

Strategi Kemenangan Indonesia Pada Kasus Dumping Kertas Di WTO (Tinjauan Menurut Hukum Islam) = Indonesian Winning Strategy of Dumping Paper Case in WTO (from Islamic Law Perspective)

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Abstrak

Perdagangan bebas antar negara selalu membawa konsekuensi tersendiri, bisa berkonsekuensi baik dan berkonsekuensi tidak baik. Salah satunya adalah yang dialami oleh Indonesia. Indonesia yang memiliki hutan luas sebagai bahan baku kertas, dalam kurun waktu delapan tahun terakhir telah mengalami tiga kali tuduhan praktik dumping kertas dalam perdagangan ke luar negeri atau ekspor. Tuduhan praktik dumping yang dialamatkan ke Indonesia tersebut disampaikan kepada World Trade Organization (WTO), sebagai Lembaga yang menaungi segala permasalahan perdagangan antar negara dalam bentuk pengajuan perkara atau gugatan perdagangan. Salah satu permasalahan yang harus dihadapi Indonesia di WTO adalah tuduhan praktik dumping kertas oleh tiga negara berbeda. Tuduhan praktik dumping tersebut bermula Ketika terdapat tiga negara yaitu Pakistan, Korea Selatan dan Australia yang mengalami kerugian akibat masuknya kertas dari Indonesia dengan harga yang rendah. Akibatnya konsumen di negara mereka masing – masing lebih tertarik membeli produk kertas Indonesia karena lebih murah apabila dibandingkan dengan harga produk kertas bangsa mereka sendiri. Atas tiga gugatan tuduhan praktik dumping kertas di WTO tersebut, Indonesia melakukan beberapa strategi untuk menghadapi tuduhan. Melalui Kerjasama yang sangat baik antara lembaga yaitu Kementrian Luar Negeri, Kementrian Perdagangan dan Kementrian keuangan, Indonesia telah memenangkan ketiga tuduhan perkara dumping kertas dengan masing – masing alasan kemenangan. Dipandang secara hukum Islam, praktik dumping sendiri merupakan praktik yang dilarang apabila bertujuan merugikan negara lain. Namun demikian apabila dipandang sebagai suatu strategi pemasaran maka terdapat pula aktivitas dumping yang diperbolehkan. Oleh karena itu setiap tindakan termasuk dalam perdagangan bebas antar negara harus dititikberatkan pada orientasi kemanfaatan bagi kepentingan masyarakat luas. Hal ini termasuk pula dalam tindakan atau strategi dalam menyelesaikan perkara gugatan dumping di WTO, harus dipandangan dari sisi kebijakan publik yang memberi manfaat kepada bangsa Indonesia. Strategi memenangkan perkara gugatan dumping di WTO dipandang dari teori hukum Maqashid Syariah dilaksanakan dengan mengedepankan sejauh mana memberi manfaat dan kemaslahatan bagi seluruh masyarakat Indonesia bukan saja kepada pelaku usaha terkait tuduhan dumping kertas. Karenanya analisis mendalam atas tuduhan dumping dan langkah – langkah strategis yang akan diambil dalam penyelesaian masalah gugatan mutlak diperlukan.

.....Free trade between countries always brings its own consequences, it can have good and bad consequences. One of them is experienced by Indonesia. Indonesia, which has extensive forests as raw material for paper, in the last eight years has experienced three accusations of paper dumping practices in foreign trade or exports. The allegation of dumping practices addressed to Indonesia was submitted to the World Trade Organization (WTO), as an institution that oversees all trade issues between countries in the form of filing a case or trade lawsuit. One of the problems that Indonesia must face at the WTO is the accusation of paper dumping by three different countries. The accusation of dumping began when three countries, namely Pakistan, South Korea and Australia, suffered losses due to the entry of paper from

Indonesia at low prices. As a result, consumers in their respective countries are more interested in buying Indonesian paper products because they are cheaper when compared to the prices of their own nation's paper products. For the three lawsuits alleging paper dumping practices at the WTO, Indonesia has implemented several strategies to deal with the accusations. Through excellent cooperation between institutions namely the Ministry of Foreign Affairs, the Ministry of Trade and the Ministry of Finance, Indonesia has won all three accusations of paper dumping cases with each winning reason. In view of Islamic law, the practice of dumping itself is a prohibited practice if it aims to harm other countries. However, when viewed as a marketing strategy, dumping activities are also permitted. Therefore, every action included in free trade between countries must be focused on the orientation of benefits for the benefit of the wider community. This is also included in the action or strategy in resolving the dumping lawsuit at the WTO, it must be viewed from the side of public policy that benefits the Indonesian people. The strategy of winning the dumping lawsuit at the WTO, viewed from the Maqashid Syariah legal theory, is implemented by prioritizing the extent to which it provides benefits and benefits for all Indonesian people, not only for business actors related to accusations of paper dumping. Therefore, an in-depth analysis of the allegations of dumping and the strategic steps to be taken in resolving the lawsuit is absolutely necessary.