

**IMPLEMENTATION OF MINISTER OF TRADE REGULATION
NUMBER 8 OF 2024 CONCERNING IMPORT PROHIBITIONS AND
RESTRICTIONS AS ONE OF THE FACTORS IN THE IMPOSITION OF
HIGH RECIPROCAL TARIFFS BY THE UNITED STATES**

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Abstract

Regulation of the Minister of Trade of the Republic of Indonesia Number 8 of 2024 (Permendag 8/2024) is a significant change in import policy, including certain import prohibitions and restrictions. The implementation of this regulation has an impact on increasing the flow of imported goods to Indonesia, but has also drawn attention from the United States. The US government responded to this policy by implementing high reciprocal import tariffs on Indonesian products as a retaliatory measure. This study examines the normative-juridical content of Permendag 8/2024 along with its impact on international trade, as well as the United States' legal response through reciprocal tariffs. The analysis focuses on the conformity of the policies of the two countries with the legal provisions of the World Trade Organization (WTO), especially the General Agreement on Tariffs and Trade 1994 (GATT 1994) and the Dispute Settlement Understanding (DSU). Through the normative-juridical research method, this paper finds indications of violations of WTO principles in Indonesian policies as well as unilateral US retaliatory actions. Trade dispute simulations indicate that settlement options may be pursued through diplomacy and WTO dispute resolution mechanisms rather than unilateral retaliatory actions that violate the DSU. This in-depth study is expected to provide a comprehensive understanding of the legal implications of Indonesia's trade policy and the United States' reciprocal response within the framework of international trade law.

Keywords : Import Ban Policy, Reciprocal Tariff, Minister of Trade Regulation No. 8/2024, Indonesia–US Trade Dispute, WTO Law

INTRODUCTION

Indonesia, as a developing country, often implements import restrictions and prohibitions (limited bans, *lartas*) with the aim of protecting domestic industries, security, health, or the environment. These policies are implemented through, among others, regulations issued by the Minister of Trade, which govern import licensing procedures, technical requirements, and the prohibition of certain items. Throughout 2023–2024, Indonesia's import regulations underwent several changes. Minister of Trade Regulation (Permendag) No. 36 of 2023 on Import Policy and Regulation was amended successively by Permendag No. 3/2024, Permendag No. 7/2024, and most recently by Permendag No. 8/2024. These repeated changes indicate the dynamic adjustments of national import policy, driven by both domestic stakeholder feedback and external pressures.

Permendag 8/2024 has significant implications. On one hand, this regulation is intended to simplify import procedures and relax technical requirements for certain commodities, making the importation of specific goods easier. As a result, the import volume surged, particularly for commodities such as Textiles and Textile Products (TPT). The Ministry of Industry recorded that after the enactment of Permendag 8/2024 (effective 17 May 2024), TPT imports rose from 136 thousand tons (April 2024) to 194 thousand tons in May 2024 (Kumparan, 2025). This flood of imported products (e.g., cheap ready-to-wear clothing) hit local industries hard, as evidenced by reports of around 11,000 workers in the textile sector being laid off due to competition from cheap imports following Permendag 8/2024 (Kumparan, 2025). Domestic industry groups protested the policy, arguing that it threatens business sustainability and employment.

On the other hand, Indonesia's overhaul of its import regulations also attracted serious attention from major trading partners, particularly the United States. The US has long criticized various trade barriers in Indonesia, both tariff and non-tariff. In the 2025 *National Trade Estimate Report*, the United States Trade Representative (USTR) highlighted that Indonesia's average Most Favoured Nation (MFN) tariff was 8.6% for agricultural products and 7.9% for non-agricultural products in 2023—far higher than US tariff rates (Neraca.co.id, 2025). Indonesia was even accused of deliberately imposing high tariffs on products competing with its domestic industries (such as electronics, pharmaceuticals, cosmetics, agriculture), with some non-agricultural products facing tariffs up to 35.5% and many agricultural products above 25%. USTR noted that these figures exceed Indonesia's WTO commitments. Furthermore, Indonesia was criticized for non-tariff measures (NTMs) that are seen to hinder US product access, such as a complex import licensing regime, the application of Domestic Component Level (TKDN) requirements across various sectors, and monetary policies mandating that natural resource companies deposit export earnings in domestic banks (Detiknews, 2025). These policies were considered to create non-reciprocal trade conditions and harm US exporters.

Tensions peaked when, in early April 2025, the United States government under President Donald Trump announced a high reciprocal tariff policy targeting trade partners deemed to have treated US products unfairly. Indonesia was among the countries subject to this measure. Trump accused Indonesia of imposing various tariffs and regulations detrimental to US trade interests. In response, the US imposed a 32% import tariff on nearly all Indonesian goods (Detiknews, 2025). This figure was claimed to be a retaliatory tariff against Indonesia's trade practices. For instance, Trump pointed to Indonesia's 30% import tariff on US ethanol, which is far higher than the US's 2.5% tariff on ethanol (Detiknews, 2025). With the “reciprocal treatment” approach, the US aims to equalize tariffs to levels matching those imposed by Indonesia. Beyond tariffs, Trump also explicitly cited Indonesia's non-tariff barriers (such as TKDN and complex import licensing) as justification for the new tariff policy. The US reciprocal tariff policy clearly poses a serious threat to the market access of Indonesian export products in the United States. Indonesia's key export products such as garments, footwear,

furniture, shrimp, and others, which previously enjoyed normal tariff rates in the US market, now face the risk of total import duties ranging from 20–47% (including base US tariffs plus Trump's additional tariffs) (Neraca.co.id, 2025). This situation is feared to undermine the competitiveness of Indonesian exports and worsen Indonesia's trade deficit with the US.

Based on the above description, there is an apparent trade policy conflict between Indonesia and the United States. Indonesia seeks to protect national interests through import restrictions (though partially relaxed by Permendag 8/2024), while the US demands fair treatment and has taken unilateral action by imposing high tariffs claimed as retaliatory. This issue has not only economic implications but also raises questions of international law: Are the policies of both countries aligned with the WTO rules that they have jointly agreed upon? What dispute settlement mechanisms are available if both parties maintain their respective positions? Based on the above explanation, the objectives of this research are as follows:

1. To elaborate the content and impact of Minister of Trade Regulation No. 8 of 2024 on Indonesia's international trade flows, including its implications for domestic industries and trade partners.
2. To analyze the legal response of the United States in the form of a 32% reciprocal import tariff on Indonesian products, along with the background and motivations behind such policy.
3. To assess the conformity of Indonesia's policy (Permendag 8/2024) and the US policy (reciprocal tariffs) with WTO law provisions, especially GATT 1994 (such as Article XI on import restrictions, Articles I and II on MFN and tariff concessions), as well as procedural obligations under the DSU.

RESEARCH METHODS

In accordance with the title and the issues to be discussed in this journal research, and in order to produce useful outcomes, this journal research is conducted using the Normative Juridical research method (normative legal research method). The Normative Juridical method is a legal research approach based on literature review, carried out by examining library materials (*library research*) or secondary data only.

In this case, the authors conduct the research using a normative juridical method (*doctrinal research*) with a statutory approach and case analysis. The primary data sources include Indonesian statutory regulations (including Permendag 8/2024 and related regulations), international legal documents (WTO agreements: GATT 1994, DSU, etc.), and official U.S. government documents (USTR reports, White House fact sheets). Secondary data is obtained from literature on international trade law, academic journals, and relevant news reports or official press releases.

All of these data are analyzed qualitatively with an emphasis on the normative consistency of the policies against the applicable legal rules. This normative juridical approach is chosen because the problem being examined is legal doctrinal in nature, namely assessing rules and policies based on written legal norms and international trade principles that have been mutually agreed upon. The author also reviews previous WTO trade dispute rulings as jurisprudence references to predict legal perspectives on similar cases. The results of the analysis are presented systematically according to the predetermined topics of discussion.

RESULT AND DISCUSSION

1. Impact of Minister of Trade Regulation No. 8 of 2024 on International Trade Flows

Minister of Trade Regulation No. 8 of 2024 is the third amendment to Permendag 36/2023 concerning Import Policy and Regulation. Permendag 8/2024 was enacted on May 17, 2024, and took effect immediately on that date. This regulation was issued with the

consideration of “supporting the smooth flow of imported goods” while still regulating certain items. In general terms, Permendag 8/2024 classifies imported goods into Indonesia into two categories: (a) goods that are freely importable, and (b) goods with restricted importation (limited prohibitions). More detailed provisions are outlined in the articles and annexes of Permendag 36/2023 jo. 8/2024, including:

- a. Import Approval & Technical Consideration (Pertek) Requirements, Goods that pose risks to Safety, Security, Health, and the Environment (K3L) still require Technical Considerations (Pertek) from the relevant agencies before being allowed into Indonesia, to ensure K3L standards are met.
- b. Verification or Technical Tracing Mechanism (VPT), Technical inspection of imported goods may be conducted at the destination port or other designated locations, providing flexibility without reducing oversight.
- c. Exemptions for Certain Commodities, Imports of iron/steel and textiles are exempted from the obligation to obtain Pertek and from quota restrictions, although they are still required to undergo VPT, as a form of import relaxation to support industry and market prices.
- d. Import Ban on Motor Vehicles as Relocated Goods, A prohibition on importing motor vehicles as personal relocation goods aims to prevent abuse of regulatory loopholes by individuals bringing used cars from abroad.
- e. Administrative Relaxation for Certain Imported Goods, Individuals importing personal goods are not required to have a Business Identification Number (NIB) or Importer Identification Number (API), thus making the import process for non-commercial purposes easier and faster.

From the above description, Permendag 8/2024 presents a dual-sided policy: on one side, it tightens importation for sensitive goods such as K3L products and relocated vehicles, while on the other side, it relaxes importation for commodities such as iron/steel and textiles by removing technical requirements. This policy triggered a 40% surge in textile imports within a month, leading to a decline in domestic industrial capacity and an increase in layoffs. The rapid regulatory change also creates uncertainty for trade partners such as the United States. Although the relaxation of apparel imports theoretically benefits foreign exporters, its impact is limited because the US is not a primary supplier in that sector and still faces barriers in others. Overall, this policy reflects a dilemma between import liberalization to meet global pressures and the protection of domestic industries, which also contributes to the rationale behind the US imposing reciprocal tariffs on Indonesia.

2. Imposition of a 32% Reciprocal Tariff on Indonesian Products as the Legal Response of the United States

The United States responded to Indonesia's policy through a firm unilateral move, namely the imposition of a “reciprocal” import tariff of 32% on goods originating from Indonesia. This policy was announced in early April 2025 by President Donald Trump as part of the America First trade strategy, which demands equal treatment in trade relations. According to the official statement from the White House, the 32% tariff is intended as a retaliatory measure because “U.S. goods have long faced high tariffs and unfair barriers in Indonesia, so it is time for the U.S. to impose equivalent tariffs.” Several key background points and characteristics of this U.S. reciprocal tariff include:

1. Reason of Non-Reciprocity, The U.S. believes that Indonesia imposes high tariffs on American products (e.g., ethanol 30% vs. 2.5% in the U.S.), which is deemed unfair. The additional 32% tariff is imposed so that partner countries “treat the U.S. as the U.S. treats them” (White House, 2025).
2. U.S. Domestic Legal Basis, Trump invoked the International Emergency Economic Powers Act (IEEPA) and declared a national emergency related to the trade deficit to

justify the high tariff. This is an unusual step, as IEEPA is generally used for national security sanctions, not economic measures (White House, 2025).

3. Scope of Tariffs and Targeted Countries, More than 90 countries were subjected to additional tariffs. Indonesia is among the highest (32%), alongside China and Vietnam. This tariff is applied on top of the normal rate, resulting in Indonesian goods being subject to duties exceeding 40% in the U.S. (Neraca.co.id, 2025).
4. Range of Affected Products, Almost all Indonesian goods are affected, except for certain U.S. strategic products such as steel, semiconductors, and energy. Indonesia's major exports—such as textiles, footwear, and furniture—remain subject to high tariffs, reducing their competitiveness in the U.S. market (Neraca.co.id, 2025).
5. Negotiation Signal, The U.S. indicated that tariffs could be reduced if the targeted countries were willing to adjust their trade policies. In Indonesia's case, the U.S. seeks tariff reductions, the removal of non-tariff barriers, or an increase in imports of U.S. products (White House, 2025).

Indonesia's response to the U.S. action has been cautious and diplomatic. The administration of President Prabowo Subianto (who took office in 2024) has refrained from immediate retaliation, instead opting for negotiation. Coordinating Minister for Economic Affairs Airlangga Hartarto emphasized that Indonesia would not take the retaliatory tariff route but would pursue negotiations, as the United States is considered a strategic partner.

Indonesia views a tariff war escalation as mutually detrimental and prefers dialogue. Steps taken include: sending an official letter requesting negotiations, dispatching a high-level delegation (including the Indonesian Ambassador and economic team) to Washington, D.C., and reactivating dormant cooperation forums such as the Trade and Investment Framework Agreement (TIFA), which had been inactive since 1996. Domestically, the Indonesian government also coordinated with business associations to prepare a concession proposal package for the U.S.

Several negotiation points offered by Indonesia in response to Trump's tariffs include: increasing imports from the U.S. (e.g., wheat, LPG, and technology products), providing incentives for U.S. investors, reducing import duties on certain products, and easing non-tariff barriers such as the TKDN policy and import certification requirements. This shows Indonesia's willingness to adjust its domestic policies to ease trade tensions.

From an international legal perspective, the U.S. reciprocal tariff is viewed as a unilateral retaliation that violates WTO procedures because it was not pursued through formal dispute mechanisms. Politically, this action reflects intense pressure from the U.S. for partner countries, including Indonesia, to revise their policies. Consequently, Indonesia faces two options: compromise for the sake of stability, or reject and prepare for a formal trade dispute process with all its consequences

3. Conformity of Indonesia's and the U.S.'s Policies with WTO Law (GATT 1994, DSU)

As members of the WTO since 1995, Indonesia and the United States are bound by the provisions of WTO agreements, including GATT 1994 for trade in goods and the Dispute Settlement Understanding (DSU). In assessing the actions of both countries above, it is important to examine whether these policies are consistent with or contrary to WTO obligations. The following is an analysis of each party's conformity:

a. Conformity of Permendag 8/2024 (Indonesia's Import Policy) with WTO Law

In principle, WTO through GATT 1994 Article XI:1 prohibits import restrictions in the form of non-tariff measures such as quotas and restrictive licensing, except under explicitly permitted grounds. Permendag 8/2024, while simplifying some provisions, still maintains import restriction mechanisms through the requirement of Technical Considerations (Pertek) for goods that impact Security, Safety, Health, and the Environment (K3L). This could

potentially be viewed as a trade barrier that violates Article XI of GATT, especially if it is disproportionate or discriminatory. An important precedent is the DS477/478 dispute (U.S. & New Zealand vs. Indonesia), where the WTO ruled that Indonesia's import restrictions on horticultural and animal products violated GATT (World Trade Organization, 1994). Although Indonesia has adjusted its regulations (including through Permendag 8/2024), the U.S. argues that the substance of the restrictions remains, albeit in a different form. Restrictions through *Pertek* could be justified under Article XX of GATT, such as for protecting public health or the environment. However, Article XX must not be used as a disguise for economically protecting domestic industries. If certain restrictions (such as previously on ready-made garments) are not based on K3L grounds, then they could be deemed violations.

Permendag 8/2024 raises concerns in terms of transparency and import licensing procedures. Although there have been improvements (e.g., removal of NIB requirements for personal goods), international criticism notes that Indonesia's import licensing system remains complex and lacking transparency, which may violate the WTO Agreement on Import Licensing Procedures. From the standpoint of the Most-Favoured Nation (MFN) principle and non-discrimination, Permendag 8/2024 appears to apply generally to all countries without specific exceptions, thus not violating Article I of GATT. However, the focus of criticism lies more in the general nature of the restrictions, which could broadly impede imports. Indonesia's Domestic Component Level (TKDN) policy is criticized for potentially violating the Agreement on Trade-Related Investment Measures (TRIMs). TKDN mandates the use of local inputs, which may violate Article III of GATT on national treatment because it harms imported products. The WTO has already rejected similar policies in the India Solar Cells case, and the U.S. has used this issue as one of the grounds for imposing reciprocal tariffs on Indonesia.

Overall, Indonesia's policy under Permendag 8/2024 contains potential violations of WTO provisions, particularly regarding non-tariff import restrictions and local content policies. Although Indonesia refers to Law No. 7 of 1994 (WTO ratification) as the legal basis for this regulation, differing interpretations with trade partners such as the U.S. still open the possibility of a formal trade dispute.

b. Conformity of the U.S. Reciprocal Tariff with WTO Law

Unlike Indonesia's more technical case, the U.S.'s imposition of a 32% tariff selectively on Indonesia represents an overt challenge to WTO rules. Two main pillars of the WTO that are relevant here are Articles I and II of GATT 1994 and the DSU (Dispute Settlement Understanding):

1. Violation of Most-Favoured Nation (Article I of GATT) and the Schedule of Concessions (Article II of GATT), Within the WTO, the U.S. has a tariff concession schedule binding maximum rates (bound rates) for each tariff line (World Trade Organization, 2019). The U.S. MFN tariff for industrial products is generally low (average <5%), and for textiles/clothing perhaps in the low teens, but almost never as high as 32%. By applying a 32% tariff specifically to Indonesia (and several other countries) outside the MFN framework, the U.S. clearly violates Article I:1 of GATT, which requires that the most favorable tariff treatment be applied non-discriminatorily to all WTO members. Since this tariff is not applied to all members, it is not MFN. Furthermore, the 32% tariff likely exceeds the U.S.'s bound tariffs in the WTO for many products. For example, if the U.S. bound rate for apparel is 20%, then applying 32% exceeds that commitment and violates Article II:1(a)-(b) of GATT, which requires that duties not exceed the bound rate. Substantively, from a purely WTO perspective, Trump's tariff policy violates the U.S.'s own multilateral obligations.
2. Disregard of DSU Procedures (Unilateral Retaliation), More fundamentally, the WTO DSU prohibits members from taking matters into their own hands (*self-help*) in a dispute without going through the WTO mechanism. Article 23 of the DSU asserts that WTO members must

use DSU rules and may not unilaterally determine violations or impose sanctions. In other words, if the U.S. believes Indonesia is violating WTO rules (e.g., through import restrictions), it must first file a complaint at the WTO, await a ruling, and only then retaliate after receiving authorization from the WTO's Dispute Settlement Body (DSB). The U.S.'s action of directly raising tariffs without a WTO ruling is a procedural violation of Article 23 of the DSU, an issue debated in the 1990s concerning the U.S. Section 301 Trade Act, where the WTO panel (DS152) emphasized that unilateral determination of violations and responses are breaches of the DSU. Thus, under WTO law, the U.S. reciprocal tariff cannot be justified, regardless of any perceived provocation or "unfairness."

The United States will likely attempt to justify the 32% tariff on Indonesia by invoking the national security exception under Article XXI of GATT. By declaring a national emergency, the U.S. may claim the action is essential to national security and thus exempt from general WTO rules. Article XXI is self-judging, meaning a country can unilaterally decide what constitutes its national security interest.

However, the U.S.'s prior use of Article XXI was rejected in the steel and aluminum tariff case, where a WTO panel in 2019 ruled that the U.S.'s national security defense did not meet the criteria of "an emergency in international relations." Thus, it is very difficult to justify that a trade deficit with Indonesia, which is neither a military conflict nor a real threat, could be considered a national security issue. If this case is brought before the WTO, the panel would likely rule that the U.S. reciprocal tariff violates Articles I and II of GATT, and the Article XXI exception cannot be used arbitrarily.

The U.S. action against Indonesia also mirrors the 2018 unilateral tariff policy against China under Section 301, which triggered a major trade war (World Trade Organization, 2020). In DS543 (China vs. U.S.), the WTO panel ruled that the additional tariffs violated the MFN principle and exceeded the U.S.'s bound concessions. The U.S. did not provide a substantive defense and appealed, but the legal process stalled because the WTO Appellate Body was paralyzed due to a blockade led by the U.S. itself. This situation highlights the U.S.'s increasing disregard for WTO mechanisms when they conflict with its national interests, which in turn undermines the legitimacy of the rules-based multilateral trading system.

From a WTO legal perspective, the U.S. reciprocal tariff is unlawful because it violates Article I of GATT (discriminatory), Article II of GATT (exceeding bound tariffs), and Article 23 of the DSU (unilateral action without following WTO dispute procedures). Meanwhile, Indonesia's Permendag 8/2024 also holds legal vulnerabilities, as it may violate Article XI of GATT (non-tariff import restrictions), and TRIMs, if the Domestic Component Level (TKDN) policy is applied in a discriminatory manner against foreign products.

Thus, both countries have legal weaknesses, and if the matter is not promptly resolved through diplomacy or WTO dispute procedures, it could escalate into a complex formal trade dispute, risking economic harm and damage to both parties' reputations in international law.

CONCLUSIONS

Minister of Trade Regulation No. 8 of 2024 has a dualistic policy character, namely on one hand it relaxes the importation of several commodities such as textiles, iron, and steel, but on the other hand it maintains import restrictions on goods related to security, health, the environment, used vehicles, and other commodities by requiring technical approvals. The impact on the United States from this policy is perceived as frequently changing and fluctuating, thereby creating regulatory uncertainty which constitutes a form of disguised trade barrier. To resolve this dispute, the preferred options are negotiation and compromise. In this regard, Indonesia has taken the correct step by choosing to negotiate rather than engage in retaliation.

The legal response of the United States in imposing a 32% reciprocal import tariff on Indonesian products is considered a retaliatory action against long-standing tariff imbalances,

such as in the case of ethanol commodities where Indonesia's tariff is much higher than that of the U.S. The United States issued this policy based on the International Emergency Economic Powers Act (IEEPA) and a declaration of national economic emergency, without going through the WTO dispute settlement procedure. Therefore, the settlement of this dispute is ideally carried out without involving the WTO dispute process. Indonesia, by pledging to reduce tariffs on certain imported commodities, revise the disputed import regulations, and increase imports from the U.S., is expected to resolve the dispute peacefully and reach an agreement whereby the U.S. will lift the 32% tariff.

The conformity of Permendag No. 8 of 2024 and the U.S. reciprocal tariff with WTO law: From the perspective of WTO law, Permendag No. 8 of 2024 may violate Article XI of GATT 1994 due to the application of non-tariff import restrictions through licensing and technical requirements. Furthermore, the TKDN (Domestic Content Requirement) policy may also violate the TRIMs Agreement and the national treatment principle under Article III of GATT. On the U.S. side, the reciprocal tariff violates Article I of GATT due to tariff discrimination and Article II of GATT because it exceeds the bound rate. Moreover, by implementing the reciprocal tariff, the U.S. has carried out a retaliatory action (unilateral retaliation) without following WTO procedures, thereby violating Article 23 of the DSU. The U.S. justification of national security cannot be accepted as a situation of emergency in international relations, as established in WTO jurisprudence. Both countries are advised to resolve the dispute peacefully to prevent further violations of WTO provisions.

Based on the conclusions above, the most appropriate resolution to the trade dispute between Indonesia and the United States is through negotiation in accordance with WTO provisions, thereby maintaining the stability of international trade and minimizing negative impacts on domestic industries as well as the long-term economic relationship between Indonesia and the United States.

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