

Indonesia's Import Licensing Regime after WTO DS 484: Non-Tariff Barriers, Food Security, and Agricultural Trade Law

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Abstract

Indonesia's food security framework is closely linked to its agricultural trade policies, particularly import licensing mechanisms that often function as non-tariff trade barriers to protect domestic industries. However, tensions arise when such policies conflict with international trade obligations under the World Trade Organization (WTO), as demonstrated in the dispute between Indonesia and Brazil in WTO case DS 484. This study aims to analyze the implications of the WTO DS 484 ruling on Indonesia's import licensing regime, particularly in relation to non-tariff barriers, food security, and agricultural trade law. The research employed a normative juridical method with a descriptive-analytical approach, supported by literature review and complementary interviews with key stakeholders in the poultry sector. The findings indicate that Indonesia's import licensing policies have undergone significant revisions to comply with WTO requirements, including the simplification of procedures and removal of certain restrictive measures. Nevertheless, these changes raise concerns regarding increased import competition, which may negatively affect the competitiveness of domestic poultry farmers. Furthermore, although import licensing remains a legitimate regulatory instrument, its application must balance compliance with international trade rules and the protection of national food security. The study concludes that Indonesia needs to strengthen domestic production capacity and pursue food sovereignty strategies to ensure long-term competitiveness while maintaining adherence to WTO obligations. These findings highlight the importance of harmonizing national trade policies with global trade frameworks without undermining the sustainability of domestic agricultural sectors.

INTRODUCTION

Industry is a fundamental component of economic development, driven by factors such as human resources, capital accumulation, and technological advancement. Within this framework, the food industry plays a crucial role, not only in generating employment opportunities but also in supporting the national economy, particularly through the development of small and medium-scale enterprises. Food is universally regarded as a strategic sector, as it constitutes a basic human necessity and a key element of national resilience. Consequently, most countries place food security at the center of their economic and political priorities. This requires a careful balance between promoting domestic production and participating in international trade to maintain a stable and affordable food supply (Maharani et al., 2025). However, Indonesia's nationalistic and protectionist trade policies, as reflected in provisions such as Article 39 of the Food Law, frequently generate tensions with trading partners and may adversely affect domestic markets (Limenta & Chandra, 2017). By prioritizing self-sufficiency over imports, these policies have contributed to trade disputes and market inefficiencies (Ahn & Gnutzmann-Mkrtchyan, 2018; Limenta & Chandra, 2017).

Changes in the global strategic environment, particularly economic globalization and the liberalization of international trade, have compelled Indonesia to adopt new policy paradigms.

These include increased attention to human rights, environmental protection, labor standards, and compliance with international quality and safety requirements, such as sanitary and phytosanitary (SPS) measures related to food safety, public health, and environmental sustainability. These developments directly affect the competitiveness of export products and domestic industries. This complexity highlights the need to harmonize national regulations with international standards, alongside structural reforms and strengthened institutional capacity, to enable Indonesia to respond and adapt effectively to fluctuations in global economic policy (Sakinah et al., 2025).

The opportunities and challenges of industrialization are closely linked to global issues, including the role of the World Trade Organization (WTO) in enforcing the multilateral trading system, trade liberalization resulting in the reduction of tariff barriers, environmental concerns arising from industrial technology, the implementation of intellectual property rights in accordance with international conventions, the growing presence of multinational corporations, and advances in information technology that facilitate internet-based modern trade. Indonesia formally ratified the WTO Agreement through Law No. 7 of 1994, thereby committing itself to comply with all agreements concluded within the WTO framework (Kholik et al. 2023; Saragih et al. 2022; Sembiring 2025). As a result, Indonesia is required to harmonize its national laws and regulations with WTO provisions. This commitment requires the removal of trade barriers, particularly non-tariff barriers, to promote a more liberalized global trading system (Karosekali, 2021; Soesatyo et al., 2023).

Despite these commitments, the implementation of international trade obligations does not always proceed smoothly. Domestic policies may conflict with, or be perceived as inconsistent with, WTO rules. One such policy concerns licensing requirements for the importation of animals and animal products, which have been criticized by several trading partners as constituting non-tariff trade barriers (Alazzam 2021; Imbruno 2016; Lurié et al. 2015). In particular, Brazil challenged Indonesia's import licensing regime for chicken meat, asserting that its access to the Indonesian market had effectively been blocked for approximately seven years since 2009. This dispute resulted in a WTO panel ruling against Indonesia, illustrating the ongoing conflict between national protectionist policies and international trade obligations (Amanta, 2021; Murbiantoro et al., 2020).

Brazil alleged that Indonesia had engaged in trade protectionist measures in violation of multiple WTO agreements, including the Agreement on Sanitary and Phytosanitary Measures, the Agreement on Technical Barriers to Trade, the Agreement on Agriculture, the Agreement on Import Licensing Procedures, and the Agreement on Pre-shipment Inspection. Consequently, Brazil brought the dispute before the WTO Dispute Settlement Understanding (DSU), registered as case DS 484. In its ruling, the WTO panel found four Indonesian measures to be inconsistent with WTO obligations: (1) the application of a positive list determining eligible import products; (2) restrictions on the intended use of imported products; (3) import licensing procedures; and (4) delays in the approval of veterinary health certificates. As a sovereign state, Indonesia has the authority to determine its national and foreign trade policies; however, its membership in the WTO requires those policies to comply with WTO rules, including the Most-Favoured-Nation principle under Article I of the GATT (Sarna et al., 2020).

Following the WTO Decision in DS 484, Indonesia is required to revise and simplify its chicken meat import licensing procedures in accordance with the panel's recommendations.

However, this ruling has generated significant opposition from local chicken farmers, who fear increased competition from imported Brazilian chicken. At the same time, the Indonesian government faces the challenge of fulfilling its international obligations while safeguarding domestic agricultural interests. This delicate balance highlights the broader issue of non-tariff barriers, such as halal certification, which although designed to ensure compliance with religious dietary standards may unintentionally operate as trade restrictions, as demonstrated in disputes over chicken leg imports from the United States (Akim et al., 2023).

Licensing, in principle, functions as a regulatory instrument through which the government exercises control over certain economic activities by requiring prior authorization. As a legal mechanism, licensing enables the state to balance market regulation and public welfare by addressing concrete regulatory concerns. In this context, the resistance from local chicken farmers represents a tangible consequence of the WTO DS 484 decision. Accordingly, the government must establish a clear and coherent licensing framework that both complies with WTO requirements and provides adequate protection for local farmers. This implies the need for strategic government support particularly through technological upgrading and the defense of national interests in international trade disputes to enable domestic producers to meet international standards without undermining their competitiveness (Gunawiredja, 2022). This research therefore seeks to examine the implications of the WTO ruling in DS 484 on Indonesia's chicken import licensing regime and to analyze its impact on domestic poultry farmers.

METHOD

This research employed a normative juridical legal research method, which focuses on the examination of legal norms through the analysis of library materials as the primary sources of data. The research is conducted by reviewing laws and regulations, as well as relevant legal literature related to the issues under study, particularly changes in the Regulation of the Minister of Agriculture and the Regulation of the Minister of Trade concerning chicken meat imports. The research adopts a mono-disciplinary approach, with legal analysis as the sole disciplinary framework. Based on its characteristics, this research is classified as descriptive-analytical research, as it aims to describe and analyze legal norms and their application in practice.

Several previous studies have examined similar issues related to trade barriers and agricultural policies. Ahn and Gnutzmann-Mkrtchyan (2019) analyzed Indonesia's import licensing regime and concluded that certain regulatory measures were inconsistent with GATT provisions, particularly in agricultural trade. Limenta and Chandra (2017) emphasized that Indonesia's food security policy often prioritizes self-sufficiency, which may lead to inefficiencies and trade disputes. Meanwhile, Amanta (2021) highlighted the economic impact of non-tariff measures on food and agriculture, noting that such measures can increase domestic prices while limiting international trade integration. In addition, Gunawiredja (2022) found that non-tariff barriers significantly affect export-import dynamics and can reduce competitiveness if not implemented carefully.

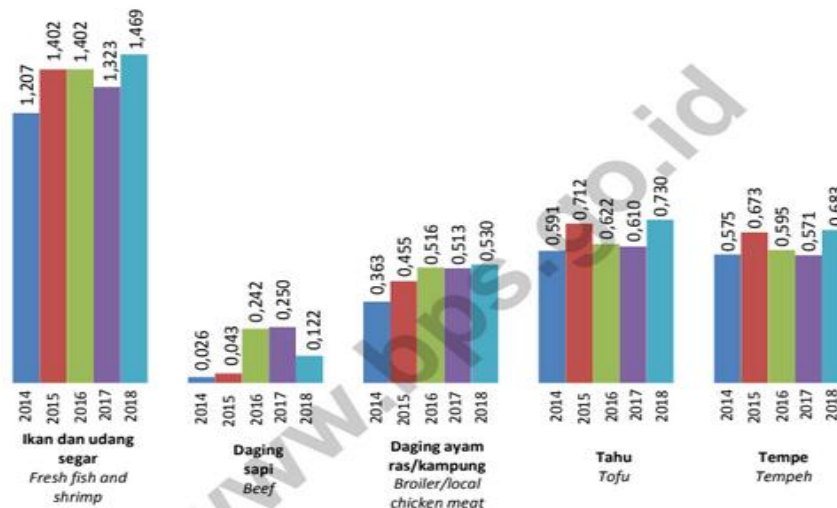
In addition to the literature review, interviews are used as a complementary data collection method to enrich and support the analysis. Interviews were conducted with several key informants, including Setya Winarno, an official of the National Poultry Farmers' Organization; Dr. Ir. Erwidodo, M.S., a researcher at the Center for Socio-Economic and

Agricultural Policy of the Ministry of Agriculture; Mr. Eka, a correspondent from the Directorate General of Foreign Trade of the Ministry of Trade; and Mrs. Jenny Soelistiani, Chairwoman of Pinsar Bandar Lampung. After data collection, the information obtained was analyzed qualitatively in order to gain a deeper understanding of the underlying legal and social realities related to chicken meat import policies.

Based on these conditions, this research is important to provide a comprehensive understanding of how Indonesia can harmonize its trade policies with international commitments without undermining domestic food security. The findings of this study are expected to contribute both theoretically and practically. Theoretically, this research enriches the study of international trade law and agricultural law, particularly in the context of non-tariff barriers and WTO compliance. Practically, it provides insights for policymakers in designing balanced import licensing policies that protect domestic producers while adhering to international obligations. From a policy perspective, this research can serve as a reference for developing more adaptive and progressive trade regulations. Socially, this study is expected to raise awareness among stakeholders, especially farmers and industry actors, regarding the importance of competitiveness and sustainability in the global trade system.

RESULTS AND ANALYSIS

The issue of chicken meat imports in Indonesia has been strongly opposed by domestic chicken farmers, primarily because Indonesia has already achieved food security in chicken meat through domestic production. According to projections by the Ministry of Agriculture, the comparison between chicken meat consumption and production has consistently shown a surplus, with the exception of 2017. In 2021, the surplus of chicken meat production reached 4.81%. This condition is further supported by consumption patterns of poultry meat among Indonesian households, as reflected in data from the National Socio-Economic Survey (Susenas) published by the Central Statistics Agency (BPS) for the period 2014–2018. Based on these trends, Indonesia is projected to maintain a surplus in chicken meat production in the coming years. Despite this surplus, non-tariff barriers continue to shape agricultural trade, with studies showing that such measures significantly reduce exports from developing countries to OECD markets (Arifin & Darmawan, 2023). These barriers, commonly applied through import controls such as tariffs and quantitative restrictions, can distort markets by raising consumer prices while shielding domestic industries (Amanta, 2021). Consequently, non-tariff measures imposed by importing countries disproportionately constrain exports from developing economies, limiting their integration into the global trading system (Gunawiredja, 2022).



Sumber/Source: BPS, Susenas September 2014-2018/BPS-Statistics Indonesia, The September 2014-2018 Susenas

Figure 1. Comparison of Chicken Meat Production and Consumption in Indonesia (2014–2021)

Source: Processed by the author based on data from Badan Pusat Statistik (Susenas 2014–2018) and the Ministry of Agriculture of the Republic of Indonesia projections (2021)

Based on these data, it can be concluded that Indonesia does not urgently require chicken meat imports to meet national food needs. This position is consistent with the provisions of the Food Law, particularly Article 14 paragraph (2), which stipulates that food imports may be undertaken only when domestic food production and national food reserves are insufficient. However, in practice, government policies related to food imports often conflict with WTO principles. This conflict is illustrated by Brazil’s complaint to the WTO, in which Indonesia was accused of violating the Most-Favored-Nation (MFN) principle by restricting the entry of Brazilian chicken products into the Indonesian market. The DS 484 case, which challenged Indonesia’s import restrictions on poultry products, highlighted the continuing tension between domestic food self-sufficiency objectives and obligations under the WTO Agreement on Agriculture (Limenta & Chandra, 2017). The case illustrates the need to balance national food security goals with compliance with multilateral trade rules (Syahroni & Saputra, 2025).

Indonesia’s import policy framework is regulated under Law No. 7 of 2014 concerning Trade. Article 38 paragraph (3) requires importers to obtain permits in the form of approval, registration, determination, and/or recognition. In the context of importing animals and animal products, import permits are issued by the Ministry of Trade in the form of an Import Approval. Such approval must be accompanied by a Recommendation from the Ministry of Agriculture. The Ministry of Agriculture plays a critical role in verifying halal certification and animal health standards through the Agricultural Quarantine Agency (Barantan). This multi-layered regulatory framework, involving both the trade and agriculture ministries, reflects Indonesia’s complex efforts to balance import controls with domestic production objectives. However, Indonesia’s agricultural import policies have faced criticism for lacking consistency and predictability, particularly in licensing regimes that impose high fixed costs and additional barriers on exporters (Ahn & Gnutzmann-Mkrtchyan, 2019).

The procedure for obtaining import approval constitutes a form of non-tariff barrier implemented by the Indonesian government to protect local farmers from foreign competition. Requirements such as halal certification and health certification function as Technical Barriers to Trade (TBT) within the import licensing framework. Consequently, the licensing mechanism indirectly limits the volume of imported products, thereby providing domestic farmers with greater opportunities to market their products within the national market. This protective approach, while supporting domestic producers, may hinder free trade principles and therefore requires a careful balance between national interests and international obligations (Ahn & Gnutzmann-Mkrtchyan, 2019). Quota-based instruments, such as the Registered Importer and Limited Importation schemes, further reflect Indonesia's protectionist orientation by limiting import volumes, timeframes, and sources to protect domestic industries, including industrial salt and refined sugar producers (Maharani et al., 2025).

Following the issuance of WTO Decision DS 484, Indonesia revised several provisions in both the Regulation of the Minister of Trade and the Regulation of the Minister of Agriculture. These amendments were undertaken to align national regulations with Indonesia's obligations under the WTO framework. The key changes are outlined as follows:

Regulation of the Ministry of Trade:

Amendments to the Regulation of the Minister of Trade Following WTO Decision DS 484.

Table 1. Amendments to the Regulation of the Minister of Trade Following WTO Decision DS 484

Article	Substance of Amendment
Article 13 paragraph (2) letter (b)	Introduces an additional requirement for Import Approval in the form of a Business Identification Number (<i>Nomor Induk Berusaha/NIB</i>). The NIB serves as a mechanism to control changes in documentation, including amendments to Import Approval, and to regulate the Importer Identification Number (API).
Article 15A	Requires that Import Approval specify the intended use of imported products, a provision that was not included in the previous Minister of Trade Regulation. This article reflects the WTO's recommendation concerning the regulation of intended use.
Article 16 paragraph (2) letter (a)	Stipulates that any request for amendments must be accompanied by a recommendation consistent with the information contained in the NIB. If discrepancies arise, a new recommendation corresponding to the NIB data is required.
Article 17	Provides that applications for amendments to Import Approval must be accompanied by a Recommendation. Amendments may be granted when changes occur in any of the elements listed in Article 17 paragraph (1).
Article 20A	Introduces provisions accommodating halal assurance requirements, which were absent from the previous Minister of Trade Regulation.
Article 22	Removes the mandatory requirement for importers to possess refrigeration facilities, allowing imports provided that cold chain handling services are utilized. This amendment aligns with the WTO's recommendation on intended use, as previous regulations required refrigeration facilities for imports designated for specific purposes.
Article 28 letter (f)	Authorizes the revocation of Recommendations based on information provided by the recommending authority.

Source: Processed by the author based on Regulation of the Minister of Trade and WTO Panel Report in WTO DS 484 dispute

Regulation of the Ministry of Agriculture:
 Amendments to the Regulation of the Minister of Agriculture Following WTO Decision
 DS 484

**Table 2. Amendments to the Regulation of the Minister of Agriculture Following
 WTO Decision DS 484**

Article	Substance of Amendment
Article 7 / Article 7A paragraph (2)	Under Minister of Agriculture Regulation (<i>Permentan</i>) No. 34 of 2016, recommendations were granted only if products met the requirements of being safe, healthy, intact, and halal. <i>Permentan</i> No. 23 of 2018 expands this framework through the introduction of Article 7A paragraph (2), which allows products not listed in the Appendix to be granted recommendations provided that they comply with relevant international standards and/or guidelines. This amendment responds to the WTO's recommendation concerning the application of a positive list, by permitting imports outside the Harmonized System (HS) codes listed in the Appendix, subject to compliance with international standards.
Article 13	Under <i>Permentan</i> No. 34 of 2016, halal assurance was required throughout the entire production process. The amended regulation simplifies this requirement by allowing halal compliance to be demonstrated through the submission of a halal certificate. This provision aligns with WTO recommendations on import licensing procedures, in which halal certification constitutes one of the requirements for determining the country of origin and the importing business entity. Halal certificates issued by the country of origin and the business entity are subject to verification.
Article 15	In <i>Permentan</i> No. 34 of 2016, import risk analysis was conducted by first determining the acceptable level of protection based on disease classification. In contrast, <i>Permentan</i> No. 23 of 2018 provides that import risk analysis is conducted through document examination and field verification. This modification aligns with WTO recommendations concerning import licensing procedures by streamlining the risk assessment process.
Article 16C	Requires that the determination of the importer's country of origin be accompanied by a technical protocol specifying animal health requirements. These requirements must be attached to the Entry Recommendation and the model animal health certificate. This provision implements WTO recommendations related to transparency and procedural clarity in import licensing.
Article 25 (Deleted)	Article 25 of <i>Permentan</i> No. 34 of 2016, which required that the issuance of recommendations take into account the realization of previous import volumes and distribution plans, has been deleted. The removal of this provision addresses the WTO's concern regarding undue delay in the approval of veterinary health certificates, as consideration of prior realization could prolong the issuance of recommendations.

Source: Compiled and processed by the author based on the Regulation of the Minister of Agriculture of the Republic of Indonesia (*Permentan* No. 23 of 2018) and WTO Panel Report in WTO DS 484 dispute

The implications of WTO Decision No. DS 484 do not require Indonesia merely to implement the ruling mechanically. Indonesia retains the right to impose trade measures classified as non-tariff barriers, as permitted under Articles XI and XX of the General Agreement on Tariffs and Trade (GATT), provided that such measures comply with WTO principles. The introduction of Article 7A in the amended Minister of Agriculture Regulation strengthens this position by stipulating that recommendations for animal and animal product imports must meet requirements of being safe, healthy, intact, and halal, where applicable. Although these requirements were not explicitly stated in Minister of Agriculture Regulation (*Permentan*) No. 34 of 2016, *Permentan* No. 23 of 2018 mandates compliance with international

standards and/or guidelines, as well as with national legislation governing halal product assurance. Compliance with international standards and national legislation reflects Indonesia's effort to balance trade liberalization with the protection of public health and cultural values (Sarna et al., 2020). In response to the WTO ruling, the Indonesian government also revised several regulations governing the importation of horticultural and animal products (Limenta & Chandra, 2017).

In addition, significant changes were introduced regarding risk analysis procedures. Under Permentan No. 34 of 2016, the determination of an acceptable level of protection was conducted based on disease classification prior to the import risk analysis. In contrast, Permentan No. 23 of 2018 limits the process to document inspection and field verification. These regulatory adjustments potentially widen market access for imported chicken products, thereby raising concerns among domestic producers. The streamlining of import risk assessments and the expansion of import opportunities may intensify competition, particularly for Indonesian chicken meat producers who were previously protected by stricter import controls (Ahn & Gnutzmann-Mkrtchyan, 2019).

To assess the practical implications of these regulatory changes, the author conducted interviews with local poultry farmers affiliated with the People's Poultry Association. Mrs. Jenny Soelistiani, Chairwoman of the Bandar Lampung People's Poultry Association, emphasized that international trade disputes often prioritize the interests of large exporting corporations while overlooking micro, small, and medium enterprises (MSMEs), which dominate Indonesia's poultry sector. She noted that the influx of imported chicken meat priced lower than domestic products could threaten the survival of local poultry businesses in the absence of supportive government policies.

Similarly, Mr. Setya Winarno, a representative of the National Chicken Farmers Association (GOPAN), stated that existing policies tend to favor large-scale producers and do not sufficiently accommodate small-scale poultry farmers. He argued that enhancing the competitiveness of domestic poultry products requires not only regulatory protection but also the empowerment of small producers through technological innovation and improved production efficiency. This perspective is consistent with studies emphasizing the need for targeted policy interventions such as training in poultry husbandry and biosecurity—to strengthen smallholder producers in the face of increased market competition (Zamani et al., 2023).

Another critical factor affecting the competitiveness of local poultry farmers is the significantly lower Cost of Goods Sold (COGS) for broiler chickens in Brazil, which serves as a benchmark for determining export prices. Corn and soybeans, the primary inputs for poultry feed, are key determinants of production costs. Brazil's domestic corn supply is sufficient to meet its national demand, resulting in substantially lower corn prices compared to Indonesia. Consequently, the Indonesian government must establish legal and policy frameworks that strengthen national food sovereignty if it aims to enhance competitiveness in the poultry sector. Achieving food sovereignty, particularly by reducing the cost of strategic input commodities such as corn, would substantially improve the competitiveness of Indonesian chicken products in both domestic and international markets. This would require investment in domestic agricultural infrastructure, research on alternative feed sources, and the adoption of strategic

import policies that protect local production while remaining consistent with international trade agreements (Limenta & Chandra, 2017).

CONCLUSION

Food import licensing is closely linked to Indonesia's food security framework, as imports are permitted only when domestic production is insufficient to meet national demand. Projections from the Ministry of Agriculture indicate that Indonesia's chicken meat supply remained adequate at least until 2021. In implementing its international trade policy, Indonesia employs both tariff measures and non-tariff barriers, including import licensing, as protective instruments. Among the most prevalent non-tariff measures affecting international trade are sanitary and phytosanitary (SPS) measures, technical barriers to trade, and pre-shipment inspections. Through licensing mechanisms, the government exercises its regulatory authority to ensure legal certainty, public welfare, and state control over strategic economic sectors. The state therefore plays an active role in promoting societal welfare by regulating economic activities through permits, implementing selective deregulation, and adopting supportive policy measures. At the same time, the government must prioritize food independence as a pathway toward achieving food sovereignty. Strengthening food independence in strategic commodities such as corn and soybeans can significantly reduce poultry production costs, enabling Indonesian chicken products to compete more effectively in the global market. With increased production capacity accompanied by improved quality standards, chicken meat has the potential to become one of Indonesia's leading export commodities, complementing existing agricultural exports.

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