

HAMBATAN PERDAGANGAN INTERNASIONAL DI BIDANG ALAT KESEHATAN SELAMA PANDEMI COVID-19 BERDASARKAN ATURAN GATT 1994

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INTISARI

Penelitian ini bertujuan untuk mengetahui dan menganalisis (1) Hambatan perdagangan internasional di bidang alat kesehatan yang terjadi di negara Indonesia saat pandemi *Covid-19* didasari oleh GATT 1994 (2) Cara penanggulangan hambatan perdagangan internasional di bidang alat kesehatan yang terjadi di negara Indonesia saat pandemi *Covid-19* didasari oleh GATT 1994.

Penelitian ini berjenis penelitian hukum normatif yaitu penelitian hukum yang dilakukan melalui penelitian kepustakaan agar dapat memperoleh data sekunder disertai pembelajaran terhadap bahan hukum primer, bahan hukum sekunder serta bahan hukum tersier. Data primer dan data skunder yang sudah didapatkan dari penelitian kemudian dilakukan analisis dengan cara kualitatif untuk menghasilkan suatu kesimpulan yang dapat memberi jawaban atas isu.

Hasil penelitian ini menghasilkan kesimpulan: (1) *Barriers to trade* yang dilakukan oleh negara-negara di dunia berakibat buruk pada rantai pasokan di masa pandemi, Indonesia yang masih bergantung pada pasokan barang impor berada pada posisi yang tidak mudah dalam menangani kesehatan masyarakatnya terutama kesediaan alat kesehatan. WTO tidak mengizinkan negara untuk menerapkan *barriers to trade* yang berdasar pada *Article XI (1) GATT 1994*, akan tetapi praktek hambatan-hambatan tertentu diperbolehkan mengacu pada *Article XX (b) GATT 1994* guna memberikan kelonggaran kepada negara yang sedang dihadapkan pada kewajiban untuk melakukan perlindungan terhadap *public health* dari ancaman penyakit yang disebabkan oleh *Covid-19* (2) Upaya pemerintah Indonesia dilakukan dengan cara menerapkan PPKM Darurat, tetap menghimbau masyarakat untuk melaksanakan Protokol Kesehatan, menyelenggarakan Paten oleh Pemerintah dalam upaya pengadaan vaksin berdasar TRIPs Agreement *Article 31* dan Undang-Undang Nomor 13 Tahun 2016.

Kata Kunci: Hambatan Perdagangan Internasional, Alat Kesehatan, *Covid-19*, GATT 1994.

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INTERNATIONAL BARRIERS TO TRADE IN MEDICAL EQUIPMENT DURING THE *COVID-19* PANDEMIC BASED ON THE GATT 1994

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ABSTRACT

This study aims to determine and analyze (1) the juridical barriers in international trade in the field of medical equipment faced by Indonesia during the *Covid-19* pandemic based on the 1994 GATT (2) How to overcome the juridical barriers in international trade in the field of medical equipment faced by Indonesia during the *Covid-19* pandemic based on the 1994 GATT.

This research is normative legal research, namely legal research conducted by conducting library research to obtain secondary data by studying primary legal materials, secondary legal materials, and tertiary legal materials. Primary data and secondary data that have been obtained from the study were analyzed qualitatively in order to produce a conclusion that can answer the problem.

The results of this study provide the following conclusions: (1) Barriers to trade carried out by countries in the world have had a negative impact on the supply chain during the pandemic. Indonesia, which is still dependent on the supply of imported goods, is in a difficult position in handling the health of its people, especially the availability of medical equipment. The WTO does not allow countries to apply barriers to trade based on Article XI (1) GATT 1994, but the practice of certain barriers is allowed to refer to Article XX (b) GATT 1994 in order to provide concessions to countries that are faced with obligations to protect against public health from the threat of disease caused by Covid-19 (2) The Indonesian government's efforts are carried out by implementing PPKM Emergency, still urging the public to implement the Health Protocol, holding patents by the Government in an effort to procure vaccines based on TRIPS Agreement Article 31 and Law Number 13 of 2016.

Keywords: International Barriers to Trade, Medical Equipment, *Covid-19*, GATT 1994.

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