

ABSTRAK

Safeguards merupakan tindakan yang diambil oleh pemerintah suatu negara untuk mencegah terjadinya kerugian atas pasar dalam negeri karena adanya lonjakan barang impor. Pada November 2019 berdasarkan bukti awal permohonan tindakan pengamanan yang diajukan PT. Associated British Budi, KPPI menetapkan dimulainya penyelidikan terhadap produk sirup fruktosa. Penyelidikan dilakukan dengan alasan terjadi lonjakan volume impor sirup fruktosa dan adanya indikasi mengenai kerugian serius atau ancaman kerugian serius yang dialami industri dalam negeri yakni berdasarkan *Article XIX GATT 1994 jo. Article 4 & 12 Agreement on Safeguards*. Penelitian ini menggunakan pendekatan yuridis normatif dan bahan hukum dikumpulkan melalui studi kepustakaan. Berdasarkan analisis diketahui, PT Associated British Budi telah membuktikan bahwa memang telah terjadi lonjakan impor produk sirup fruktosa dalam pasar domestik. Lonjakan impor tersebut menyebabkan pangsa pasar domestik beralih ke produk impor sehingga produsen dalam negeri mengalami kerugian dan mengalami penurunan produktivitas terhadap produksi. Meskipun PT. Associated British Budi tidak menunjukkan secara jelas apakah terdapat perkembangan tidak terduga dalam lonjakan impor, unsur lonjakan impor dan hubungan kausalitas telah dibuktikan dan notifikasi berdasarkan *Article 12 Agreement on Safeguards* telah diajukan dan dilanjutkan. Saran penulis kepada PT. Associated British Budi ataupun setiap produsen yang mengajukan permohonan investigasi tindakan pengamanan sebaiknya melengkapi unsur-unsur dalam *Article XIX GATT* dan *Article 4 Agreement on Safeguard*.

Kata kunci: Tindakan Pengamanan, Sirup Fruktosa, Article XIX GATT, Investigasi.

ABSTRACT

Safeguards are actions taken by the government of a product to prevent serious injury in domestic industry due to increase of imports. In November 2019, based on preliminary evidence of a request of safeguard measurement submitted by PT. Associated British Budi, KPPI determined the start of fructose syrup investigation. The investigation was carried out because there was an increase of imports of fructose syrup and an indication of serious injury suffered by domestic industry based on Article XIX GATT *jo.* Article 4 & 12 Agreement on Safeguards. This study used normative juridical approach, and the law materials were collected through library research. The increase of imports caused the domestic market share switch to imported products causing injury in domestic producers and decline in productivity. Although PT. Associated British Budi did not indicated whether there were unforeseen development in the increased import, the increased of imports and casualty link had been proven and notification based on Article 12 Agreement on Safeguards had been submitted and continued. The writer suggested that PT. Associated British Budi or every producer who want to propose safeguards investigation to complete the elements of Article XIX GATT and Article 4 Agreements on Safeguards.

Keyword: Safeguards, Fructose Syrup, Article XIX GATT, Investigation.