

## ABSTRAK

Rizqia Sahara Putri. Penyelesaian Sengketa Dagang Rokok Kretek antara Indonesia-Amerika Serikat di DSB (Dispute Settlement Body) WTO Periode 2009-2012. Dibimbing oleh Dr. Fredy B.L. Tobing.

Delapan belas tahun semenjak World Trade Organization/WTO berdiri, telah banyak kebijakan Perdagangan Internasional Negara-negara anggota WTO yang dinilai *Dispute Settlement Body* WTO telah melanggar GATT dan perjanjian-perjanjian WTO lainnya. Salah satunya adalah sengketa rokok kretek Indonesia dengan Amerika Serikat. Pada tanggal 22 Juni 2009, Amerika Serikat mengeluarkan Family Smoking Prevention and Tobacco Control Act, di mana dalam Sec. 907(a)(1)(A) FSPTCA terdapat aturan mengenai larangan peredaran rokok beraroma (*Characterized Flavours*) di Amerika Serikat, namun mengecualikan rokok menthol dan larangan ini. Indonesia sebagai negara pengekspor rokok kretek terbesar di Amerika Serikat mengalami kerugian yang sangat besar akibat pemberlakuan FSPTCA dan menilai bahwa pemberlakuan FSPTCA ini telah melanggar ketentuan dalam GATT dan *Agreement on Technical Barriers to Trade*. Untuk menganalisa penyelesaian sengketa dagang tersebut menggunakan teori kepentingan nasional dan kebijakan luar negeri. Metode yang digunakan dalam penelitian ini adalah metode kualitatif yang memberikan gambaran mengenai proses penyelesaian sengketa dagang AS-Indonesia di DSB WTO. Berdasarkan penelitian terhadap data-data resmi yang didapatkan dari WTO, Indonesia lalu mengajukan gugatan ke badan penyelesaian sengketa WTO, berdasarkan Pasal 2.1 dan Pasal 2.2 *Technical Barriers to Trade (TBT) Agreement*. Panel akhirnya memutuskan bahwa Amerika Serikat telah melakukan pelanggaran terhadap ketentuan Pasal 2.1 *TBT Agreement* karena telah melakukan diskriminasi terhadap rokok kretek.

Kata kunci :

WTO,GATT,Agreement on Technical Barriers to Trade, rokok kretek

## **ABSTRACT**

Rizqia Sahara Putri. Settlement of trade disputes clove ciggarates between the Indonesian-United States in the DSB (Dispute Settlement Body) WTO Period 2009-2012. Under direction of Dr. Fredy B.L. Tobing.

Eighteen years since the World Trade Organization / WTO stands, International Trade policy has many member states of the WTO Dispute Settlement Body of the WTO assessed to have violated the GATT and other WTO agreements. One is Indonesian clove cigarettes dispute with the United States. On June 22, 2009, the United States issued the Family Smoking Prevention and Tobacco Control Act, which in Sec. 907 (a) (1) (A) FSPTCA there are rules regarding the circulation ban flavored cigarettes (Characterized Flavours) in the United States, but excluding menthol cigarettes and bans. Indonesia as the largest exporter of clove cigarettes in the United States suffered huge losses due to the implementation FSPTCA and considered that the implementation of this FSPTCA has violated the provisions of the GATT and the Agreement on Technical Barriers to Trade. To analyze the trade dispute resolution using the theory of national interest and foreign policy. Methods used in this study is a qualitative method that provides a description of the dispute resolution process of the US-Indonesia trade in the DSB WTO. Research based on official data which is obtained from the WTO, Indonesia then filed a lawsuit to the WTO dispute settlement body, pursuant to Article 2.1 and Article 2.2 Technical Barriers to Trade (TBT) Agreement. The panel ultimately decided that the United States has violated the provisions of Article 2.1 TBT Agreement having been discriminated against clove cigarettes.

Keyword : WTO,GATT,Agreement on Technical Barriers to Trade, clove cigarettes