

Pengecualian aplikasi tindakan pengamanan perdagangan (Safeguard Measure) terhadap negara negara berkembang dalam World Trade Organization = The exception of safeguard measure for developing countries under World Trade Organization.

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Abstrak

Skripsi ini membahas pengaturan tindakan safeguard dalam ketentuan World Trade Organization (WTO), yaitu Pasal XIX The General Agreement on Tariffs and Trade (GATT) dan Agreement on Safeguards (SA). Dalam menerapkan tindakan safeguard, harus diperhatikan unsur prosedural dan substantifnya. Dalam unsur prosedural, harus dipenuhi langkah-langkah investigasi, notifikasi, dan konsultasi. Dalam unsur substantif harus diperhatikan kenaikan impor yang menyebabkan kerugian serius atau ancamannya terhadap industri domestik. Selain itu, terdapat batasan-batasan yang harus diperhatikan dalam mengenakan tindakan safeguard terhadap negara lain, khususnya terhadap negara-negara berkembang.

Negara-negara berkembang memiliki hak khusus berdasarkan Pasal 9.1 SA yang dapat dikecualikan atas dikenakannya tindakan safeguard, jika memenuhi persyaratan de minimis levels. Selanjutnya, skripsi ini membahas kasus tindakan safeguard di negara-negara berkembang terkait Pasal 9.1 SA, yaitu kasus US - Line Pipe (2002), US - Steel Safeguards (2003), dan Dominican Republic - Polypropylene Bags and Tubular Fabric (2012).

This thesis studies the regulations concerning safeguard measure under the provisions of World Trade Organization (WTO), which are Article XIX of The General Agreement on Tariffs and Trade (GATT) and Agreement on Safeguards (SA). In order to apply safeguard measure, the procedural and substantive elements must be observed. Procedurally, it shall meet the requirements of investigation, notification, and consultation. Substantively, it shall consider the increase of import that causes a serious injury or threat thereof to the domestic industry. Furthermore, there are limits in applying safeguard measure to other countries, especially developing countries.

Developing countries have special rights pursuant to Article 9.1 SA, where they can be excluded from the safeguard measure application, if they fulfill the requirement of de minimis levels. This thesis, additionally, studies some cases of safeguard measure in developing countries pursuant to Article 9.1 SA, which are US - Line Pipe (2002), US - Steel Safeguards (2003), and Dominican Republic - Polypropylene Bags and Tubular Fabric (2012).