

**ANALISA YURIDIS TINDAKAN PENGAMANAN PERDAGANGAN
(SAFEGUARD MEASURES) OLEH INDONESIA ATAS PRODUK COATED
PAPER DAN PAPERBOARD DITINJAU DARI KETENTUAN WORLD TRADE
ORGANIZATION (WTO)**

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Intisari

Tindakan liberalisasi perdagangan oleh suatu negara tidaklah tanpa kerugian. Di satu sisi membuka pasar berarti mendapatkan barang dan jasa impor yang kompetitif, memperluas pasar ekspor, membuka lapangan kerja, dll. Namun, di sisi lain liberalisasi perdagangan dapat menyebabkan lonjakan impor yang kemudian dapat mengakibatkan kerugian serius atau ancaman kerugian serius terhadap industri dalam negeri. Penelitian ini bertujuan untuk meneliti tindakan pengamanan yang dilakukan oleh Indonesia terhadap impor coated paper dan paperboard yang pada saat itu mengalami lonjakan impor.

Terdapat dua pertanyaan yang dijawab dalam penelitian ini. Pertama, mengenai kesesuaian pengaturan tindakan pengamanan menurut hukum Indonesia dengan pengaturan dalam kerangka World Trade Organization (WTO), yaitu Agreement on Safeguards dan Pasal XIX General Agreement on Tariffs and Trade (GATT 1994). Kedua, mengenai kesesuaian penerapan tindakan pengamanan yang dilakukan oleh Indonesia terhadap produk impor coated paper dan paperboard dengan pengaturan tindakan pengamanan menurut WTO. Dalam menjawab kedua pertanyaan tersebut, peneliti menggunakan metode normatif yang berdasar pada literatur dan data.

Penelitian ini berkesimpulan, bahwa pertama, pengaturan mengenai tindakan pengamanan dalam kerangka hukum Indonesia secara umum sudah sesuai dengan pengaturan tindakan pengamanan menurut WTO. Kedua, tindakan pengamanan yang dilakukan oleh Indonesia terhadap impor coated paper dan paperboard juga sesuai dengan Agreement on Safeguards dan Pasal XIX GATT 1994.

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JUDICIAL OVERVIEW OF SAFEGUARD MEASURE TAKEN BY INDONESIA ON IMPORTS OF COATED PAPER AND PAPERBOARD BASED ON RULES BY WORLD TRADE ORGANIZATION (WTO)

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Abstract

Liberalizing market of a country is not without its drawback. On one hand, liberalizing means exposing a country to influx of competitive goods and services, expanding export market, opening more job fields, etc. However, on the other hand, market liberalization is also prone to cause increase on imports, which may result to serious injury or threat of serious injury. This research aims to analyze the safeguard measure taken by Indonesia during an increase on imports of coated paper and paperboard.

There are two questions this research seeks to answer. Firstly, whether or not Indonesian law regarding safeguard measures is in accordance with the rules set by World Trade Organization, that is Agreement on Safeguards and Article XIX General Agreement on Tariffs and Trade (GATT 1994). Secondly, whether or not the safeguard measure taken by Indonesia on imports of coated paper and paperboard is in accordance with the Agreement on Safeguards and Article XIX of GATT 1994. In answering those questions, the author employs normative based research, which relies on literature and data.

This research reaches the following conclusions, that firstly, Indonesian law in regards to safeguard measures is in line with the rules set by Agreement on Safeguards and Article XIX of GATT 1994. Secondly, that the safeguard measure taken by Indonesia on imports of coated paper and paperboard is legitimate based on Agreement on Safeguards and Article XIX of GATT 1994.

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