

The Analysis of the Content Construction on Illegal Cartel Cases
— Focusing on Systematized Managerial Procedure

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Abstract

This paper aims to explore the content construction of illegal cartel cases. The study refers to related documents to construct categories of systematized managerial procedure, a behavioral entity, a mutual understanding, a content of mutual understanding, a market function, an evidential doctrine, an evidential category, and a law effect, and it employs analysis units of each category as themes of content analysis to validate the differences among analysis units. A research sample of 137 cases of the illegal cartel, from 1992 to June 2010, is sourced from the Taiwan Fair Trade Commission, and statistical analysis is conducted for validation. The results confirm that most of behavioral entity is an enterprise; as to analysis units of mutual understanding, the any other form of mutual understanding is the most common and agreement is rarely used; as to analysis units of content of mutual understanding, the price and quantity is adopted superior to any other content of mutual understanding; as to analysis units of market function, the ratio of quantitative standard is adopted superior to qualitative standard; as to analysis units of evidential doctrine, the ratio of illustrative rule is adopted superior to quantitative rule; as to analysis units of evidential category, the extrinsic qualitative evidence is adopted the most and extrinsic quantitative evidence is adopted the least; as to analysis units of law effect, the administrative duty is the most common and criminal duty is rarely used. The finds can serve as a reference for the authority of Competition Law and businesses when dealing with illegal cartel cases.

Keywords: Illegal Cartel, Systematized Managerial Procedure, Content Construction of

Date submitted: September 21, 2010

Date accepted: December 27, 2010

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Case, Content Analysis, Fair Trade Act.

