

## ABSTRAK

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### **PERAN WOLD TRADE ORGANIZATION DALAM PENYELESAIAN SENGKETA *TOBACCO PLAIN PACKAGING* ANTARA INDONESIA DAN AUSTRALIA**

(xiv + 50 halaman: 4 gambar; 1 tabel; 4 lampiran)

**Kata Kunci:** Sengketa Perdagangan Internasional, WTO, TRIPS Agreement dan TBT Agreement.

Sengketa kemasan rokok polos (*Tobacco Plain Packaging*) yang terjadi antara Indonesia dan Australia berawal dari disahkannya regulasi dari *World Health Organization Framework Convention on Tobacco Control* (WHO FCTC) oleh pemerintah Australia. Yang kemudian Australia membentuk kebijakan *Tobacco Plain Packaging* pada 1 Desember 2012. Regulasi tersebut mencoba untuk mengatur kemasan pada produk tembakau yaitu rokok, dengan tujuan khusus yakni menekan tingkat konsumsi rokok dan mengurangi dampak tembakau terhadap kesehatan masyarakat di Australia.

Dalam regulasi ini, *Framework Convention on Tobacco Control* (FCTC) menuntut kontrol atas promosi dan sponsor iklan tembakau, serta pengemasan dan pelabelan. Pada pasal 11 FCTC, melarang penggunaan logo atau merek dan segala bentuk promosi pada kemasan rokok. Di dalam kemasan tersebut harus menggunakan *font* biasa berbobot normal, dan juga harus mencantumkan peringatan kesehatan bergambar dengan besar 75 persen pada bagian depan dan 90 persen pada bagian belakang bungkus rokok.

Berdasarkan pelarangan untuk menggunakan hak merek dagang secara bebas tersebut maka, Indonesia mengajukan gugatan ke *World Trade Organization* (WTO). Dengan gugatan bahwa Australia telah melanggar ketentuan dari perjanjian multilateral negara anggota WTO, terutama dalam Perjanjian *Trade Related Aspects of Intellectual Property Rights* (TRIPS Agreement) dan perjanjian *Technical Barrier to Trade* (TBT Agreement).

Pengumpulan data dalam penelitian skripsi ini dilakukan dengan menggunakan metode deskriptif. Metode deskriptif digunakan untuk menjelaskan peran WTO dalam upaya penyelesaian sengketa.

Hasil dari penelitian ini menyatakan bahwa Panel akhirnya memutuskan untuk memenangkan gugatan Australia. Keputusan panel memang masih belum cukup adil bagi pihak Indonesian namun, pemerintah Australia tetap merasa bahwa WTO telah melakukan tugasnya dengan baik.

**Referensi:** 3 buku (1960-2008) + 7 jurnal + 5 website + 1 publikasi pemerintah.

## ***ABSTRACT***

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### **THE ROLE OF WORLD TRADE ORGANIZATION IN *TOBACCO PLAIN PACKAGING DISPUTE SETTLEMENT BETWEEN INDONESIA AND AUSTRALIA***

(xiv + 50 pages: 4 pictures; 1 table; 4 Appendixs)

**Key Words:** Internasional Trade Dispute, WTO, TRIPS *Agreement* and TBT *Agreement*.

Clove tobacco plain packaging has been a dispute between Indonesia and Australia that occurred after Australia passed the regulations of *World Health Organization Framework Convention on Tobacco Control* (WHO FCTC). Then Australia formed the Tobacco Plain Packaging act on December 1, 2012. The regulation attempts to regulate the packaging of tobacco products, namely cigarettes, with the specific aim of reducing cigarette consumption levels and reducing the impact of tobacco on public health in Australia.

In this regulation, the *Framework Convention on Tobacco Control* (FCTC) demands control over the promotion and sponsorship of tobacco advertising, as well as packaging and labeling, Article 11 of the FCTC, prohibits the use of logos or brands and all forms of promotion on cigarette packaging. Inside the package must use a normal weight normal font, and must also include an illustrated health warning with a large 75 percent on the front and 90 percent on the back of the cigarette pack.

Based on the prohibition to use trademark rights freely, Indonesia filed a lawsuit to the World Trade Organization (WTO). With the claim that Australia has violated the provisions of the multilateral agreements of the member countries of the World Trade Organization (WTO), especially in the Trade Related Aspects of Intellectual Property Rights Agreement (*TRIPS Agreement*) and the Technical Barriers Trade Agreement (*TBT Agreement*).

Data collection in this thesis research is carried out using descriptive methods. The descriptive method is used to explain the role of the WTO in dispute settlement.

The results of this study represent that the Panel finally decided to win the Australian lawsuit. The panel's decision is still not fair enough for the Indonesian side. However, the Australian government still felt that the WTO had done its job well.

**References:** 3 books (1960-2008) + 7 journal + 5 websites + 1 government publication.