

Bentuk Mekanisme Pertahanan Perdagangan (Trade Defence) Menurut Perjanjian WTO: Studi Perbandingan Trade Defence pada Sektor Baja di Amerika Serikat dan Masyarakat Ekonomi Eropa = Form of International Trade Defence Mechanism in Accordance with The WTO Agreement: Comparative Study of Trade Defence in Steel Sector at The United States and European Union

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Abstrak

Skripsi ini membahas bentuk mekanisme pertahanan perdagangan (*trade defence*) menurut perjanjian WTO dan membandingkan bentuk mekanisme pertahanan perdagangan pada sektor baja di Amerika Serikat (AS) dan Masyarakat Ekonomi Eropa (MEE) dengan Indonesia. Hal ini karena baja merupakan sektor yang paling terpengaruh oleh tindakan pertahanan perdagangan (khususnya *anti-dumping* dan *safeguard*). Hasil penelitian yang menggunakan metode yuridis normatif dengan pendekatan perundang-undangan dan komparatif, menyimpulkan bahwa terdapat setidaknya tiga bentuk mekanisme pertahanan perdagangan menurut perjanjian WTO yaitu, *anti-dumping*, *countervailing*, dan *safeguard*. Adapun berdasarkan hasil perbandingan, pengaturan *trade defence* pada sektor baja di AS dan MEE memiliki ketentuan tentang *anti-circumvention*, sedangkan di Indonesia tidak. Adanya pengaturan *anti-circumvention* ini menguatkan tindakan *anti-dumping* AS dan MEE, sehingga negara-negara tersebut mampu melindungi industri baja dalam negerinya dari kerugian akibat perdagangan yang tidak seimbang. Indonesia belum memiliki pengaturan *anti-circumvention*, sehingga Bea Masuk *Anti-Dumping* yang diterapkan menjadi tidak efektif. Oleh karena itu, untuk melindungi industri baja domestik, perlu pengaturan *anti-circumvention* dalam tata hukum Indonesia yang setidaknya mencakup bentuk-bentuk *circumvention* dan prosedur tindakan, sebagaimana yang telah dilakukan Amerika Serikat dan Masyarakat Ekonomi Eropa.

.....This thesis discusses the forms of trade defence mechanisms regulated by WTO agreement and compares the form of trade defence mechanisms in steel sector that applied by the United States (US) and the European Union (EU) with Indonesia. This is because steel is the most affected sector by trade defence, especially anti-dumping and safeguard measures. Result of this normative legal research through a statutory and comparative approach conclude that there are at least three forms of trade defence mechanisms according to WTO agreement, i.e. anti-dumping, countervailing, and safeguard. As based on the result of comparison, the trade defence regulation in the steel sector at US and EU has provision regarding anti-circumvention, whereas in Indonesia does not. With the existence of anti-circumvention provisions, it reinforces US and EU anti-dumping actions, so that these countries are able to protect the domestic steel industry from injury due to unfair trade. Indonesia does not have anti-circumvention provision yet, so that the anti-dumping duty applied becomes ineffective. Therefore, in order to protect the domestic steel industry, anti-circumvention provision is needed in the Indonesia legal system to regulate forms of circumvention and procedures of imposing anti-circumvention duty, as has been done by the United States and the European Union.