

Analisis yuridis terkait penerapan tindakan pengamanan perdagangan (safeguards) terhadap impor ubin keramik = Judicial analysis regarding the application of safeguard measure on import of ceramic tiles

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Abstrak

ABSTRACT

Skripsi ini membahas mengenai penerapan tindakan pengamanan perdagangan terhadap Impor Ubin Keramik yang dilakukan oleh Komite Pengamanan Perdagangan Indonesia sebagai salah satu bentuk perlindungan atas kerugian serius atau ancaman kerugian serius yang dialami akibat adanya lonjakan impor produk ubin keramik. Metodologi penelitian yang digunakan dalam penulisan skripsi ini adalah perskriptif, yaitu mempelajari tujuan hukum, nilai-nilai keadilan, validitas aturan hukum, konsep-konsep hukum dan norma-norma hukum lain. Pokok permasalahan dalam skripsi ini adalah bagaimanakah kepatuhan Komite Pengamanan Perdagangan Indonesia melakukan penyelidikan terhadap lonjakan impor ubin keramik terhadap GATT 1947, WTO Agreement on Safeguards, dan PP No. 34 tahun 2011 tentang Tindakan Antidumping, Tindakan Imbalan dan Tindakan Pengamanan Perdagangan serta preseden-preseden yang telah dikeluarkan oleh WTO-DSB. Berdasarkan hasil penelitian penulis, penerapan tindakan pengamanan perdagangan terhadap Impor ubin keramik belum memenuhi semua batasan yang telah diberikan oleh GATT 1947, WTO Agreement on Safeguards dan juga putusan yang telah dikeluarkan oleh WTO-DSB dan memerlukan pembaharuan dalam metode penyelidikan serta pemberian pengamanan perdagangan.

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ABSTRACT

This thesis is discussing regarding the application of safeguards measures on the import of ceramic tiles which was conducted by the Indonesian Committee of Safeguards Measure as a protection to minimize of serious injury or threat of serious injury which was caused by the surge of import on ceramic tiles product. The method that is used in this research is prescriptive, which are to study about the purposes of the law, the value of justice, the validity of the law, the concept and the other principles of law. Main issue in this thesis is to understand the compliance of application of safeguard measure that has been done by the Indonesian Committee of Safeguards Measure on conducting the investigation the surge of imports of ceramic tiles to the GATT 1946, WTO Agreement Safeguards, and Government Regulation No. 34/2011 regarding Antidumping Measure, Compulsory Measure, and Trade Safeguard Measure as well as the precedent of WTO-DSB. Based on the writers research, the application of the safeguard measures on import of the ceramic tiles did not comply to all the factors that has been made by GATT 1947, WTO Agreement on Safeguards and WTO-DSB decisions. It needs modifications concerning the methods of investigation and the application of the safeguards measures.