

ABSTRAK

Jusuf Toar Hengki Lewu (02669230011)

IMPLEMENTASI PRINSIP *NON-DISCRIMINATION* ATAS PUTUSAN *DISPUTE SETTLEMENT BODY* WTO TERKAIT KELAPA SAWIT TERHADAP KEDAULATAN ENERGI INDONESIA

(x + 168 Halaman)

Sebagai salah satu prinsip fundamental dalam hukum perdagangan internasional, prinsip non-diskriminasi memegang peran krusial dalam menjaga keseimbangan antara hak dan kewajiban negara-negara anggota WTO. Sengketa antara Indonesia dan Uni Eropa terkait regulasi *Renewable Energy Directive II* (RED II), beserta serangkaian peraturan turunan di tingkat Uni Eropa dan negara anggotanya yang membatasi akses biofuel berbasis kelapa sawit ke pasar Eropa, mencerminkan relevansi dan urgensi penerapan prinsip ini. Berdasarkan hal tersebut, tesis ini bertujuan untuk menganalisis sejauh mana prinsip non-diskriminasi diimplementasikan dalam putusan dan rekomendasi Panel WTO dalam perkara DS593, serta mengkaji mekanisme hukum internasional yang dapat ditempuh oleh negara untuk memastikan pelaksanaan atas hasil putusan dan rekomendasi tersebut. Dengan menggunakan metode penelitian yuridis normatif, melalui pendekatan asas, prinsip dan sistematika hukum serta studi kasus, dan dianalisis melalui studi kepustakaan, peneliti menemukan bahwa putusan dan rekomendasi Panel WTO bersifat mengikat bagi Uni Eropa untuk menyesuaikan kebijakan yang bersifat diskriminatif agar sejalan dengan ketentuan WTO. Dalam konteks penyelesaian sengketa perdagangan internasional, dalam kerangka WTO mencakup mekanisme diplomasi dan yudisial, sedangkan di luar kerangka WTO, negara dapat menempuh tindakan kolektif sebagai bentuk respons hukum internasional terhadap ketidakpatuhan terhadap putusan WTO.

Kata Kunci: Prinsip *Non-discrimination*, *Permanent Sovereignty over Natural Resources*, kewajiban *erga omnes*, Penyelesaian Sengketa WTO

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ABSTRACT

Jusuf Toar Hengki Lewu (02669230011)

THE IMPLEMENTATION OF THE PRINCIPLE OF NON-DISCRIMINATION IN WTO DISPUTE SETTLEMENT RULINGS ON PALM OIL TOWARD INDONESIA'S ENERGY SOVEREIGNTY

(x + 168 Pages)

The principle of non-discrimination, a fundamental tenet of international trade law, is pivotal in ensuring an equitable balance of rights and obligations among World Trade Organisation (WTO) member states. The dispute between Indonesia and the European Union (EU) regarding the Renewable Energy Directive II (RED II) and associated EU regulations, which curtail market access for palm oil-based biofuels, exemplifies the critical relevance of this principle. This thesis seeks to evaluate the extent to which the non-discrimination principle is embodied in the rulings and recommendations of the WTO Panel in case DS593, and to explore the international legal mechanisms available to states to enforce compliance with these outcomes. Utilising a normative juridical research methodology, incorporating legal principles, systematic analysis, and case study approaches, and drawing on a comprehensive literature review, this study establishes that the WTO Panel's rulings impose a binding obligation on the EU to amend discriminatory policies in accordance with WTO provisions. Within the WTO framework, dispute resolution encompasses diplomatic and judicial avenues, whilst beyond this framework, states may resort to collective measures as a lawful response to non-compliance with WTO decisions. These findings underscore the enforceability of non-discrimination in resolving international trade disputes and illuminate the legal pathways for upholding WTO rulings.

Keywords: Non-discrimination Principle, Permanent Sovereignty over Natural Resources, Erga omnes obligations, WTO Dispute Settlement

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