

Penggunaan barang dalam negeri di sektor pertambangan mineral dan batubara di Indonesia serta kesesuaiannya dengan aturan local content requirements yang ada dalam kerangka agreement on trade-related investment measures (perjanjian TRIMs) = Use of domestic goods in the mineral and coal mining sector in Indonesia as well as their conformity with the local content requirements in the framework of agreement on trade-related investment measures (TRIMs agreement)

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Abstrak

ABSTRACT

Sejak Oktober Tahun 2009, terdapat Committee on TRIMs yang secara konsisten membahas Local Content Requirements di sektor pertambangan mineral dan batubara di Indonesia yang dinilai melanggar Paragraf 1 (a) Daftar Ilustrasi Perjanjian TRIMs. Skripsi ini merupakan penelitian hukum normatif dengan tipe pendekatan perundang-undangan. Kesimpulan dari Skripsi ini adalah adanya pengaturan penggunaan barang dalam negeri di sektor pertambangan mineral dan batubara di Indonesia yang tidak sesuai dengan ketentuan Local Content Requirements yang ada dalam kerangka Agreement On Trade-Related Investment Measures (Perjanjian TRIMs). Tidak ada aturan dalam Perjanjian TRIMs yang dapat mengecualikan aturan penggunaan barang dalam negeri di sektor pertambangan mineral dan batubara di Indonesia. Harus dilakukan langkah-langkah penyesuaian oleh pemerintah Indonesia agar Indonesia tidak melanggar komitmennya sebagai negara anggota dari World Trade Organization. Namun, Pemerintah Indonesia harus tetap mendorong kegiatan perdagangan barang dalam negeri.

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ABSTRACT

Since October 2009, there has been a Committee on TRIMs that consistently addresses Local Content Requirements in the mineral and coal mining sector in Indonesia which are considered to violate Paragraph 1 (a) List of Illustrations of the Agreement on TRIMs. This thesis is a normative legal research with a type of legislation approach. The conclusion of this thesis is the regulation of the use of domestic goods in the mineral and coal mining sector in Indonesia that are not in accordance with the provisions of the Local Content Requirements contained in the framework of the On Trade-Related Investment Measures Agreement (Agreement on TRIMs). There are no rules in the TRIMs Agreement which can exclude the rules for the use of domestic goods in the mineral and coal mining sector in Indonesia. Adjustments must be made by the Indonesian government so that Indonesia does not violate its commitment as a member state of the World Trade Organization. However, the Indonesian Government must continue to encourage domestic goods trading activities.