

# Implementasi kebijakan pemerintah Indonesia dalam penanganan kasus tuduhan Dumping dari negara Malaysia = the Implementation policy of the government of the Republic of Indonesia in antidumping cases against Malaysia

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## Abstrak

Implementasi Kebijakan Pemerintah Indonesia dalam Penanganan Kasus Tuduhan Dumping dari Negara Malaysia. Dilakukan pendeskripsian implementasi kebijakan Pemerintah Indonesia atas Persetujuan Antidumping yang dilaksanakan oleh institusi pengamanan perdagangan dalam menangani kasus tuduhan dumping dari negara Malaysia. Tuduhan dumping dikenakan kepada Indonesia karena industri dalam negeri Malaysia merasa dirugikan dengan adanya produk impor dari Indonesia yang dijual dengan harga lebih murah dibandingkan dengan harga domestik. Berlaku sebagai pokok permasalahan tesis adalah bagaimanakah resolusi penyelesaian penanganan kasus tuduhan dumping dan apakah resolusi penyelesaian penanganan kasus dapat menurunkan atau menghapuskan Bea Masuk Antidumping yang ditetapkan oleh Otoritas Antidumping Malaysia. Adapun tujuan penelitian adalah untuk menjelaskan resolusi penyelesaian penanganan kasus tuduhan dumping dari Malaysia oleh Pemerintah Indonesia yang dapat menurunkan atau menghapuskan Bea Masuk Antidumping.

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Tesis menggunakan tipe penelitian deskriptif dengan pendekatan kuantitatif. Data yang digunakan dalam penelitian terdiri dari data primer dan sekunder. Data primer diperoleh dari diskusi, wawancara dan penyebaran kuesioner. Diskusi dan wawancara dilakukan secara terpisah terhadap pihak yang menangani kasus tuduhan dumping, serta penyebaran kuesioner kepada produsen/eksportir yang pernah mendapatkan advokasi atau pembelaan atas kasus tuduhan dumping dari Otoritas Antidumping Malaysia. Data sekunder diperoleh melalui kajian terhadap berbagai tulisan yang terdapat di jurnal perdagangan internasional, makalah, artikel, buku-buku yang relevan dengan penelitian, dan peraturan perundang-undangan.

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Dan hasil pengolahan dan analisis data dapat diformulasikan beberapa butir kesimpulan sebagai berikut: (1) Tingkat pemahaman dunia usaha terhadap masalah dumping sudah memadai. Dengan catatan, hanya perusahaan berskala besar yang bersedia untuk melibatkan diri dalam proses yang membutuhkan kehadiran langsung wakil perusahaan dalam hal hearing dan dispute. (2) Keberadaan Institusi Pengamanan Perdagangan sebagai pendamping yang berperan menangani dan mengatasi tuduhan dumping, direspon oleh perusahaan dengan variasi yang lebar rentangnya. Namun pada intinya semua produsen/eksportir menyepakati pentingnya keberadaan dan peran yang dijalankan Institusi Pengamanan Perdagangan sebagai pendamping, terutama dalam kerangka penyelesaian antar pemerintah (Government to Government) (3). Institusi Pengamanan Perdagangan sudah bertindak proaktif dengan cara memberitahukan kepada pihak yang berkepentingan tentang akan adanya penyelidikan antidumping oleh negara Malaysia terhadap produk impor asal Indonesia, sejalan dengan pelaksanaan pasal 6.11 Anti-dumping Agreement tentang interested parties dan pasal 12 Antidumping Agreement tentang public notice.

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Mengacu kepada kesimpulan di atas, beberapa saran yang dapat dan perlu ditindaklanjuti adalah sebagai berikut; (1) Diperlukan aturan hukum dalam Undang-undang Perdagangan dan manual baku yang dapat dijadikan pedoman penyelesaian penanganan tindakan antidumping khususnya kasus tuduhan dumping dari Malaysia. (2) Perlunya pemahaman akan arti penting lobbying dalam mengantisipasi kemungkinan adanya tuduhan dumping dari negara mitra dagang. (3) Perlu dilakukan penelitian lebih lanjut dan lebih komprehensif mengenai prioritas pelayanan Institusi Pengamanan Perdagangan terhadap produsen/eksportir Indonesia yang terkena tuduhan dumping.

*The Implementation Policy of the Government of the Republic of Indonesia in Antidumping Cases Against Malaysia. Description regarding the implementation policy of the Government of the Republic of Indonesia is made on the basis of the Antidumping Agreements conducted by Indonesia which is directly handled by the Institution of Trade Defense. The antidumping case against Indonesia is raised by Malaysia since its domestic industry suffered an injury caused by Indonesian imported products which is sold at a lower price than its domestic price. The underlined issue in this thesis refers to how the dispute settlement in antidumping case can be resolved and whether this case of dispute settlement can be reduced or eliminated the Antidumping Duty which has been imposed by the Malaysian Antidumping Authority. Nevertheless, the aim of this research is to analyze how the Government of Indonesia handling of the dispute settlement in antidumping case against the Malaysian Government in relation to the possible reduction or elimination of Antidumping Duty.*

This thesis used a descriptive part of research of methodology with quantitative approach. The data used in this research contained of primary data and secondary data. The primary data was obtained from results of discussion and interviews, and disseminating questionnaire. Discussion and interviews were conducted separately to interested parties subject to antidumping case as well as the dissemination of questionnaire to producer/exporter after receiving advocacy subject to the Malaysian antidumping case against Indonesia. On the other side, the secondary data was sourced from various articles contained in international trade journal, thesis, books, research materials, antidumping regulation handbooks, and legislations.

The result of data processing and analysis can be formulated into several points of conclusions, as follow: (1) The level of knowledge of the business sectors is sufficient However, there are only large scale companies who are willing to be involved in the process that requires participation from representatives of companies in the case of hearing and dispute. (2) The accompanying of the Institution of Trade Defense in charge in handling the antidumping case has been responded by companies with various perceptions. Nevertheless, the essence laid whether the producers/exporters agreed on the importance of the functions and roles of the institution of Trade Defense as being the associated parties, particularly in the framework of dispute settlement between Governments. (Government to Government). (3). The Institution of Trade Defense had been pro-actively notified the interested parties regarding the initiation of antidumping investigation by the Malaysian Antidumping Authority against the imported product originated from Indonesia, in line with the implementation of Article 6.11 of Antidumping Agreement regarding interested parties and Article 12 Antidumping Agreement regarding public notice.

Referring to the above conclusions, there are several recommendations to be followed up, as follow: (1). The need of regulation governed under Legal Acts and manual handbooks as a guidance for handling dispute

settlement in antidumping cases, particularly the Malaysian antidumping case. (2). The level of knowledge on the importance of lobbying in order to anticipate the possibility of antidumping case raised by trade dialogue partners. (3). The need to conduct further research and a more comprehensive service priorities provided by the Institution of Trade Defense to the Indonesian producers/exporters subject to anti dumping case.</i>