</sup> Mustapa Khamal Rokan, *Hukum Persaingan Usaha Teori Dan Praktiknya Di Indonesia* (Jakarta: Rajawali Pers, 2019), 163.

*"Whoever refuses to let his brother work the land is fined six laksa by the ruling king. Such a person is said to be atulak sometimes warga: rejecting a relative."<sup>45</sup>*

The article above emphasizes the prohibition for every citizen of the Majapahit kingdom not to reject their fellow citizens in carrying out the same work, namely working the land to produce agricultural products that benefit the people and the Majapahit kingdom.<sup>46</sup> Because it is a prohibition, those who violate it will be sanctioned in the form of a fine by the ruling king.<sup>47</sup> The article in the Kutaramanawa has the most relevant content to the prohibition of monopolistic practices and unfair business competition, and best shows a paradigm of classical business competition law that occurred during the Majapahit kingdom.<sup>48</sup> In the context of modern business competition law, the acts referred to above are included in the prohibited activity of market control. The prohibition of market control activities is regulated in Law Number 5 Year 1999 on the Prohibition of Monopolistic Practices and Unfair Business Competition Article 19, which explains that business actors are prohibited from carrying out one or several activities, either alone or with other business actors,<sup>49</sup> which may result in the occurrence of monopolistic practices and unfair business competition,<sup>50</sup> where such activities are in the form of refusing and or obstructing certain business actors to carry out the same business activities in the relevant market, and or shutting down the business

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<sup>45</sup> Slamet Muljana, *Perundang-Undangan Majapahit*.

<sup>46</sup> Riza Afita Surya, "VOC and Chinese in Java: Identifying the Migration Motives in the Seventeenth Century," *European Journal of Humanities and Social Sciences* 2, no. 6 (December 11, 2022): 109–17, <https://doi.org/10.24018/ejsocial.2022.2.6.354>.

<sup>47</sup> Ida Bagus Radendra Suastama and Ida Ayu Komang Juniasih, "Aspects of Business Law in Koetara Agama: An Ancient Indonesian Law," *Sociological Jurisprudence Journal* 6, no. 1 (2023): 33–40, <https://doi.org/https://doi.org/10.22225/scj.6.1.2023.33-40>.

<sup>48</sup> Aurora Jillena Meliala and Jonathan Andre Woods, "The History of Indonesian Economic Law," in *Proceedings of the International Conference on Law Studies (INCOLS 2022)* (Paris: Atlantis Press SARL, 2023), 219–36, [https://doi.org/10.2991/978-2-494069-23-7\\_21](https://doi.org/10.2991/978-2-494069-23-7_21).

<sup>49</sup> Lastuti Abubakar and Tri Handayani, "Investor Protection Through Exchange Transaction Settlement Guarantee and Investor Protection Fund," *Trunojoyo Law Review* 1, no. 1 (February 5, 2019): 46–60, <https://doi.org/10.21107/tlr.v1i1.5256>.

<sup>50</sup> Rika Kurniaty, "The Features and Future Challenges of Indonesian Antimonopoly Policy: Lesson Learned from Japanese Experience," *Procedia Environmental Sciences* 17 (2013): 999–1006, <https://doi.org/10.1016/j.proenv.2013.02.119>.

of their competitors in the relevant market to result in monopolistic practices and unfair business competition.<sup>51</sup>

In addition to getting the equal rights to conduct business activities as other business actors, the people of the Majapahit kingdom with the *vaisyas* caste have also been given legal protection from large farmers who tend to exercise power over people's land to manage and produce agricultural products.<sup>52</sup> The ruling king conveyed this protection in the of Nagarakretagama Article 88, paragraph (3) second line, which reads;

*"Pay attention to people's land; don't let it fall into the hands of big farmers."*

The provisions above illustrate how much the kingdom pays attention to the people who work hard, especially those in the *Vaisyas* caste whose daily activities are trading and farming to earn income for their survival.<sup>53</sup> The various efforts made by the kingdom to provide equal rights among the *vaisyas* to work on and run the same business, especially in agriculture, as well as efforts to protect its people from the oppression of irresponsible people such as those who damage or burn other people's fields to thwart farming results,<sup>54</sup> those who refuse their neighbors to work on the same business, and those who like to control the land of small farmers are facts that the Majapahit kingdom desires people to be able to help each other to find income instead of bringing each other down to create healthy business climate.<sup>55</sup> Furthermore, the prohibition imposed by the Majapahit royal government on all the people in the *vaisyas* to not reduce agricultural yields by

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<sup>51</sup> Raden Bagus Mochammad Ramadhan Razief Hafid, Sahrudin, and Ahmad Farid, "Countermeasures for Environmental Damage Caused by Drilling Water Sources for The Mineral Water Industry," *Journal of Indonesian Constitutional Law* 1, no. 2 (2024): 140–50, <https://ejournal.pustakaparawali.com/index.php/jicl/article/view/36>.

<sup>52</sup> Mohamad Rosyidin, "The Cult of Glory: National Myth and the Idea of Global Maritime Fulcrum in Indonesia's Foreign Policy, 2014–2019," *South East Asia Research* 29, no. 3 (July 3, 2021): 297–314, <https://doi.org/10.1080/0967828X.2021.1954484>.

<sup>53</sup> Rila Mukerjee, "An Uncertain Fortune: The Northern Bay of Bengal in the Two Melaka Eras (1402–1641)," *Journal of the Economic and Social History of the Orient* 65, no. 3 (May 30, 2022): 378–414, <https://doi.org/10.1163/15685209-12341571>.

<sup>54</sup> Raihana Ayu Maharani et al., "Sistem Irigasi Pertanian Masa Majapahit Dan Sumbangannya Pada Kemakmuran Negara," *JANUS* 1, no. 2 (December 21, 2023): 156–70, <https://doi.org/10.22146/janus.10030>.

<sup>55</sup> Rahmat Akbar, Tatang Iskarna, and Yoseph Yapi Taum, "The Subject of Melancholia in Toer's Bumi Manusia: Lacan's Psychoanalytic Study," *International Journal of Linguistics, Literature and Translation* 7, no. 1 (January 1, 2024): 01–15, <https://doi.org/10.32996/ijllt.2024.7.1.1>.

narrowing agrarian land, even they leave the land which can reduce the agricultural yields, is a fact that the paradigm of business competition law has been born and applies to the Majapahit royal government.<sup>56</sup>

The classical competition law regulation model applied by the Majapahit kingdom government, which pays attention to practices in the agricultural sector, is a characteristic and advantage of the competition law paradigm in the Majapahit kingdom.<sup>57</sup> This model should be adopted into modern competition law regulation in Indonesia, which tends to ignore monopolistic practices in small trade sectors such as agriculture, even though it significantly impacts the welfare of the people and the state. The regulation of competition law in Indonesia through Law Number 5 Year 1999 on the Prohibition of Monopolistic Practices and Unfair Business Competition tends to highlight prohibited agreements and activities carried out by large business actors.<sup>58</sup>

However, banned activities or agreements sometimes occur among small business actors, including farmers. Oligopoly practices that feature farmers as raw material sellers or suppliers and a handful of entrepreneurs as buyers have also become actions that can lead the monopolistic practices and unfair business competition.<sup>59</sup> This practice can oppress farmers in Indonesia because they have limited space to sell their farm products at the competitive prices. With a simple but firm and targeted regulation model, the Majapahit Kingdom has exemplified actions to overcome these problems.

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<sup>56</sup> Khath Bunthorn, "Mapping Indo-Khmer Historical and Cultural Connections: Peaceful Coexistence and Convergence of Culture," *Journal of South Asian Studies* 10, no. 2 (August 30, 2022): 169–81, <https://doi.org/10.33687/jsas.010.02.3913>.

<sup>57</sup> Johannes Widodo, "The New Capital Is for the Future, Not for the Present Nor the Past: A Commentary on Nusantara Project," in *Assembling Nusantara* (Cham: Springer International Publishing, 2023), 9–20, [https://doi.org/10.1007/978-981-99-3533-8\\_2](https://doi.org/10.1007/978-981-99-3533-8_2).

<sup>58</sup> Haiqal Riski Ramadhan, Darminto Hartono Paulus, and Giovanni Marcello, "Prohibition of Monopolistic Practices in Business Trials in Indonesia: Reforming on Business Competition Supervisory Commission," *Journal of Law and Legal Reform* 4, no. 2 (April 30, 2023): 163–82, <https://doi.org/10.15294/jllr.v4i2.61043>.

<sup>59</sup> Rahmanisa Purnamasari Faujura, Elisatris Gultom, and Sudjana Sudjana, "The Monopoly Practice and Unfair Business Competition in The Technology Transfer Activity Through The Foreign Patent in Indonesia," *UUM Journal of Legal Studies* 12, no. Number 1 (January 31, 2021): 69–91, <https://doi.org/10.32890/uujls2021.12.1.4>.

## **Conclusion**

The regulation of business competition law in the Majapahit kingdom is divided into three characteristics: arrangements that grant equal rights to run a business, arrangements that protect people who run businesses, and arrangements that are prohibitions. The regulation that grants rights to all business actors is contained in Article 262 of the Kutaramanawa, which states that all business actors should not prevent others from doing the same work on agricultural land. This represents that everyone has the same right to work or manage land. Protective regulations are found in Article 260 and Article 262 of Kutaramanawa and Article 88 paragraph (3) of Nagakretagama, which regulate the kingdom's firmness in sanctioning people who deliberately damage or burn other farmers land, sanctions for people who refuse their neighbours to work together on the land, and direct orders from the king for royal officials to pay attention to people's land so that it does not fall into the hands of large farmers.

All of the rules above protect the people to run their businesses safely and comfortably. The prohibition is reflected in all the articles discussed, namely Articles 260 - 262 of the Kutaramanawa and Article 88 paragraph (3) of the Nagakretagama, which contains prohibitions on burning or destroying rice fields or agricultural land, prohibitions on reducing agricultural yields by narrowing land or even abandoning agricultural land, prohibitions on refusing others to work on the land, and prohibitions for large farmers to control the land of small farmers. This research focuses on the secondary data sources such as the Majapahit Legislation Book and Slamet Muljana's Nagakretagama Historical Interpretation because of the limitation to obtain the primary data sources. It seems inaccessible to confirm any information gained from the secondary data sources by doing interview or direct observation. However, it is highly recommended that further research be carried out by extracting primary data sources to perfect this library research.

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