

Analisis Yuridis Penerapan Pasal 2.1 Agreement On Trade-Related Investment Measures (TRIMS) Terhadap Pelaksanaan Persyaratan Tingkat Komponen Dalam Negeri (TKDN) Dalam Sektor Minyak Dan Gas Bumi Di Indonesia = Juridical Analysis of the Application of Article 2.1 Agreement On Trade-Related Investment Measures (TRIMS) on the Implementation of Domestic Component Level Requirements (TKDN) in the Oil and Gas Sector in Indonesia

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Abstrak

Tesis ini membahas mengenai Analisis Yuridis Penerapan Pasal 2.1 Agreement On Trade-Related Investment Measures (TRIMS) Terhadap Pelaksanaan Persyaratan Tingkat Komponen Dalam Negeri (TKDN) Dalam Sektor Minyak dan Gas Bumi Di Indonesia. Penelitian ini bersifat yuridis normatif. Hasil penelitian ini menyimpulkan bahwa ketentuan Tingkat Komponen Dalam Negeri (TKDN) yang dipersyaratkan dalam sektor Minyak dan Gas Bumi sebagaimana tertuang dalam Peraturan Menteri ESDM No. 15 Tahun 2013 tentang Penggunaan Produk Dalam Negeri Pada Kegiatan Usaha Hulu Minyak dan Gas Bumi merupakan bagian dari belanja Pemerintah Indonesia berdasarkan justifikasi cost recovery sebagaimana tertuang dalam Peraturan Menteri ESDM No.12 Tahun 2020 tentang Perubahan Ketiga Atas Peraturan Menteri Energi dan Sumber Daya Mineral Nomor 08 Tahun 2017 tentang Jumlah Kontrak Bagi Hasil, sehingga ketentuan Pasal III GATT 1994 sebagai salah satu rujukan dalam Pasal 2.1 Agreement On Trade-Related Investment Measures (TRIMS) dapat dikesampingkan dan gugur berdasarkan ketentuan yang diatur dalam Pasal III. 8 GATT 1994. Oleh sebab itu kebijakan TKDN dalam sektor minyak dan gas bumi dapat dimaksimalkan guna memajukan perekonomian dan menyejahterakan Bangsa Indonesia.

.....This thesis discusses the Juridical Analysis of the Application of Article 2.1 Agreement On Trade-Related Investment Measures (TRIMS) on the Implementation of Domestic Component Level Requirements (TKDN) in the Oil and Gas Sector in Indonesia. This research is juridical normative. The results of this study conclude that the provisions of the Domestic Component Level (TKDN) required in the Oil and Gas sector as stated in the Minister of Energy and Mineral Resources Regulation No. 15 of 2013 concerning the Use of Domestic Products in Upstream Oil and Gas Business Activities is part of the Indonesian Government's expenditure based on cost recovery justification as stated in the Minister of Energy and Mineral Resources Regulation No. 12 of 2020 concerning the Third Amendment to the Regulation of the Minister of Energy and Mineral Resources Number 08 of 2017 concerning the Number of Production Sharing Contracts, so that the provisions of Article III of the GATT 1994 as one of the references in Article 2.1 Agreement On Trade-Related Investment Measures (TRIMS) can be waived and invalidated based on the provisions stipulated in Article III. 8 GATT 1994. Therefore, the TKDN policy in the oil and gas sector can be maximized in order to advance the economy and prosper the Indonesian nation.