



**THE ROLE OF WORLD TRADE ORGANIZATION (WTO) IN THE
PRACTICE OF DISPUTE SETTLEMENT BODY IN THE CASE:
INDONESIA-EUROPEAN UNION BIODIESEL & NICKEL DISPUTE IN
THE YEAR 2018-2022**

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IN THE CASE: INDONESIA- EUROPEAN UNION BIODIESEL & NICKEL DISPUTE IN THE YEAR 2018-2022

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ABSTRACT

Free trade has opened the opportunity for countries to exchange commodities and to preserve their effort to fulfill domestic demands. In trade dispute as a phenomenon has reoccurring between countries and is very common. World Trade Organization has the capacity to authorize what is considered to be fair trade based on its member countries agreed-upon clause. The existence of this international organization ensures that member countries act in accordance to the ground breaking agreements. Indonesia-EU biodiesel and nickel dispute offers the opportunity to study the role of one of the World Trade Organization's General Council in accommodating the dispute in the case of Crude Palm Oil, biodiesel discrimination, and measures related to raw materials. This manuscript aims to provide the analysis of the role of WTO Dispute Body Settlement in the case of biodiesel and nickel dispute. To provide a clear scrutiny, this manuscript utilizes Barnett and Adler's concept h to study International Organization using both institutional and regime approach with the support of Barkin's regime and institutional approach to see how International Organization carries its role. The framework allows this analysis to define the affair of the dispute, the role of the institution, and the significance effect on certain agendas. The scopes of this analysis are evolved around, first, the role of the World Trade Organization as an international institution in regard to the GATT. To discuss this, an overview of the biodiesel and nickel ore dispute lawsuit will be thoroughly analysed using the available data from 2018 until 2022. World Trade Organization provides the forum for both countries to resolve the issue. Hence, the second scope is the injury and damage caused by the two countries and the obligations resulting from the panel results of the jurisdiction. Consequently, the third focus in this analysis is the significance of WTO Dispute Settlement verdicts and the prospects of the relationship of Indonesia and the European Union to which the role IOs carry according to Barnett & Adler concept.

Keywords: *World Trade Organization, European Union, Indonesia, Dispute Body Settlement, Crude Palm Oil, Nickel Ore*

ABSTRAK

Perdagangan bebas telah membuka peluang bagi negara-negara untuk bertukar komoditas dan melestarikan upaya mereka untuk memenuhi kebutuhan domestik. Dalam perdagangan, sengketa sebagai fenomena antar negara sangatlah umum terjadi. Organisasi Perdagangan Dunia memiliki kapasitas untuk mengesahkan apa yang dianggap sebagai perdagangan yang adil berdasarkan klausul yang disepakati negara-negara anggotanya. Keberadaan organisasi internasional ini memastikan bahwa negara-negara anggota bertindak sesuai dengan kesepakatan yang telah dibuat. Sengketa biodiesel dan nikel Indonesia-UE menawarkan kesempatan untuk mempelajari peran salah satu Dewan Umum Organisasi Perdagangan Dunia dalam mengakomodasi sengketa dalam kasus Crude Palm Oil, diskriminasi biodiesel, dan langkah-langkah yang terkait dengan bahan mineral mentah dengan fokus analisis peran Badan Penyelesaian Sengketa WTO dalam kasus sengketa biodiesel dan nikel. Untuk memberikan pengawasan yang jelas, penelitian ini menggunakan konsep Barnett dan Adler untuk mempelajari Organisasi Internasional menggunakan pendekatan kelembagaan dan rezim dengan dukungan pendekatan berdasarkan studi Barkin untuk melihat bagaimana Organisasi Internasional menjalankan perannya. Kerangka tersebut memungkinkan analisis ini untuk mendefinisikan perselisihan, peran lembaga, dan efek signifikansi pada agenda tertentu. Analisis ini mencakup, pertama, peran Organisasi Perdagangan Dunia sebagai lembaga internasional dalam kaitannya dengan GATT. Untuk membahas hal tersebut, gambaran umum gugatan sengketa biodiesel dan bijih nikel akan dianalisis secara menyeluruh dengan menggunakan data yang tersedia dari tahun 2018 hingga tahun 2022. Organisasi Perdagangan Dunia menyediakan forum bagi kedua negara untuk menyelesaikan masalah tersebut. Oleh karena itu, ruang lingkup kedua adalah kerugian yang disebabkan oleh kedua negara dan kewajiban yang dihasilkan dari hasil panel yurisdiksi. Oleh karena itu, fokus ketiga dalam analisis ini adalah pentingnya putusan Penyelesaian Sengketa WTO dan prospek hubungan Indonesia dan Uni Eropa yang diimani oleh peran IO menurut konsep Barnett & Adler.

Kata kunci: *Organisasi Perdagangan Dunia, Uni Eropa, Indonesia, Badan Penyelesaian Sengketa, Minyak Kelapa Sawit.*

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LIST OF ACRONYMS

AD	: Anti-Dumping
ASCM	: American Production and Inventory Control Society
CPO	: Crude Palm Oil
DSB	: Dispute Settlement Body
DSM	: Dispute Settlement Mechanism
DSS	: Dispute Settlement System
DSU	: Dispute Settlement Understanding
EC	: European Commission
EU	: European Union
GAPKI	: Gabungan Pengusaha Kelapa Sawit Indonesia
GATT	: General Agreement on Tariffs and Trade
ILUC	: Indirect Land Use Change
IO	: International Organization
ISPO	: Indonesian Sustainable Palm Oil
KADI	: Komite Anti-Dumping Indonesia
RED	: Renewable Energy Directive
USDA	: United States Department of Agriculture
WTO	: World Trade Organization
FLEGT	: Forest Law Enforcement, Government and Trade