

ABSTRAK

WTO sebagai rezim perdagangan internasional memiliki mekanisme penyelesaian sengketa melalui *Dispute Settlement Mechanism* (DSM) *World Trade Organization* (WTO). Sengketa yang diselesaikan melalui DSM WTO dapat melewati dua tingkat pengadilan, yang pertama melalui panel dan *Appellate Body* (AB). AB sebagai badan banding akan mengadili pada tingkat dua untuk setiap permohonan dari ketidakpuasan atas hasil dari *panel report*. Namun, AB mengalami stagnasi dan tak dapat beroperasi sesuai dengan fungsinya. DSM WTO melakukan negosiasi sebagai langkah rekonstruksi sistem melalui *joint statement* memilih atau memilik kembali anggota AB, amandemen *Dispute Settlement Understanding* (DSU), proses informal mengenai hal-hal yang berkaitan dengan AB, serta MPA. Melalui teori rezim fungsional melihat DSM WTO dan MPIA hadir sebagai rezim yang dibentuk dan dipelihara karena fungsinya. Kemudian DSM WTO dan *Multi-Party Interim Appeal Arbitration* (MPIA) diidentifikasi formulasi desain modelnya melalui teori rasional desain dari institusi internasional dari Barbara koremenos, Charles Lipson, dan Duncan Snidal melalui buku *The Rational Design of International Institutions*. Identifikasi meliputi variabel dependen ini meliputi *membership*, *scope*, *centralization*, *control*, dan *flexibility*. Sedangkan variabel independen terdiri dari *distribution problems*, *enforcement problems*, *number of actors*, dan *uncertainty*.

Kata kunci: WTO, DSM, AB, Stagnasi, MPIA, dan Desain Institusi



ABSTRACT

*The WTO as an international trade regime has a dispute settlement mechanism through the Dispute Settlement Mechanism (DSM) of the World Trade Organization (WTO). Disputes resolved through the WTO DSM can pass through two levels of court, the first through panels and the Appellate Body (AB). AB as an appellate body will adjudicate at the second level for any request from dissatisfaction with the results of the panel report. However, AB has stagnated and cannot operate according to its function. The WTO DSM negotiated as a system reconstruction step through joint statements electing or re-electing AB members, Dispute Settlement Understanding (DSU) amendments, informal processes on matters related to AB, as well as MPA. Through functional regime theory, the WTO DSM and MPIA are present as regimes that are formed and maintained because of their functions. Then the WTO DSM and Multi-Party Interim Appeal Arbitration (MPIA) identified the design model formulation through the rational design theory of international institutions from Barbara Koremenos, Charles Lipson, and Duncan Snidal through the book *The Rational Design of International Institutions*. Identification includes this dependent variable including membership, scope, centralization, control, and flexibility. While the independent variables consist of distribution problems, enforcement problems, number of actors, and uncertainty.*

Keywords: *WTO, DSM, AB, Stagnation, MPIA, and Institution Design*