

Anti Dumping sebagai Tindakan Proteksi Menurut Hukum WTO: Studi Kasus Tuduhan Uni Eropa Terhadap Produksi Stainless Steel Milik Indonesia = Anti-Dumping as a Protective Action under WTO Law: A Case Study of EU Accusations on Indonesia's Stainless Steel Products

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Abstrak

Dalam skripsi ini akan dibahas mengenai tuduhan Uni Eropa mengenai produk stainless steel milik Indonesia apakah melanggar ketentuan Anti Dumping Agreement. Dalam penelitian ini juga membahas mengenai penentuan unsur kerugian (injury) menurut Hukum World Trade Organization (WTO); dan apakah tindakan peningkatan tarif Bea Masuk Anti Dumping (BMAD) yang dilakukan Uni Eropa terhadap produk Stainless Steel Cold Rolled Flat Products (SSCRFP) milik Indonesia telah melanggar ketentuan Pasal VI GATT 1994. Dengan menerapkan metode yuridis normatif dengan pendekatan perundang-undangan dan kasus-kasus yang telah ditangani oleh Dispute Settlement Body, Penelitian ini menyimpulkan dua hal. Pertama. Unsur Kerugian (Injury) oleh WTO didasari dengan melakukan perbandingan antara nilai normal dengan harga ekspor yang menghasilkan margin dumping, dimana hasil margin dumping tersebut akan diklasifikasikan menjadi tiga kategori kerugian, yaitu kerugian materiil, ancaman kerugian, dan adanya hambatan dalam industri domestik. Kedua, tindakan peningkatan tarif BMAD yang dilakukan Uni Eropa terhadap produk SSCRFP milik Indonesia tidak melanggar ketentuan Pasal VI GATT 1994. Hal ini dikarenakan Uni Eropa telah memenuhi unsur adanya ancaman kerugian sesuai dengan Pasal VI GATT 1994.

.....This Undergraduate Thesis will be discussed about the EU's allegations regarding Indonesia's stainless steel products whether they violate the Anti Dumping Agreement. This study also discusses the determination of loss elements (injuries) under the World Trade Organization (WTO) Law; and whether the measures to increase tariffs on Anti-Dumping Customs (BMAD) made by the European Union on Stainless Steel Cold Rolled Flat Products (SSCRFP) products belonging to Indonesia have violated the 1994 provisions. By applying a normative juridical method with a legislative approach and cases already handled by the Dispute Settlement Body, this study concludes two points. First. The WTO's Element of Loss (Injury) is based on comparing the normal value with the export price resulting in the dumping margin, where the dumping margin results will be classified into three categories of loss, namely material loss, loss threat, and the presence of obstacles in the domestic industry. Second, the act of increasing the BMAD tariff carried out by the European Union on Indonesia's SSCRFP products does not violate the provisions of Article VI GATT 1994. This is because the European Union has fulfilled the element of threat of loss in accordance with Article VI GATT 1994.