

ABSTRAK

Tujuan dari penelitian untuk mengetahui dan menganalisis penerapan prinsip *General exception* dalam GATT 1994 terkait konservasi sumber daya alam Industri pertambangan di Indonesia, dan kebijakan pemerintah Indonesia kedepannya terhadap konservasi sumber daya alam dan industri pertambangan di Indonesia. Rumusan masalahnya 1) bagaimanakah penerapan prinsip *General exception* dalam GATT 1994 terkait konservasi sumber daya alam pada kasus sengketa ekspor nikel antar Indonesia dan Unieropa?. 2) Bagaiman kebijakan pemerintah Indonesia kedepannya terhadap konservasi sumber daya alam pada kasus sengketa ekspor nikel antara Indonesia dan Eropa? Tipe penelitian yuridis Normatif. Hasil : 1) Penerapan prinsip *general exception* dalam GATT 1994 (*General Agreement on Tariffs and Trade*) memungkinkan negara anggota untuk mengambil tindakan yang mungkin bertentangan dengan prinsip-prinsip GATT, namun dengan kondisi tertentu dan untuk tujuan tertentu. Prinsip ini terdapat dalam Pasal XX GATT 1994 dan bertujuan untuk memberikan fleksibilitas dalam pelaksanaan perdagangan internasional, sambil tetap menjaga prinsip-prinsip dasar seperti non-diskriminasi dan persaingan yang adil. 2) kebijakan pemerintah Indonesia kedepannya terhadap konservasi sumber daya alam pada kasus sengketa ekspor nikel antara Indonesia dan Eropa. Pengelolaan sumber daya pertambangan berbasis kesejahteraan masyarakat harus berlandaskan prinsip keadilan, keberlanjutan, dan akuntabilitas. Masyarakat harus dilibatkan dalam proses pengambilan keputusan, secara komprehensif. Perusahaan tambang wajib melakukan reklamasi dan pemulihan lingkungan, serta bertanggung jawab atas dampak negatif yang ditimbulkan.

Kata Kunci : Implementasi, Sengketa Ekspor Nikel

Implementation of the General Exception Principle in Natural Resource
Conservation Efforts in the Nickel Export Dispute Case between
Indonesia and the European Union

ABSTRACT

The purpose of the study is to determine and analyze the application of the General exception principle in GATT 1994 related to the conservation of natural resources in the mining industry in Indonesia, and the future policies of the Indonesian government towards the conservation of natural resources and the mining industry in Indonesia. The formulation of the problem is 1) how is the application of the General exception principle in efforts to conserve natural resources in the case of nickel export disputes between Indonesia and Europe? 2) What is the future policy of the Indonesian government towards the conservation of natural resources in the case of nickel export disputes between Indonesia and Europe? The type of research is Normative juridical. Results: 1) The application of the general exception principle in GATT 1994 (General Agreement on Tariffs and Trade) allows member countries to take actions that may conflict with the principles of GATT, but with certain conditions and for certain purposes. This principle is contained in Article XX of GATT 1994 and aims to provide flexibility in the implementation of international trade, while maintaining basic principles such as non-discrimination and fair competition. 2) the future policy of the Indonesian government towards the conservation of natural resources in the case of nickel export disputes between Indonesia and Europe. The management of mining resources based on community welfare must be based on the principles of justice, sustainability, and accountability. The community must be involved in the decision-making process, comprehensively. Mining companies are required to carry out reclamation and environmental restoration, and are responsible for the negative impacts caused.

Keywords: Implementation, Nickel Export Dispute