

**Analisa yuridis terhadap larangan peredaran rokok kretek Indonesia di Amerika Serikat, sebagai akibat pemberlakuan section 907 (a)(1)(A) Family Smoking Prevention and Tobacco Control Act, ditinjau dari Agreement on Technical Barriers to Trade = Juridical review on Indonesia clove/kretek ciggarettes ban in United States of America, due to the enactment of section 907 (a)(1)(A) Family Smoking Prevention and Tobacco Control Act, in Accordance with Agreement on Technical Barrier to Trade**

Annisa Sukmasari, author

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Abstrak

Delapan belas tahun semenjak World Trade Organization/WTO berdiri, telah banyak kebijakan Perdagangan Internasional Negara-Negara anggota WTO yang dinilai Dispute Settlement Body WTO telah melanggar GATT dan perjanjian-perjanjian WTO lainnya. Salah satunya adalah sengketa rokok kretek Indonesia dengan Amerika Serikat. Pada tanggal 22 Juni 2009, Amerika Serikat mengeluarkan Family Smoking Prevention and Tobacco Control Act, dimana dalam Sec. 907(a)(1)(A) FSPTCA terdapat aturan mengenai larangan peredaran rokok beraroma (Characterized Flavours) di Amerika Serikat, namun mengecualikan rokok mentol dari larangan ini. Indonesia sebagai Negara pengeksport rokok kretek terbesar di Amerika Serikat mengalami kerugian yang sangat besar akibat pemberlakuan Sec.907(a)(1)(A) FSPTCA dan menilai bahwa pemberlakuan Sec. 907 (a)(1)(A) FSPTCA ini telah melanggar ketentuan dalam GATT dan Agreement on Technical Barriers to Trade.

Didalam skripsi ini dibahas bagaimana pengaturan-pengaturan mengenai hambatan teknis (hambatan non tariff) yang terdapat dalam Agreement Technical Barriers to Trade dan kedudukannya didalam WTO. Dan kemudian secara khusus meninjau apakah keberlakuan Sec. 907 (a)(1)(A) FSPTCA ini telah sejalan dengan ketentuan-ketentuan WTO yang terdapat dalam Agreement on Technical Barriers to Trade.

*For eighteen year since it is established, the WTO has issued a lot of policies that are deemed by the WTO Dispute Settlement Body to violate GATT and other WTO agreements. One of the said policies are the dispute on kretek / clove cigarettes between Indonesia and the United States of America. In 22nd of June 2009, America has issued an act called Family Smoking Prevention and Tobacco Control Act, where in Section 907 (a)(1)(A) of the act there are rulings about the restriction againts selling characterized flavors cigarrate but excluding methol cigarette from the restriction. As the biggest kretek/clove cigarette exporter in the United States, Indonesia is suffering from a huge loss due to the implementation of the said act specifically Section 907 and assess that this act is a violation towards provision in GATT and Agreement on Technical Barriers to Trade.*

*This thesis focuses on how the International Trade Law are implemented in general in GATT/WTO and rules regarding technical barrier (non tariffs barrier) that is in the Agreement Technical Barriers to Trade. And this thesis specifically observe whether or not the validity of Section 907 FSPTCA is in line with the WTO provisions that is in Agreement on Technical Barriers to Trade.*