

INTISARI

ANALISIS PERUMUSAN KOMITMEN *ENVIRONMENTAL GOODS* (EGs) *LIST ASIA-PACIFIC ECONOMIC COOPERATION* DAN DAMPAKNYA DALAM PERDAGANGAN INTERNASIONAL *CRUDE PALM OIL* (CPO) INDONESIA BERDASARKAN KETENTUAN PASAL XXIV *GENERAL AGREEMENT ON TARIFFS AND TRADE* (GATT) 1994

Oleh:

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Bahwa penulisan Tesis ini ditujukan untuk mengkaji keselarasan antara ketentuan yang diberlakukan dalam Pasal XXIV *General Agreements on Tariffs and Trade* (GATT) 1994 terhadap proses perumusan *Environmental Goods* (EGs) *List Asia-Pacific Economic Cooperation* (APEC). Termasuk penulisan Tesis ini ditujukan untuk memenuhi persyaratan untuk meraih derajat S-2 di Program Studi Magister Ilmu Hukum.

Penulisan Tesis ini menggunakan metode penelitian studi pustaka yang dilengkapi dengan wawancara untuk menyempurnakan hasil penelitian. Wawancara yang dilakukan melibatkan kementerian perdagangan sesuai dengan topik penulisan Tesis.

Tidak masuknya *Crude Palm Oil* (CPO) Indonesia ke dalam *Environmental Goods* (EGs) *List Asia-Pacific Economic Cooperation* (APEC) memunculkan pertanyaan mengenai perlakuan non diskriminasi yang seharusnya diterima oleh Indonesia sebagai negara anggota *General Agreements on Tariffs and Trade* (GATT). Oleh karenanya menjadi penting untuk mengetahui proses pelaksanaan perundingan APEC sehingga mencapai komitmen EGs List APEC ditinjau dari pemberlakuan prinsip perdagangan sesuai dengan Pasal XXIV GATT 1994 beserta dampaknya terhadap ekspor CPO Indonesia. Analisis Hasil Penelitian yang dilakukan menunjukkan bahwa proses perundingan APEC tidak diatur di dalam Pasal XXIV GATT 1994 dan murni didasarkan kepada penerapan prinsip kerja sama APEC yaitu, (i) konsensus, (ii) sukarela dan tidak mengikat, (iii) *collateral uniteralism*, dan (iv) *differentiated time frame*. Namun sebagai akibatnya, tidak masuknya CPO Indonesia ke dalam EGs List APEC menyebabkan tren ekspor CPO Indonesia dari tahun 2012 hingga tahun 2016 menurun sementara nilai ekspor di tahun 2016 meningkat diakibatkan naiknya harga minyak dunia.

Kata Kunci: Perdagangan Internasional, *Environmental Goods List* APEC, Ekspor *Crude Palm Oil* Indonesia, Pasal XXIV GATT 1994

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ABSTRACT

ANALYSIS ON THE FORMULATION OF APEC ENVIRONMENTAL GOODS (EGs) LIST AND ITS EFFECT TO INDONESIAN CRUDE PALM OIL (CPO) INTERNATIONAL TRADE BASED ON ARTICLE XXIV GENERAL AGREEMENT ON TARIFFS AND TRADE (GATT) 1994

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This writing is purposed to analyse the compliance of commitment formulation process of Environmental Goods (EGs) List Asia-Pacific Economic Cooperation (APEC) against Article XXIV General Agreements on Tariffs and Trade (GATT) 1994. This thesis is also requirement to obtain master degree at Program Studi Magister Ilmu Hukum Fakultas Hukum Universitas Gadjah Mada.

This writing applied literature review with interview to complete the result of the research. The interview involved the official of Ministry of Trade which is in-line with the topic of this writing.

The exclusion of Indonesian Crude Palm Oil to the Environmental Goods (EGs) List of Asia-Pacific Economic Cooperation (APEC) has arouse number of question. This is due the status of Indonesia as member of General Agreements on Tariffs and Trade (GATT) which may not receive any non-discrimination treatment. Therefore, it becomes crucial to understand the proceeding of APEC negotiation in reaching the agreement on EGs List of APEC, especially from the perspective of trade principle under Article XXIV of GATT 1994 and its impact on Indonesia's CPO exports. The analysis of this writing presents that the negotiation proceeding of APEC is not regulated in Article XXIV GATT 1994 and made purely based on the APEC cooperation principles, which are (i) consensus, (ii) voluntary and non-binding, (iii) collateral unilateralism, and (iv) differentiated time frame. However, as its consequence, the exclusion of Indonesian CPO to EGs List decrease its export trend from 2012 to 2016. whereas on the contrary, due to the increase price of world oil the Indonesian export also increasing concurrently.

Keywords: International Trade, APEC Environmental Goods List, Indonesian Crude Palm Oil Export, Article XXIV GATT 1994.

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