

Kebijakan Larangan Ekspor CPO di Indonesia ditinjau dari Aturan WTO = The CPO Export Prohibition Policy in Indonesia is Reviewed from the WTO Rules

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Abstrak

Tesis ini membahas mengenai praktik Ekspor Crude Palm Oil (CPO) di Indonesia dan membahas mengenai larangan Ekspor Crude Palm Oil (CPO) melalui Peraturan Menteri Perdagangan Nomor 22 Tahun 2022 Tentang Larangan Sementara Ekspor Crude Palm Oil, Refined, Bleached and Deodorized Palm Oil, Refined, Bleached and Deodorized Palm Olein, dan Used Cooking Oil yang kemudian ditinjau dari aturan WTO. Metode penelitian yang digunakan dalam penelitian ini adalah yuridis normatif. Adapun hasil penelitian mengemukakan bahwa pemerintah Indonesia mengeluarkan Peraturan Menteri Perdagangan Nomor 22 Tahun 2022 Tentang Larangan Sementara Ekspor Crude Palm Oil, Refined, Bleached and Deodorized Palm Oil, Refined, Bleached and Deodorized Palm Olein, dan Used Cooking Oil. Kegiatan dagang berupa pembatasan Ekspor tersebut diatur dalam perjanjian WTO, Article XI GATT 1994 membahas khusus tentang pembatasan kuantitatif dengan Pasal yang berjudul "General Elimination Of Quantitative Restrictions". Pembatasan ekspor kuantitatif yang diatur di dalam WTO merupakan suatu hal yang dilarang kecuali apabila tindakan tersebut diatur dalam Article XI:2 GATT. Penjelasan mengenai pasal-pasal pengecualian dapat diketahui melalui temuan Panel dalam historis penyelesaian sengketa WTO dan GATT. Peraturan Menteri Perdagangan Nomor 22 Tahun 2022 telah memenuhi unsur-unsur dalam Pasal pengecualian dalam GATT, tetapi peraturan tersebut tidak mengatur tentang pengawasan pelaksanaan sehingga walaupun dapat dinyatakan konsisten dengan perjanjian WTO, penerapan dari perjanjian tersebut rawan untuk mengakibatkan adanya pelanggaran yang berakibat adanya kemungkinan inkonsistensi tindakan Indonesia dengan Perjanjian WTO yang dapat berujung kepada gugatan dari negara lain. Dengan melakukan penelitian ini, diharapkan pemerintah akan lebih mempertimbangkan urusan campur tangan dalam pembuatan kebijakan ekspor di masa depan. Hal ini akan menjadi faktor utama dalam proses pengeluaran regulasi yang berpotensi mempengaruhi pasar, dan juga membutuhkan pembentukan lembaga khusus yang bertanggung jawab dalam melakukan pengawasan.

.....This thesis discusses the practice of Exporting Crude Palm Oil (CPO) in Indonesia and discusses the prohibition on the Export of Crude Palm Oil (CPO) through Minister of Trade Regulation Number 22 of 2022 concerning Temporary Prohibition of Exports of Crude Palm Oil, Refined, Bleached and Deodorized Palm Oil, Refined, Bleached and Deodorized Palm Olein, and Used Cooking Oil which are then reviewed from WTO rules. The research method used in this research is normative juridical. The research results show that the Indonesian government issued Minister of Trade Regulation Number 22 of 2022 concerning Temporary Prohibition of Exports of Crude Palm Oil, Refined, Bleached and Deodorized Palm Oil, Refined, Bleached and Deodorized Palm Olein, and Used Cooking Oil. Trade activities in the form of export arrests are regulated in the WTO agreement, Article XI GATT 1994 specifically discusses quantitative explanations with an article entitled "General Elimination of Quantitative Restrictions". Quantitative export restrictions regulated in the WTO are prohibited unless such actions are regulated in Article XI:2 GATT. Explanations regarding these articles can be found through the Panel's findings in the history of the WTO and GATT

settlements. Regulation of the Minister of Trade Number 22 of 2022 has fulfilled the elements in the Articles referred to in the GATT, but this regulation does not regulate implementation supervision so that even though it can be declared consistent with the WTO agreement, the implementation of the agreement is prone to resulting in violations which result in the possibility of inconsistent actions. Indonesia with the WTO Agreement which could end in lawsuits from other countries. By conducting this research, it is hoped that the government will take more consideration into matters of intervention in policy making in the future. This will be a major factor in the production regulation process which has the potential to influence the market, and will also form the establishment of a special institution responsible for carrying out supervision.