

Implementasi perjanjian perdagangan barang ASEAN (ATIGA) di dalam hukum nasional indonesia = Implementation of Asean trade in goods agreement (ATIGA) in national law of Indonesia

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Abstrak

[Selama bertahun-tahun, kerjasama di kawasan ASEAN menunjukkan banyak kemajuan. Saat ini, dengan sebuah visi bersama sebagai suatu kesatuan dari Bangsa-Bangsa Asia Tenggara yang hidup dalam perdamaian dan terikat bersama-sama di dalam kemitraan untuk pembangunan yang dinamis dan sebagai komunitas masyarakat yang saling peduli, para Pemimpin ASEAN sepakat untuk membentuk Masyarakat Ekonomi ASEAN 2015. Pembentukan Masyarakat Ekonomi ASEAN (AEC) 2015 akan membawa peluang ekonomi yang sangat besar serta memberikan tantangan besar bagi masing negara-negara di wilayah tersebut. Peluang ekonomi ini akan menghasilkan akses pasar yang lebih besar untuk ekspor dan environment yang lebih liberal bagi investasi asing. Ada 4 (empat) kunci karakteristik dari pembentukan AEC : (a) suatu pasar tunggal dan berbasis produksi; (b) wilayah ekonomi yang sangat kompetitif; (c) wilayah pembangunan ekonomi yang adil; dan (d) kawasan yang terintegrasi ke dalam ekonomi global. Untuk mencapai tujuan pembentukan pasar tunggal dan berbasis produksi dengan aliran bebas barang, para Menteri Ekonomi ASEAN di bulan Agustus 2007 sepakat untuk meningkatkan the Common Effective Preferential Tariff for ASEAN Free Trade Agreement (CEPT-AFTA) menjadi instrumen hukum yang lebih komprehensif. Hal ini yang menyebabkan penandatanganan ASEAN Trade in Goods Agreement (ATIGA) tanggal 29 Februari 2009, di Chaam, Thailand. Setelah penandatanganan kesepakatan itu, negara-negara anggota ASEAN (AMSs), termasuk Indonesia, diwajibkan untuk menerapkan dan mengembangkan kebijakan mereka sesuai dengan kesepakatan dimaksud. Oleh karena itu, pasca keikutsertaan Indonesia dalam kesepakatan dimaksud, Pemerintah Indonesia harus mentransformasikan kesepakatan dimaksud ke dalam hukum domestiknya. Pemerintah Indonesia telah meratifikasi kesepakatan dimaksud melalui Peraturan Presiden No. 2 Tahun 2010 tentang Pengesahan ASEAN Trade in Goods Agreement. Ratifikasi diikuti dengan mengeluarkan Keputusan Menteri Keuangan dan Keputusan Menteri Perdagangan. Keputusan-keputusan yang dikeluarkan oleh Pemerintah Indonesia diharapkan dapat membantu otoritas Indonesia dalam memperkuat posisi Indonesia di ASEAN. Penelitian dalam tesis ini menggunakan penelitian yuridis normatif. Tesis ini juga akan membahas keuntungan, kerugian, dan tantangan ATIGA bagi Indonesia serta sejauh mana implementasi ATIGA di dalam hukum nasional Indonesia.;Over the years, cooperation in ASEAN region has shown a lot of progress. Now, with a shared vision of ASEAN as a unified body of Southeast Asian Nations living in peace and bounded together in partnership for dynamic development and as a community of caring communities, ASEAN Leaders resolved to establish an ASEAN Economic Community in 2015. The establishment of an ASEAN Economic Community (AEC) in 2015 will bring enormous economic opportunities as well as great challenges for the individual member countries in the region. These economic opportunities will result greater market access for exports and more liberal environment for foreign investment. There are 4 (four) key characteristics of AEC establishment : (a) a

single market and production base; (b) a highly competitive economic region; (c) a region of equitable economic development and (d) a region fully integrated into the global economy. To achieve the goal of establishing the single market and production base with the free flow of goods, the ASEAN Economic Ministers agreed in August 2007 to enhance the Common Effective Preferential Tariff for ASEAN Free Trade Agreement (CEPT-AFTA) into a more comprehensive legal instrument. This has led to the signing of the ASEAN Trade in Goods Agreement (ATIGA) in February 29, 2009, at Chaam, Thailand. After signing the agreement, the AMSs, including Indonesia, is required to implement and to develop their policies in accordance with the agreement. Therefore, after Indonesia's participation in the aforesaid agreement, the Government of Indonesia have to transform the agreement into domestic law. Then, the Indonesian Government ratified the agreement through Presidential Decree No. 2 of 2010 on the Ratification of the ASEAN Trade in Goods Agreement. Ratification is followed by issuing of Finance Ministerial Decree and Trade Ministerial Decree. Those decisions issued by the Government of Indonesia are expected could help the Indonesia's authorities in strengthening the position of Indonesia in ASEAN. The research conducted in this thesis is normative juridical research. This thesis also discusses the advantages, disadvantages, and challenges of ATIGA for Indonesia. The extent of implementation of ATIGA in national law of Indonesia will be discussed as well., Over the years, cooperation in ASEAN region has shown a lot of progress. Now, with a shared vision of ASEAN as a unified body of Southeast Asian Nations living in peace and bounded together in partnership for dynamic development and as a community of caring communities, ASEAN Leaders resolved to establish an ASEAN Economic Community in 2015. The establishment of an ASEAN Economic Community (AEC) in 2015 will bring enormous economic opportunities as well as great challenges for the individual member countries in the region. These economic opportunities will result greater market access for exports and more liberal environment for foreign investment. There are 4 (four) key characteristics of AEC establishment : (a) a single market and production base; (b) a highly competitive economic region; (c) a region of equitable economic development and (d) a region fully integrated into the global economy. To achieve the goal of establishing the single market and production base with the free flow of goods, the ASEAN Economic Ministers agreed in August 2007 to enhance the Common Effective Preferential Tariff for ASEAN Free Trade Agreement (CEPT-AFTA) into a more comprehensive legal instrument. This has led to the signing of the ASEAN Trade in Goods Agreement (ATIGA) in February 29, 2009, at Chaam, Thailand. After signing the agreement, the AMSs, including Indonesia, is required to implement and to develop their policies in accordance with the agreement. Therefore, after Indonesia's participation in the aforesaid agreement, the Government of Indonesia have to transform the agreement into domestic law. Then, the Indonesian Government ratified the agreement through Presidential Decree No. 2 of 2010 on the Ratification of the ASEAN Trade in Goods Agreement.

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