

ABSTRAK

WTO telah dibentuk dan didesain untuk memfasilitasi perdagangan internasional selama berlangsungnya putaran Uruguay pada 1986 dan telah diresmikan pada tahun 1994. Tujuan utama dari WTO adalah untuk memperkecil kemungkinan timbulnya hambatan dalam perdagangan Internasional. Guna mewujudkan tujuannya tersebut, WTO dilengkapi dengan perjanjian multilateral tambahan, seperti halnya Agreement on Sanitary and Phytosanitary Measures (SPS Agreement), Agreement on Technical Barriers to Trade (TBT Agreement) dan Import Licensing Procedures. Setiap perjanjian tersebut memiliki peranan masing-masing dalam perdagangan internasional. Pada dasarnya, perdagangan internasional dilakukan untuk memperoleh keuntungan bersama akan tetapi, terkadang terdapat permasalahan dalam perdagangan yang berujung pada sengketa. Berawal sejak 2008, Brazil berupaya untuk memasuki pangsa pasar Indonesia dengan produk daging unggasnya. Akan tetapi, hingga 2013 Indonesia belum menerima sertifikasi kesehatan dan kehalalan produk Brazil dan tidak mengizinkan impor produk Brazil atas dasar adanya risiko terkontaminasi penyakit Hand Food, and Mouth Disease (HFMD) dan permasalahan terkait sertifikasi halal. Dari penolakan ini, Brazil keberatan dan mengajukan request for consultation kepada Indonesia melalui WTO. Brazil mendalilkan bahwa Indonesia telah melanggar ketentuan dalam SPS Agreement, TBT Agreement, dan Import Licencing Procedures dalam penolakannya. Di lain sisi, Indonesia membantah semua dalil Brazil dan menyatakan bahwa tindakan Indonesia telah sesuai dengan ketentuan di dalam WTO. Sehingga berdasarkan permasalahan tersebut, muncul pertanyaan mengenai bagaimana pengaturan SPS, TBT, dan Import Licensing dalam WTO, serta pertanyaan lainnya terkait penerapan perjanjian tersebut di dalam permasalahan ini.

Kata kunci: Impor, Perdagangan Internasional, WTO, SPS, TBT, Import Licensing

ABSTRACT

WTO has been formulated and designed to facilitate the international trade during the Uruguay Round in 1986 and fully taken effect in 1994. The aims of WTO is to minimize the obstacle in the international trade which the WTO is completed with additional multilateral agreements, such as Agreement on Sanitary and Phytosanitary Measures (SPS Agreement), Agreement on Technical Barriers to Trade (TBT Agreement) and Import Licensing Procedures. Each of agreements has their own roles in International Trading. Despite that international trade is forming mutual benefits for the parties and also brings disagreement that ended in a Dispute Settlement Bodies of WTO. During the year of 2008, Brazil had intended to enter the Indonesian poultry market with their *products. However, up to 2013 Indonesia has not accepted any of Brazil's proposals and refuse Brazil's poultry product* under the reason of Hand Food, and Mouth Disease (HFMD) contamination risks and issues regarding Halal certification. From this refusal, Brazil is outraged and reported Indonesian *refusal to WTO under the charge of conducting barriers to prevent Brazil's products from entering the Indonesia market.* By their request for consultation, Brazil accuses that Indonesia has violated SPS Agreement, TBT Agreement, and the import licensing regimes of Indonesia is violating Import Licensing Procedures under WTO. In the other hand, Indonesia denied all of Brazil accuse and insist that their action has complied with the rules under WTO. The issues that arisen from the topic above is about the arrangement of SPS, WTO, and Import Licensing under WTO and to answer the question on whether the action conducted by Indonesia to refuse poultry products from Brazil has complied with the agreements under the WTO.

Keywords: Import, International Trading, WTO, SPS, TBT, Import Licensing