

## Pengaturan antidumping dalam kawasan bebas di Indonesia = Antidumping regulation in the free zone of Indonesia

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### Abstrak

[<b>ABSTRAK</b><br>

Penelitian ini bertujuan untuk menganalisa ketentuan WTO dan hukum nasional Indonesia berkaitan dengan pengaturan dumping dan antidumping di Kawasan Bebas dan upaya yang dapat dilakukan untuk mengenakan atau tidak mengenakan Bea Masuk Antidumping pada barang dumping yang akan masuk ke Kawasan Bebas di Indonesia. Penelitian ini merupakan penelitian hukum yang bersifat yuridis normatif dengan menggunakan data sekunder, diantaranya peraturan perundang-undangan dan buku. Tindakan Antidumping menurut ketentuan WTO pelaksanaannya wajib dilakukan apabila telah dipenuhi syarat-syarat tindakan dumping dan berdasarkan hasil investigasi Komite Antidumping. Perbandingan antara nilai normal dengan nilai ekspor hasil investigasi tersebut akan mendapatkan suatu margin dumping yang dinilai sangat penting dalam menentukan besaran pengenaan Bea Masuk Antidumping. Pada praktiknya, bea masuk antidumping justru dibebaskan dalam Kawasan Perdagangan Bebas dan Pelabuhan Bebas (Kawasan Bebas) sebagaimana Pasal 14 Peraturan Pemerintah Nomor 10 Tahun 2012 tentang Perlakuan Kepabeanan, Perpajakan, dan Cukai Serta Tata Laksana Pemasukan dan Pengeluaran Barang ke dan dari Serta Berada di Kawasan yang Telah Ditetapkan sebagai Kawasan Perdagangan Bebas dan Pelabuhan Bebas. Dengan dibukanya lalu lintas barang yang masuk ke dalam Kawasan Bebas tanpa terkena bea masuk, apalagi bea masuk antidumping, ternyata dapat mengakibatkan terjadinya disorientasi perlindungan dan pengamanan perdagangan yaitu menimbulkan kerugian produsen ataupun industri dalam negeri dan mengakibatkan terhambatnya industri dalam negeri karena kalah bersaing dari produsen luar negeri yang berhasil memasukkan barangnya ke Kawasan Bebas. Ketentuan WTO mengenai Territorial Application-Frontier Traffic-Customs Unions and Free-trade Areas, memungkinkan masuknya barang ke dalam suatu Kawasan Bebas untuk dikenakan Tindakan Pemulihan Perdagangan, salah satunya Tindakan Antidumping, sehingga dapat menjadi dasar bagi Pemerintah Indonesia untuk dapat melakukan perubahan pengaturan mengenai bea masuk pada Kawasan Bebas.

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<b>ABSTRACT</b><br>

This research aims to analyze the provisions of the WTO and the Indonesian national law relating to dumping and anti-dumping regulation in Free

Zone and efforts should be made to wear or not to wear Antidumping Duties on dumping of goods that will go to the Free Zone in Indonesia. This research is a normative juridical law using secondary data, such as legislation and books. Antidumping action under the terms of WTO implementation must be done if the conditions have been fulfilled dumping measures and is based on the results of the investigation Antidumping Committee. The comparison between the normal value with an export value of the results of the investigation will get a dumping margin which was considered very important in determining the amount of the imposition of Antidumping Duty. In practice, anti-dumping duties actually released within the Free Trade Zone and Free Port (Free Zone) as well as Article 14 of Government Regulation No. 10 of 2012 on the Treatment of Customs, Taxation and Excise And Procedure Entry and goods to and from And Being in the Region Defined as Free Trade Zone and Free Port. With the opening of freight traffic coming into the free zone without incurring customs duties, let alone antidumping duties, it can result in disorientation protection and trade security that is causing losses of industrial or domestic producers and resulted in inhibition of domestic industry because of competition from producers outside who managed to enter the country the goods to the free zone. WTO provisions concerning Territorial Application-Frontier Traffic-Customs Unions and Free-trade Areas, allowing the entry of goods into a free zone for the Restoration of Commerce imposed measures, one of which Antidumping Measures, which can be the basis for the Indonesian government to be able to make changes to the settings on duty entered the free zone.;

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