

ABSTRAK

Nama : Rifky Setiawan
Program Studi : Magister Ilmu Hukum
Judul Tesis : Tinjauan Yuridis Penggunaan Trade Related Measures oleh Commission for the Conservation of Southern Bluefin Tuna (CCSBT) Kepada Indonesia Dalam Rangka Perdagangan Tuna Sirip Biru Selatan

Tesis ini membahas mengenai penggunaan trade related measures oleh CCSBT ditinjau dari ketentuan WTO, posisi Indonesia dan kemungkinan penggunaan mekanisme penyelesaian sengketa WTO dalam hal Indonesia dirugikan oleh penggunaan trade related measures tersebut. Penelitian ini adalah penelitian kualitatif dengan menggunakan kajian normatif. Hasil penelitian ini menunjukkan bahwa trade related measures tidak melanggar ketentuan WTO selama digunakan untuk kepentingan konservasi dan pengelolaan sumber daya yang keadaannya telah kritis, disamping mekanisme Dispute Settlement Understanding (DSU) WTO tidak dapat digunakan dalam penyelesaian sengketa penggunaan trade related measures ini karena tidak diperbolehkannya organisasi internasional menjadi pihak dalam sengketa di WTO .

ABSTRACT

Name : Rifky Setiawan
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Title : Juridical Review on the Use of Trade Related Measures by the Commission for the Conservation of Southern Bluefin Tuna (CCSBT) to Indonesia Relating to the Trade of Southern Bluefin Tuna.

This thesis is reviewing the use of trade related measures by the CCSBT relating the provisions of the WTO Agreements, the position of Indonesia, and the possibility of using WTO dispute settlement mechanism in the case of Indonesia is violated by the use of the related trade measures. This research uses a qualitative approach with normative methodology. The results of this study indicate that the trade related measures do not violate WTO rules as long as used for conservation and management of resources that has been critical situation, The WTO Dispute Settlement Understanding (DSU) can not be used in case of the use of trade related measures by an international organization because it is not allowed organizations become parties on WTO dispute