

# Analisis ketentuan Renewable Energy Directive II berdasarkan Technical Barriers to Trade (TBT) Agreement: Studi kasus DS: 593 Indonesia melawan Uni Eropa = Analysis of Renewable Energy Directive II Provisions based on Technical Barriers to Trade (TBT) Agreement: Case study DS: 593 Indonesia against the European Union

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## Abstrak

Penelitian ini akan mengkaji Technical Barriers to Trade (TBT) Agreement terhadap tindakan proteksi impor crude palm oil yang dilakukan oleh Uni Eropa terhadap Indonesia. Penelitian ini bertujuan untuk menyelidiki permasalahan antara Indonesia-Uni Eropa dalam hambatan perdagangan proteksi impor CPO. Penelitian ini merupakan penelitian yuridis normatif yakni berdasarkan dokumen Pustaka seperti buku, jurnal, peraturan Perundang-undangan dan lain-lain. Adapun bahan hukum yang dipergunakan yakni GATT serta Perjanjian Internasional dan Undang-Undang yang terkait. Bahan hukum sekunder berupa artikel-artikel yang terkait. Berdasarkan temuan hipotesis penelitian yakni konsumsi barang domestik yang diproduksi di Uni Eropa mengalami penurunan sedangkan impor meningkat setelah terbitnya RED II 2018. Hambatan perdagangan merupakan hal yang dilarang oleh WTO, tetapi negara-negara diizinkan untuk memberlakukan pembatasan perdagangan untuk melindungi industri dan lingkungan negara tersebut. Namun, Uni Eropa telah memperlakukan barang impor dalam hal ini CPO secara tidak adil. Ini terbukti dalam konsep eksplisit RED II Uni Eropa, yang menganggap negara lain akan mengadopsi norma pasar yang searah dengan kebijakan Uni Eropa atau mematuhi standar Uni Eropa untuk mempertahankan akses ke pasar Uni Eropa. Konsekuensinya, Uni Eropa dapat memanfaatkan dominasi pasarnya untuk mendorong negara lain.

.....This research will examine the Technical Barriers to Trade (TBT) Agreement on the protection measures for the import of crude palm oil by the European Union against Indonesia. This study aims to investigate the problems between Indonesia and the European Union in trade barriers to protect CPO imports. This research is a normative juridical research based on literary documents such as books, journals, laws and regulations and others. The legal materials used are GATT as well as international agreements and related laws.

Secondary legal material in the form of related articles. Based on the findings of the research hypothesis, namely the consumption of domestic goods produced in the European Union has decreased while imports have increased after the publication of RED II 2018. Trade barriers are prohibited by the WTO, but countries are allowed to impose trade restrictions to protect the country's industry and the environment. However, the European Union treats imported goods, in this case CPO, unfairly. This is evident in the EU's explicit concept of RED II, which presupposes that other countries will adopt market norms consistent with EU policies or adhere to EU standards in order to maintain access to EU markets. Consequently, the European Union can leverage its market dominance to encourage other countries.