

KEBIJAKAN *DEFORESTATION-FREE SUPPLY CHAINS* PADA EKSPOR FURNITURE INDONESIA DITINJAU DARI PERJANJIAN DALAM WORLD TRADE ORGANIZATION

Whafiq Azizah Fadilla¹ Veri Antoni²

INTISARI

Penelitian yang dilakukan dalam penulisan hukum ini bertujuan untuk menganalisis kebijakan *deforestation-free supply chains* yang diterapkan oleh Uni Eropa terhadap perdagangan furniture Indonesia ditinjau dari *the General Agreement on Tariffs and Trade 1994* (GATT 1994). Penelitian ini juga bertujuan untuk menganalisis kebijakan sertifikasi SVLK, FSC, dan *due diligence* dalam pelaksanaan kebijakan *deforestation-free supply chains* ditinjau dari *Technical Barriers to Trade* (TBT) *Agreement*.

Penulisan hukum ini menggunakan metode penelitian yuridis normatif dengan menggunakan pendekatan perundang-undangan, pendekatan kasus, dan pendekatan konseptual. Pertanyaan dalam penelitian ini dijawab dengan mencari data sekunder yang berasal dari bahan hukum primer, bahan hukum sekunder, dan bahan hukum tersier yang diperoleh melalui studi pustaka. Data yang diperoleh kemudian diolah dan dianalisis menggunakan metode analisis kualitatif dengan melakukan interpretasi dan dianalisis menggunakan kajian deskriptif-analitik.

Berdasarkan hasil penelitian, diperoleh kesimpulan sebagai berikut. Pertama, kebijakan *deforestation free supply chains* secara prinsip dilarang melalui Pasal XI GATT 1994 tetapi memenuhi pengecualian umum dalam Pasal XX GATT 1994 untuk tujuan perlindungan lingkungan tetapi penerapannya harus memperhatikan kepentingan Indonesia sebagai negara berkembang dan harus dianalisis oleh ketentuan yang lebih spesifik yaitu TBT *Agreement* yang secara khusus mengatur tentang *technical barriers*. Kedua, kewajiban *due diligence* dalam kebijakan *deforestation-free supply chains* dinilai memberikan hambatan yang berlebih dalam perdagangan furniture Indonesia. Hambatan yang berlebih tersebut tidak lepas dari kewajiban sebelumnya yaitu SVLK sebagai pelaksanaan perjanjian FLEGT-VPA dan FSC yang tidak memberikan dampak signifikan bagi ekspor furniture ke Uni Eropa padahal kewajiban hukumnya tidak lebih memberikan hambatan dibandingkan kewajiban *due diligence* dalam kebijakan *deforestation free supply chains*.

Kata Kunci: *Deforestation-Free Supply Chains*, GATT 1994, TBT *Agreement*, *Due Diligence*.

¹ Mahasiswa Program Sarjana Strata-1 (S-1) Hukum, Konsentrasi Hukum Bisnis, Universitas Gadjah Mada.

² Departemen Hukum Bisnis, Fakultas Hukum Universitas Gadjah Mada, Yogyakarta.

**DEFORESTATION-FREE SUPPLY CHAINS POLICY ON INDONESIA
FURNITURE EXPORTS REVIEWED FROM THE WORLD TRADE
ORGANIZATION AGREEMENT**

Whafiq Azizah Fadilla³ Veri Antoni⁴

ABSTRACT

The purpose of this legal writing is to analyze the deforestation free supply chains policy implemented by the European Union on Indonesia furniture trade, reviewed from the General Agreement on Tariffs and Trade 1994 (GATT 1994). This study also aims to analyze the SVLK, FSC, and due diligence certification policies in implementing the deforestation-free supply chains policy, reviewed from the Technical Barriers to Trade (TBT) Agreement.

This legal writing uses normative juridical research method with legislative approach, case approach and conceptual approach. The research questions were answered by searching for secondary data obtained from primary legal materials, secondary legal materials, and tertiary legal material obtained through literature studies. The obtained data was then processed and analyzed using qualitative analysis methods by interpretation and analyzed using descriptive-analytical review.

Based on the research result, the following conclusion were obtained. First, the deforestation-free supply chains policy is prohibited in principle through Article XI GATT 1994 but meets the general exceptions in Article XX GATT 1994 for environmental protection, but it's implementation must consider Indonesia's interest as a developing country and must be analyzed by more specific provisions namely TBT Agreement, which specifically regulates technical barriers. Second, the due diligence obligation in the deforestation-free supply chains policy is assessed to provides excessive barriers to Indonesian furniture trade. This excessive barriers are due to the previous obligation, namely SVLK as the implementation of the FLEGT-VPA Agreement and FSC, which did not significantly impact furniture export to the European Union, even though their legal obligation did not provide more obstacles that the due diligence obligation in the deforestation-free supply chains policy.

Keywords: *Deforestation-free Supply Chains, GATT 1994, TBT Agreement, Due Diligence.*

³ Undergraduate Law Students, Business Law Concentration, The University of Gadjah Mada

⁴ Lecturer of Business Law, Faculty of Law The University of Gadjah Mada