

**PEMBATASAN IMPOR MELALUI PERSYARATAN WAJIB TANAM BAGI
IMPORTIR SEBAGAI UPAYA SWASEMBADA PANGAN INDONESIA
BERDASARKAN *THE AGREEMENT ON AGRICULTURE* 1994**

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ABSTRAK

Pemerintah Indonesia melalui Kementerian Pertanian memberlakukan kewajiban untuk menanam dan mengembangkan bawang putih di dalam negeri bagi para importir bawang putih yang hendak memperoleh Rekomendasi Impor Produk Hortikultura (RIPH) dalam rangka memperoleh Surat Persetujuan Impor (SIP) sebagai salah satu upaya untuk mengejar target swasembada bawang putih pada 2021. Penelitian ini bertujuan untuk memahami apakah Indonesia sebagai negara anggota *World Trade Organization* (WTO) telah memberlakukan regulasi yang tetap sesuai dengan ketentuan kerangka hukum WTO khususnya terhadap *Agreement on Agriculture* 1994 (AoA). Berdasarkan penelitian yang dilakukan secara yuridis normatif, hasil penelitian menunjukkan bahwa regulasi wajib tanam bawang putih tersebut bertentangan dengan AoA, termasuk juga GATT sebagai payung hukum AoA dan perjanjian perdagangan lainnya di bawah kerangka hukum WTO. Regulasi tersebut adalah upaya membatasi impor melalui penerapan jenis hambatan perdagangan yang tidak diperkenankan dalam WTO. Sebagai negara berkembang sekaligus negara anggota WTO, tidak diperkenankan melakukan tindakan yang bertentangan dengan apa yang telah disepakati dalam perjanjian perdagangan internasional. Swasembada pangan bagi negara berkembang dapat dicapai dengan memanfaatkan bantuan domestik serta memberikan perhatian dan penguatan kepada para petani kecil dan lokal yakni pengecualian dalam AoA yang juga diakomodir melalui kesepakatan yang diperoleh melalui KTM WTO Bali 2013 sebagai pengecualian bagi negara berkembang.

Kata kunci: pembatasan impor, wajib tanam, bawang putih, swasembada pangan

IMPORT RESTRICTIONS THROUGH PLANTATION OBLIGATION FOR IMPORTERS AS AN EFFORT TO ACHIEVE INDONESIA'S FOOD SELF-SUFFICIENCY BASED ON THE AGREEMENT ON AGRICULTURE 1994

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ABSTRACT

The Government of Indonesia through Ministry of Agriculture enforced an obligation for garlic importers to plant and develop garlic domestically in Indonesia as a requirement to receive Horticulture Products Import Recommendation in order to get the Import Approval Letter in order to pursue garlic self-sufficiency on 2021. This research aims to understand if Indonesia as a state party of World Trade Organization (WTO) was enacting a regulation that is still in accordance to the law framework of WTO especially to the Agreement of Agriculture 1994 (AoA). Based on the research that has been done in a juridical-normative way, the result of this research shows that the garlic plantation obligation is contradicting with the AoA, moreover it's also contradicting with the GATT as the legal umbrella of the AoA and also with other international trade treaties under the WTO law framework. This regulation is an effort to restrict imports through the implementation of the type of trade barriers that is not allowed by the WTO. As a developing country also as a member of the WTO, it's not allowed to do any measures that contradict with what had been agreed on the international trade treaties. Self-sufficiency for developing countries could be carried by utilizing the domestic support, providing considerations and strengthening small and local farmers through exceptions given by the AoA and also accommodated through the agreement reached from WTO Bali Ministerial Conference on 2013 as a special and differential treatment for the developing countries.

Keywords: import restrictions, plantation obligation, garlic, food self-sufficiency