

ABSTRAK

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ANALISIS UPAYA PENERAPAN *COMPULSORY LICENSING* PADA OBAT-OBATAN ESENSIAL DI INDONESIA PASCA-PUTARAN DOHA
(xvi + 63 halaman: 2 gambar + 2 tabel + 4 lampiran)

Kata Kunci: *Compulsory Licensing*, Indonesia, Institusi Internasional, Perjanjian Internasional, Interdependensi Kompleks

Penetapan kebijakan *compulsory licensing* oleh WTO dalam kerangka hukum internasional merupakan suatu pembaruan terkait permasalahan hak paten obat-obatan yang sebelumnya dinilai memberatkan negara berkembang. Setelah melalui berbagai perundingan internasional, puncaknya pada tahun 2001 disahkan sebuah aturan internasional yang mengatur terkait penerapan *compulsory licensing* melalui Deklarasi Doha. Indonesia sebagai salah satu anggota WTO sekaligus negara berkembang segera mengadopsi Deklarasi Doha ke dalam UU No. 14 Tahun 2001 dalam rangka menyeragamkan kerangka hukum nasional. Penelitian ini dilakukan untuk mengkaji upaya pemerintah Indonesia dalam rangka menerapkan *compulsory licensing* demi memenuhi kebutuhan obat-obatan dalam negeri serta keuntungan dan kelemahan yang ditimbulkan. Penelitian ini dilakukan berdasarkan teori Neoliberal Institusionalisme, beserta konsep Institusi Internasional, Perjanjian Internasional, dan Interdependensi Kompleks. Penelitian ini menggunakan pendekatan kualitatif dengan metode historis dan deskriptif. Data-data yang dipakai berupa data sekunder yang didapatkan melalui studi kepustakaan dan penelusuran daring. Data-data tersebut kemudian dianalisis menggunakan teknik *narrative analysis* (analisis naratif) dan *negative case analysis* (analisis kasus negatif). Dalam penelitian, upaya pemerintah Indonesia baik secara domestik melalui adopsi kebijakan maupun secara internasional melalui kerja sama dengan berbagai aktor dijabarkan lebih lanjut. Dari hasil penelitian, dapat diketahui faktor-faktor yang menimbulkan ketergantungan serta keuntungan dari upaya penerapan *compulsory licensing* yakni terpenuhinya kebutuhan obat-obatan dan meningkatnya inovasi dalam negeri. Namun, distribusi obat-obatan yang belum merata serta kerja sama yang merugikan masih menjadi kelemahan.

Referensi: 11 buku (2007-2018) + 25 artikel jurnal + 3 dokumen pemerintah + 12 sumber daring

ABSTRACT

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THE ANALYSIS OF EFFORTS TO IMPLEMENT COMPULSORY LICENSING IN ESSENTIAL MEDICINES IN INDONESIA AFTER THE DOHA ROUND

(xvi + 63 pages: 2 pictures + 2 tables + 4 appendices)

Keywords: Compulsory Licensing, Indonesia, International Institutions, International Agreements, Complex Interdependence

The establishment of the compulsory licensing policy by the WTO within the framework of international law is a reform related to the problem of drug patents which were previously considered to be burdensome for developing countries. After going through various international negotiations, in 2001 the international rule governing the application of compulsory licensing was then ratified through the Doha Declaration. Indonesia as a member of the WTO as well as a developing country immediately adopted the Doha Declaration into Law no. 14 of 2001 to standardize the national legal framework. This research was conducted to examine the Indonesian government's efforts to implement compulsory licensing to meet domestic drug needs as well as the advantages and disadvantages that arise. This research was conducted based on the theory of Neoliberal Institutionalism, along with the concepts of International Institutions, International Agreements, and Complex Interdependence. This research applies a qualitative approach with historical and descriptive methods. The data used is in the form of secondary data obtained through library and online research. These data were then analyzed using narrative and negative case analysis techniques. In this research, the efforts of the Indonesian government both domestically through policy adoption and internationally through collaboration with various actors are further elaborated. From the research, it can be concluded the factors that lead to dependence and the benefits of implementing compulsory licensing, namely meeting the need for medicines, and increasing innovation in the country. Nevertheless, the uneven distribution of medicines and detrimental cooperation are still weaknesses.

References: 11 books (2007-2018) + 25 journal articles + 3 government publications + 12 online sources