

ABSTRAK

Carbon Border Adjustment Mechanism (CBAM) merupakan kebijakan Uni Eropa yang membebankan biaya karbon pada produk impor tertentu untuk mencegah kebocoran karbon. Penelitian ini bertujuan untuk menganalisis validitas CBAM dalam kerangka hukum WTO, khususnya *TBT Agreement* dan GATT 1994, serta mengkaji implikasinya terhadap ekspor besi dan baja Indonesia ke Uni Eropa. Metode penelitian yang digunakan adalah yuridis-normatif dengan pendekatan perbandingan dan analisis studi kasus, menggunakan data sekunder sebagai sumber utama. Hasil analisis menunjukkan bahwa Uni Eropa dapat menjustifikasi CBAM melalui Pasal XX GATT 1994 sub ayat (b) dan (g), namun, perbedaan perlakuan antara produsen domestik Uni Eropa yang masih menerima *free allowances* dalam skema EU ETS dan importir yang harus membayar penuh sertifikat CBAM, serta keistimewaan bagi negara produsen yang memiliki sistem perdagangan emisi yang dianggap setara dengan EU ETS, berpotensi melanggar prinsip non-diskriminasi, khususnya *National Treatment* dan *Most Favored Nation*. Penelitian ini juga mempertimbangkan implikasi CBAM terhadap kinerja ekspor besi dan baja Indonesia ke Uni Eropa yang hasilnya menunjukkan bahwa terdapat implikasi positif, seperti mendorong transisi ke teknologi rendah karbon, peluang kerja sama internasional dan transfer teknologi, serta peningkatan daya saing jangka panjang. Di sisi lain, terdapat implikasi negatif berupa peningkatan biaya ekspor dan penurunan daya saing, serta kesulitan untuk memenuhi standar emisi. Penelitian ini merekomendasikan agar Uni Eropa menghapus *free allowances* dalam skema EU ETS untuk memenuhi prinsip non-diskriminasi, serta mendorong Pemerintah Indonesia untuk mengembangkan mekanisme perdagangan karbon domestik sesuai dengan komitmen *Nationally Determined Contribution* di bawah *Paris Agreement*.

Kata Kunci: CBAM, Hambatan Teknis Perdagangan, Ekspor Besi dan Baja Indonesia

ABSTRACT

The Carbon Border Adjustment Mechanism (CBAM) is an EU policy that imposes a carbon fee on certain imported products to prevent carbon leakage. This study aims to analyze the validity of CBAM in the WTO legal framework, especially the TBT Agreement and GATT 1994, and examine its implications for Indonesian iron and steel exports to the European Union. The research method used is juridical-normative with a comparative approach and case study analysis, using secondary data as the main source. The results of the analysis show that the European Union can justify CBAM through Article XX subparagraphs (b) and (g) of GATT 1994, however, the difference in treatment between EU domestic producers who still receive free allowances under the EU ETS scheme and importers who must pay the full CBAM certificate as well as privileges for countries that have emissions trading systems deemed equivalent to the EU ETS, potentially violate the principle of non-discrimination, particularly National Treatment and Most Favored Nation. This study also considers the implications of CBAM on the performance of Indonesia's iron and steel exports to the European Union, the results of which show that there are positive implications, such as encouraging the transition to low-carbon technology, opportunities for international cooperation and technology transfer, and increased long-term competitiveness. On the other hand, there are negative implications in the form of increased export costs and decreased competitiveness, as well as difficulties in meeting emission standards. This study recommends that the European Union remove free allowances in the EU ETS scheme to fulfill the principle of non-discrimination, and encourage the Government of Indonesia to develop a domestic carbon trading mechanism in accordance with the Nationally Determined Contribution commitment under the Paris Agreement.

Keywords: *CBAM, Technical Barriers to Trade, Indonesian Iron and Steel Exports*