

## LARANGAN EKSPOR BARANG MEDIS DALAM PERATURAN MENTERI PERDAGANGAN REPUBLIK INDONESIA NOMOR 23 TAHUN 2020 AKIBAT PANDEMI COVID-19 MENURUT PERSPEKTIF *WORLD TRADE ORGANIZATION* (WTO)

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### ABSTRAK

Penelitian hukum ini bertujuan untuk menganalisis pengaruh atas penetapan kebijakan larangan ekspor selama pandemi COVID-19 dan justifikasi atas larangan ekspor dalam Peraturan Menteri Perdagangan Republik Indonesia Nomor 23 Tahun 2020 tentang Larangan Sementara Ekspor Antiseptik, Bahan Baku Masker, Alat Pelindung Diri dan Masker berdasarkan prinsip-prinsip dasar *World Trade Organization* (WTO) dan peraturan dalam *the General Agreement on Tariffs and Trade* 1994 (GATT 1994).

Metode penelitian yang digunakan dalam penelitian ini adalah metode yuridis-normatif dengan pendekatan kualitatif. Penelitian ini menggunakan pendekatan penelitian hukum (*legal research*), di antaranya pendekatan undang-undang (*statute approach*), pendekatan kasus (*case approach*), dan pendekatan konseptual (*conceptual approach*). Sifat penelitian yang digunakan adalah deskriptif dengan memberikan sebuah penjelasan atas permasalahan, dalam hal ini terkait permasalahan penetapan larangan ekspor. Teknik pengumpulan data dilakukan dengan studi pustaka dengan metode analisis data kualitatif dengan tahapan reduksi data, penyajian data, dan penarikan kesimpulan dengan metode induktif.

Hasil penelitian menunjukkan bahwa pengaruh penetapan larangan ekspor barang medis berdasarkan Peraturan Menteri Perdagangan Republik Indonesia Nomor 23 Tahun 2020 terhadap peningkatan persediaan barang medis dan hambatan akses perdagangan internasional adalah dengan terpenuhinya permintaan, sehingga menghasilkan persediaan yang terjangkau dengan harga yang wajar, tetapi larangan ekspor yang berkepanjangan dengan kurangnya koordinasi mengakibatkan terhambatnya akses negara-negara atas perdagangan internasional. Justifikasi peraturan *a quo* berdasarkan Pasal XI ayat (2) huruf (a) GATT 1994 adalah terkait jangka waktu larangan ekspor atas persediaan barang medis. Selanjutnya, terdapat justifikasi pada Pasal XX huruf (b) terkait tujuan untuk melindungi kesehatan masyarakat dengan mencegah penyebaran virus COVID-19 dan Pasal XX huruf (j) terkait krisis persediaan barang medis yang terjadi.

**Kata Kunci:** Larangan Ekspor, Barang Medis, Pandemi COVID-19, Peraturan Menteri Perdagangan

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***EXPORT BAN ON MEDICAL GOODS IN INDONESIAN MINISTER OF  
TRADE REGULATION NUMBER 23 YEAR 2020 DUE TO COVID-19  
PANDEMIC ACCORDING TO THE PERSPECTIVE  
OF WORLD TRADE ORGANIZATION (WTO)***

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***ABSTRACT***

*This legal research aims to analyze the effect of the establishment of an export ban policy during the COVID-19 pandemic and the justification for the export ban in the Regulation of the Minister of Trade of the Republic of Indonesia Number 23 of 2020 concerning the Temporary Export Prohibition of Antiseptic, Raw Material for Masks, Personal Protective Equipment and Masks based on the basic principles of the World Trade Organization (WTO) and regulations in the General Agreement on Tariffs and Trade 1994 (GATT 1994).*

*The research method used in this research is the juridical-normative method with a qualitative approach. This study uses a legal research approach, including the statute approach, case approach, and conceptual approach. The nature of the research used is descriptive by providing an explanation of the problem, in this case related to the issue of determining the export ban. The data collection technique was carried out by literature study with qualitative data analysis methods with data reduction, data presentation, and conclusions made with an inductive method.*

*The results of the study indicate that the effect of the export ban on medical goods based on the Minister of Trade Regulation Number 23 Year 2020 on the increase in medical supply and access barriers on international trade is the fulfillment of demand, resulting in guaranteed supplies at reasonable prices, but a prolonged export ban with a lack of coordination resulted in the inhibition of countries' access to international trade. The justification for the regulation is based on Article XI paragraph (2) letter (a) of the 1994 GATT which related to the temporary period of the export ban on medical supplies. Furthermore, there are also justification in Article XX letter (b) regarding the purpose of protecting public health by preventing the spread of the COVID-19 virus and Article XX letter (j) regarding the crisis of medical supply that occurred.*

***Keywords:*** Export Ban, Medical Goods, COVID-19 Pandemic, Minister of Trade Regulation

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