

**ANALISIS HUKUM TERHADAP SENGKETA DAGANG
INTERNASIONAL ANTARA INDONESIA – NEW ZEALAND (Studi
Kasus: Indonesia – New Zealand *Importation of Horticultural Products,
Animals and Animal Products*)**

Oleh:

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ABSTRAK

Penelitian dengan judul “Analisis Hukum Terhadap Sengketa Dagang Internasional Antara Indonesia – New Zealand (Studi Kasus: Indonesia – New Zealand *Importation of Horticultural Products, Animals and Animal Products*)” ini bertujuan untuk mengetahui 18 kebijakan Indonesia yang inkonsisten terhadap ketentuan WTO sehingga membuat New Zealand menggugat kebijakan tersebut ke *Dispute Settlement Body*. Apa pertimbangan Indonesia dalam mengeluarkan kebijakan tersebut, Apa kelemahan argumen Indonesia dalam melakukan pembelaan sehingga berujung kepada kekalahan, dan bagaimana pelaksanaan putusan *Appellate Body* tersebut.

Penelitian ini merupakan penelitian normatif, pengumpulan data dalam penelitian ini menggunakan studi dokumen atau studi pustaka, yaitu dengan cara pengumpulan data primer dan sekunder dilengkapi dengan data pendukung berupa wawancara untuk menunjang data kepustakaan tersebut. Kemudian data yang diperoleh baik pustaka, wawancara atau data tertulis akan dianalisis dan diolah sehingga dapat menggambarkan, dan memberikan solusi terhadap permasalahan yang dimaksud.

Berdasarkan hasil pembahasan yang ada, hasil penelitian ini adalah: **Pertama**, Indonesia berpendapat kebijakan impornya tidak memiliki dampak apa-apa terhadap negara New Zealand dan Amerika Serikat. Namun, Kemudian Global Trade Atlas menyatakan bahwa ada penurunan ekspor sapi oleh New Zealand. Selain itu, Indonesia tidak dapat menggunakan pembelaan berdasarkan *Article XI:2* huruf (c) GATT karena menurut *Article 21 Agreement on Agriculture (AoA)* ketentuan yang berkaitan dengan perikanan dan Pertanian tunduk pada kewajiban AoA. **Kedua**, Indonesia tidak dapat membuktikan klaimnya berdasarkan prinsip *Most Favoured Nation*, *National Treatment*, dan *Quantitative Restriction*, oleh karena itu Indonesia mengalami kekalahan pada persidangan melawan New Zealand. **Ketiga**, Pemerintah Indonesia melalui Kementerian Perdagangan menjelaskan bahwa secara bertahap sedang menjalankan rekomendasi dari *Appellate Body* dan meminimalisir kemungkinan New Zealand mengalami kerugian lebih lanjut dengan mengeluarkan peraturan yang konsisten terhadap ketentuan WTO.

Kata Kunci: Sengketa Dagang Internasional, *Appellate Body*, GATT

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**LEGAL ANALYSIS OF INTERNATIONAL TRADE DISPUTES
BETWEEN INDONESIA – NEW ZEALAND (Case Study: Indonesia – New
Zealand Import of Horticultural Products, Animals and Animal Products)**

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ABSTRACT

The research entitled "Legal Analysis of International Trade Disputes Between Indonesia - New Zealand (Case Study: Indonesia - New Zealand Import of Horticultural Products, Animals and Animal Products)" aims to find out 18 Indonesian policies that are inconsistent with the WTO provisions so as to make New Zealand sued the policy to Dispute Settlement Body. What is Indonesia's consideration in issuing the policy, what is the weakness of Indonesia's argument in making a defense that leads to defeat, and how the implementation of the Appellate Body decision.

This research is a normative study, data collection in this study uses document studies or literature studies, namely by means of primary and secondary data collection equipped with supporting data in the form of interviews to support the library data. Then the data obtained either literature, interviews or written data will be analyzed and processed so that it can describe, and provide solutions to the problems in question.

Based on the results of the discussion, the results of this study are: **First**, Indonesia believes its import policy has no impact on the state of New Zealand and the United States. However, then the Global Trade Atlas states that there is a decline in cattle exports by New Zealand. In addition, Indonesia cannot use a defense under Article XI: 2 letter (c) GATT because according to Article 21 of the Agreement on Agriculture (AoA) provisions relating to fisheries and Agriculture are subject to the obligations of AoA. **Second**, Indonesia cannot prove its claim based on the principle of Most Favored Nation, National Treatment, and Quantitative Restriction, therefore Indonesia suffered a defeat in the trial against New Zealand. **Third**, the Indonesian Government through the Ministry of Trade explained that gradually implementing recommendations from the Appellate Body and minimizing the possibility of New Zealand experiencing further losses by issuing regulations that are consistent with WTO provisions.

Keywords: International Trade Disputes, Appellate Body, GATT

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