

Analisis investigasi subsidi perikanan pada kasus frozen warmwater shrimp subsidies terkait Indonesia dan Amerika Serikat pada tahun 2013 = Analysis of fishery subsidy investigation in frozen warmwater shrimp subsidies case related with Indonesia and United States in 2013 / Josephine Vivian

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Abstrak

ABSTRAK

Tesis ini menganalisa mengenai proses investigasi Amerika Serikat (AS) atas kasus Frozen Warmwater Shrimp Subsidies yang menyangkut Indonesia yang dinilai telah melakukan subsidi dan merugikan industri domestik AS. Konsistensi antara proses tindakan anti-subsidi (CVD) yang dilakukan otoritas investigasi AS dan ketentuan WTO khususnya Agreement on Subsidies and Countervailing Measures (ASCM) akan dilihat dalam tesis ini. Penulisan tesis ini menggunakan metode penelitian hukum normatif dengan hasil preskriptif. Hasil penelitian menyarankan agar memastikan proses penyelidikan yang dilakukan AS terhadap Indonesia dan tindakan pemerintah Indonesia dalam membuktikan dirinya tidak bersalah sesuai dengan hukum WTO, sehingga penyimpangan terhadap pemakaian tindakan anti-subsidi dapat dihindari demi kepentingan perdagangan internasional bagi seluruh anggota WTO. Selain itu, WTO perlu memberikan perhatian lebih terhadap isu dominansi negara-negara maju dalam menerapkan tindakan anti-subsidi terhadap negara-negara berkembang yang dapat dijadikan alasan untuk sikap proteksi atas industri domestik negara-negara maju tersebut atau kepentingan-kepentingan lainnya.

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ABSTRACT

This thesis analyzes the process of investigation of the United States (US) on Frozen Warmwater Shrimp Subsidies case against Indonesia who had committed subsidies and cause injury to the US domestic industry. The consistency between process of anti-subsidy measures (CVD) who conducted by US investigation authorities and the provisions of WTO especially the Agreement on Subsidies and Countervailing Measures (ASCM) will be viewed in this thesis. This thesis uses the method of normative legal research as to result in a prescriptive advice. The results of the study suggest that ensures the investigation process conducted by AS against Indonesia and the Indonesian Government measures to prove his innocence in accordance with the WTO law, so that deviations from the use of anti-subsidy measures can be avoided in the interest of international trade for all WTO members. Moreover, the WTO needs to pay more attention to the issue of dominance of developed countries in implementing anti-subsidy measures against

developing countries that can be used as an excuse for protectionism on the domestic industry of the developed countries or other interests.