

Analisis tingkat komponen dalam negeri dalam penjualan barang dagangan pada retail modern dan kesesuaiannya terhadap ketentuan World Trade Organization (WTO) serta kesiapan Indonesia atas concern yang diajukan negara anggota WTO terkait retail modern = Analysis on tingkat komponen dalam negeri regulation for modern retail business trading goods and its comparison to World Trade Organization (WTO)s local content requirement provisions and Indonesias readiness against WTO member countries concern related to modern retail / Muhammad Iqbal Pratama

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Abstrak

<b>ABSTRAK</b><br>

Skripsi ini membahas penyesuaian peraturan Tingkat Komponen Dalam Negeri di Indonesia untuk bisnis retail modern dan ketentuan WTO mengenai Local Content Requirements. Indonesia telah meratifikasi Perjanjian Pembentukan WTO dalam Undang-Undang No. 7 Tahun 1994 tentang Pengesahan Agreement Establishing The World Trade Organization, namun sejak 2014, beberapa negara anggota WTO telah mengajukan concern terkait ketentuan dalam Peraturan Menteri Perdagangan No. 53/2012, 68/2012, dan 70/2013 yang beberapa pasalnya diubah dalam 56/2014 yang mengharuskan retail modern untuk menyediakan barang dagangan hasil produksi dalam negeri minimal 80% (delapan puluh persen) dari jumlah dan jenis barang yang diperdagangkan. Ketentuan ini bertentangan dengan Perjanjian TRIMs, yang berlandaskan Pasal III GATT tentang prinsip National Treatment dan Pasal XI tentang prinsip Elimination of Quantitative Restrictions, yang merupakan lampiran dari Perjanjian Pembentukan WTO. Penyesuaian antara peraturan tentang Tingkat Komponen Dalam Negeri Indonesia dan Ketentuan Local Content Requirements akan dilakukan dengan menyesuaikan peraturan dan penerapan pengecualian dalam ketentuan WTO. Berdasarkan ketentuan WTO, ketentuan retail modern ini telah melanggar ketentuan WTO baik Perjanjian TRIMs maupun GATT tanpa adanya pengecualian yang dapat diberlakukan. Untuk menanggapi hal ini, pelaku usaha retail modern di Indonesia bersedia untuk mematuhi peraturan perdagangan yang berlaku dan Kementerian Perdagangan akan mengubah peraturan yang tidak sesuai dengan ketentuan WTO

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<b>ABSTRACT</b><br>

This thesis examined the adjustment of domestic Local Content Requirements rules in Indonesia for the implementation of Modern Retail business in Indonesia and the Local Content Requirements provisions of the WTO. Indonesia

showed their self-approval to WTO by ratifying Law Number 7 of 1994 concerning the Ratification of the Agreement Establishing The World Trade Organization on November 2, 1994. However, since 2014, the Government of Indonesia has received protests from WTO member countries in relation to the Local Content Requirement policy in the form of fulfilling 80% (eighty percent) of domestic products that must be sold on the modern retail market on Ministry of Trade Regulation 53/2012, 68/2012, and 70/2013 which was replaced by Regulation 56/2014. These provisions are contrary to the TRIMs Agreement, principled by Article III GATT on National Treatment and Article XI GATT on General Elimination of Quantitative Restrictions, which is an annex to the WTO Establishment Agreement that has been ratified by Indonesia. Comparison between the regulations of Indonesia's local content requirements and WTO provisions will be done by looking at the adjustments between regulations and the application of WTO exceptions. Based on rules of Local Content Requirements, the Modern Retail has violated TRIMs Agreement with no applicable exceptions on the provisions. To respond to the concerns raised by member countries, modern retailers in Indonesia are willing to comply with applicable regulations and the Ministry of Trade are due to change regulations that are contrary to WTO rules