

Challenges and Legal Strategies of Indonesia in Global Trade Agreements in the Era of Fragmentation

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Abstract	The escalation of global trade wars and the fragmentation of the international economy have forced countries, including Indonesia, to review their legal positions and strategies in international trade agreements. Post-US-China trade conflict, geopolitical changes and economic uncertainty add to the challenge for Indonesia to balance its commitment to global economic liberalisation with the need to protect domestic interests. This article examines Indonesia's adaptation of its trade law framework in various bilateral, regional, and multilateral platforms, such as CEPA, RCEP, and CPTPP. Using a normative-qualitative approach and comparative legal analysis, it explores international legal instruments and national policies, including the Trade Law and Investment Law. The results show a tension between Indonesia's international liberalisation commitments and domestic protectionist needs, exacerbated by weak policy harmonisation across sectors and suboptimal utilisation of trade protection mechanisms. The resulting shortcomings create legal uncertainty and reduce the effectiveness of business protection. This article proposes agility-based regulatory reforms, institutional capacity building in trade agreement negotiations, and the development of an integrated national legal strategy. These efforts are urgently needed to strengthen Indonesia's bargaining position and its resilience in the face of an increasingly fragmented and volatile global trading system. This research contributes to the discourse on how developing countries manage legal complexity in global trade governance.
Keywords	International Trade Law, Trade Agreement, Business Regulation, Protectionism, Legal Reform

INTRODUCTION

The constellation of international trade has experienced major disruptions since the onset of the trade war between the United States and China in 2018.¹ This tension has not only affected the two countries directly involved but has also created a domino effect on

¹ Ignacio Bartesaghi, Natalia Melgar. (2024). *Trade war: the steel and aluminium markets and the trade governance*, Review of Applied Socio- Economic Research (Volume 27, Issue 1 / 2024), pp. 37-49.

developing nations, including Indonesia. Among the most tangible impacts are the disruption of global supply chains, increased logistics costs, commodity price volatility and reduced investment certainty.² Currently, the Indonesian government is actively formulating strategic measures in response to global dynamics. Rather than relying on a single country, Indonesia seeks to diversify its economic partnerships by expanding access to other markets through multilateral cooperation frameworks such as RCEP, the I-EU CEPA and the CPTPP.³

Amid the current wave of globalization and the fragmentation of the global economy, Indonesia, as a developing country and a party to various multilateral trade agreements, faces specific challenges in balancing market openness with the protection of national interests.⁴ While countries such as Vietnam and India have responded swiftly with progressive legal and investment incentives,⁵ Indonesia continues to encounter obstacles related to regulatory synchronization and cross-sectoral coordination.

The existence and effectiveness of international trade agreements such as the Regional Comprehensive Economic Partnership (RCEP), the Indonesia–Australia Comprehensive Economic Partnership Agreement (IA-CEPA), and the ASEAN–China Free Trade Agreement are crucial for maintaining Indonesia’s access to export markets. In the context of current geopolitical tensions, the RCEP, in particular, presents an opportunity for Indonesia to strengthen economic cooperation with neighboring ASEAN countries.⁶ However, in practice, the national legal framework has not fully supported the optimal implementation of these agreements. Several domestic regulations, such as Law No. 7 of 2014 on Trade and Law No. 25 of 2007 on Investment, often show delays in harmonization and lack the flexibility needed to respond to global crises. Furthermore, the effectiveness of legal instruments such as anti-dumping measures, safeguards, and countervailing subsidies—as regulated under national law and within the framework of WTO Agreements—has yet to be fully tested in the context of global emergencies such as trade wars.⁷ This raises an important question: Does Indonesia possess sufficient legal resilience in business to protect local enterprises and safeguard its economic sovereignty amid global fluctuations?

Several previous studies have explored Indonesia’s trade agreements from both economic and international trade perspectives. For instance, Heri Mudjiyono and Hudi Yusuf in their work titled “Analysis of Trade Law Perspectives in Facing the Challenges of Economic Globalization,” focus on trade law challenges amidst the dynamics of globalization and its potential contribution to global economic growth.⁸ Another study by Nurfadillah et al., titled “Trade Protection in the Era of Globalization: Challenges and Opportunities in the Modern Economic System,” addresses global trade issues in relation

² UNCTAD. (2020). *World Investment Report 2020 - International Production Beyond the Pandemic* - Key Messages and Overview. <https://unctad.org/>.

³ Yani. (2025). *RI Perluas Sayap Dagang Tanpa AS: Strategi Diplomasi Ekonomi di Tengah Badai Global*. Pena Insight.

⁴ Hořman, M. (2020). Richard Baldwin: *The Globotics Upheaval: Globalisation, Robotics, and the Future of Work* 1st edition. London: Weidenfeld & Nicolson, 2019, 292 pages, ISBN 978-1- 4746-0901-2. Czech Journal of International Relations, 55, 65–69

⁵ Investment, M., & Agency, G. (2024). *Shifting Shores : FDI Relocations and Political Risk*.

⁶ Fahira, F. (2025). *Menavigasi Perdagangan Indonesia di Tengah Ketegangan AS-China*. DetikNews.

⁷ WTO. (2020). *Trade Policy Review: Indonesia*. World Trade Organization.

⁸ Mudjiyono, H., & Yusuf, H. (2024). *Analisis Terhadap Perspektif Hukum Dagang Dalam Menghadapi Tantangan Globalisasi* *Ekonomi Analysis of Trade Law Perspectives in Facing the Challenges of Economic Globalization*. 1(2), 1014–1021

to Indonesia's protectionist policies.⁹ However, there remains a significant gap in research specifically examining the adequacy of Indonesia's national business legal framework in responding to global shocks from the perspectives of legal adaptability and institutional reform.

Research Method

This study employs normative legal research (doctrinal legal research), focusing on the examination of written legal norms, legal principles, and the systematic structure of statutory regulations applicable in the context of national business legal resilience in response to global trade war pressures.¹⁰ This normative legal approach is utilized to assess the consistency, effectiveness, and responsiveness of Indonesia's business law in anticipating external impacts such as international geoeconomic tensions.

The research adopts two main approaches: the Statutory Approach, which involves the analysis of relevant regulations such as Law No. 7 of 2014 on Trade, Law No. 25 of 2007 on Investment, and Government Regulation No. 29 of 2021 on the Implementation of Trade Sector. This approach aims to evaluate whether existing legal norms provide legal certainty and protection for business actors under global pressure. The second is the Conceptual Approach, which involves the study of legal doctrines and theories in business law such as legal responsiveness, economic efficiency, and regulatory agility, serving as analytical instruments for assessing the agility of national law in anticipating and responding to global dynamics.¹¹ The concept of legal resilience is used as the main analytical framework to evaluate the capacity of Indonesia's business legal system to adapt to global economic crises.¹² The data sources in this research include primary legal materials, namely national legislation and international agreements such as the WTO Agreements and RCEP. In addition, secondary legal materials are employed, including scholarly literature, business law journals, and official reports from institutions such as the World Trade Organization (WTO), the United Nations Conference on Trade and Development (UNCTAD), and the Ministry of Trade of the Republic of Indonesia. Data collection is conducted through library research, and analysis is carried out qualitatively using a deductive approach, drawing legal conclusions based on systematic analysis of relevant norms and legal concepts.

ANALYSIS & DISCUSSION

Indonesia's Legal Position in International Trade Agreements Amid Global Crises

Good faith is a fundamental principle in international agreements and serves as a core source of international trade law. A state that has committed to an international agreement is obliged to implement its provisions in accordance with the content, spirit, intent, and

⁹ Anisah, S., Safitri, S. N., Hendra, J., Studi, P., Syariah, E., Agama, S. T., Bengkalis, I., Bengkalis, K., & Riau, P. (2025). *Proteksi Perdagangan di Era Globalisasi : Tantangan dan Peluang dalam Sistem Ekonomi Modern*. 2(1), 132–140

¹⁰ Marzuki, P. D. M. (2017). *Penelitian Hukum: Edisi Revisi*. Prenada Media. <https://books.google.co.id/books?id=CKZADwAAQBAJ>

¹¹ Krygier, ed M. (1999). *The Rule of Law After Communism*. Ashgated.

¹² Lenaerts, K. (1990). Constitutionalism and the Many Faces of Federalism. *The American Journal of Comparative Law*, 38(2), 205–263. <https://doi.org/10.2307/840100>

objectives of the agreement.¹³ In the landscape of global trade, Indonesia has actively participated in various international trade agreements, such as the ASEAN Free Trade Area (AFTA), the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP), and the Regional Comprehensive Economic Partnership (RCEP). This participation reflects Indonesia's tendency to maintain market openness while expanding export access to partner countries. However, in the context of trade wars and global crises, Indonesia's legal position faces significant challenges.

As an open economy and an active member of various international trade forums, Indonesia has participated in numerous regional and multilateral trade agreements. Indonesia's commitments to the ASEAN Free Trade Area (AFTA), the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP), and the Regional Comprehensive Economic Partnership (RCEP) underscore its strategic position in supporting trade liberalization and regional economic integration. Through this engagement, Indonesia not only secures broader market access for domestic products but also enhances national competitiveness through policy adjustments and the harmonization of global trade standards. Such participation reflects Indonesia's inclination to maintain market openness while expanding export access to partner countries. Indonesia's involvement in the RCEP also represents a governmental effort to realize a prosperous and equitable society through increased investment.¹⁴ However, amidst ongoing trade wars and global crises, Indonesia's legal position faces considerable challenges. The Indonesian government continues to struggle in seizing offensive interests, largely due to the underutilization of available market access opportunities.¹⁵ In recent years, global dynamics—particularly the intensification of geopolitical tensions and the trade war between the United States and China—have exerted new pressures on the international trade system. Within this context, Indonesia's legal stance has become increasingly complex. On one hand, Indonesia is bound by trade liberalization commitments embedded in various international agreements. On the other hand, the urgency to safeguard domestic industries from the adverse impacts of global competition and supply chain disruptions has become more pronounced.

International agreements often entail high liberalization commitments, while domestic regulations have not yet fully balanced national interests such as industrial protection and economic resilience.¹⁶ As the United States and China engaged in a tariff war, Indonesia was indirectly affected through disruptions in global supply chains and heightened uncertainty in export-import activities.¹⁷ These conditions underscore the

¹³ Darajati, M. R. (2020). Ketaatan Negara Terhadap Hukum Perdagangan Internasional. *Jurnal Ilmu Hukum*, 5 No. 1 (Oktober 2020), 21–42.

¹⁴ *Ibid.*

¹⁵ Winanti, P. S. (2022). Menakar Kesiapan Indonesia Dalam Merespon Perjanjian Perdagangan Internasional. *Politika: Jurnal Ilmu Politik*; Vol 13, No 1 (2022) DO -10.14710/Politika.13.1.2022.23-40

¹⁶ Manan, B. (2010). Perjanjian Internasional dan Implementasinya dalam Hukum Nasional. *Jurnal Hukum Internasional*, 3 No. 1, 43–56

¹⁷ WTO. (2023). *WORLD TRADE REPORT 2023 What is the World Trade Report ? What is the 2023 Report about ? Find out more.*

urgent need to clarify domestic legal norms that bridge the interests of trade openness with the imperative of economic sovereignty.

The fundamental issue lies in the suboptimal capacity of Indonesia's national legal system to bridge the gap between international obligations and domestic needs. Trade agreements are generally constructed on principles of mutual market access and the reduction of tariff and non-tariff barriers. However, not all elements of Indonesia's domestic legal framework have been able to interpret and implement these commitments in a balanced and strategic. In times of global crisis—such as those triggered by the COVID-19 pandemic or the U.S.-China trade war—Indonesia has been indirectly affected by global supply chain disruptions, declining export demand, and increasing uncertainty in international pricing and logistics.

These crises have exposed vulnerabilities in Indonesia's legal system, particularly the inadequacy of national regulations to respond proactively and preventively to external shocks. For instance, Indonesia continues to face challenges in designing foreign trade policies that simultaneously protect strategic industries while ensuring compliance with international trade agreements. This issue is further exacerbated by overlapping sectoral regulations and weak inter-ministerial coordination, resulting in inconsistent trade policies.

Moreover, Indonesia's legal position has yet to firmly prioritize the strategic use of trade agreements as tools of national resilience. In contrast, countries such as India and Vietnam have begun to reorient their external trade policies with a deliberate consideration of global geopolitical crises and their implications for economic sovereignty. Indonesia, by comparison, has tended to adopt a reactive approach. In this regard, Indonesia's legal system must enhance the adoption of a strategic trade policy framework that treats trade agreements not merely as normative commitments, but as instruments to safeguard long-term national interests.

Therefore, there is an urgent need to strengthen Indonesia's legal position in international trade agreements by emphasizing the principles of economic justice, protection of strategic national sectors, and responsiveness to global volatility. Key measures include trade regulation reform, synchronization of national regulations, and the establishment of a robust team of international trade law experts, all of which are crucial for navigating the growing complexity and consequences of Indonesia's engagement in the evolving global trade architecture.

Evaluation of National Legal Capacity in Providing Certainty and Protection

Protectionist measures have been on the rise globally, particularly following the trade war between the United States and China, as well as the economic disruptions caused by the COVID-19 pandemic. Many countries, including Indonesia, have adopted protectionist policies aimed at safeguarding domestic industries, preserving employment, and strengthening national economic resilience.¹⁸ Normatively, Indonesia's legal system provides instruments for the protection of domestic business actors, as reflected in Law No. 25 of 2007 on Investment and Law No. 7 of 2014 on Trade. However, the effectiveness of

¹⁸ Evita Isretno Israhadi. (2016). *Hukum Dagang Internasional*

these instruments during global crises remains questionable. For example, the provisions regulating foreign trade policy in the Trade Law tend to be reactive rather than preventive. Moreover, delays in policy harmonization across ministries and overlapping sectoral and cross-sectoral regulations represent fundamental weaknesses.¹⁹ These issues hinder business actors from obtaining legal certainty amid global market fluctuations.

On the other hand, legal mechanisms such as trade remedies (anti-dumping, safeguards, and subsidies) are already embedded within national regulations; however, their implementation has been suboptimal and underutilized compared to other ASEAN countries such as Vietnam.²⁰ These mechanisms are crucial for maintaining a level playing field for domestic industries, particularly when import surges occur due to shifts in international markets.

Indonesia's national legal framework already includes several key instruments aimed at fostering a conducive business environment, ensuring legal certainty, and protecting business actors from risks associated with both domestic and international uncertainties. Law No. 25 of 2007 on Investment affirms the principle of equal treatment for both domestic and foreign investors, while Law No. 7 of 2014 on Trade serves as the primary legal umbrella governing export and import activities, trade safeguards, and goods distribution. In practice, however, the effectiveness of these national legal instruments in addressing global challenges continues to face significant shortcomings. For instance, the Trade Law has not yet proven to be a robust tool in confronting external shocks such as global economic crises or major trade conflicts. Policies articulated in foreign trade regulations tend to be reactive rather than preventive or anticipatory. That is, regulatory adjustments are typically made only after external impacts have materialized, rather than serving as proactive mitigation tools from the outset.

Structural weaknesses are also evident in the sluggish harmonization of policies among relevant ministries and agencies, such as the Ministry of Trade, Ministry of Industry, Ministry of Investment/BKPM, and the Ministry of Finance. This lack of coordination often impedes policy consistency and creates regulatory uncertainty on the ground. Overlaps between sectoral regulations (e.g., in industry, energy, and trade) and cross-sectoral frameworks further exacerbate the situation, particularly for business actors who require clarity and legal certainty when making strategic decisions amid global market volatility.²¹

Legal instruments for trade defense, such as anti-dumping mechanisms, safeguards, and subsidy regulations, are already available through Ministerial Regulations and technical cooperation with the Indonesian Anti-Dumping Committee (KADI) and the Indonesian Trade Safeguard Committee (KPPI). However, the utilization of these instruments remains limited. For instance, over the past five years, Indonesia has handled only a handful of trade remedy cases, in contrast to countries like Vietnam and Thailand, which have been more

¹⁹ Wibowo, A. (2025). *Hukum Dagang Internasional*. Yayasan Prima Agus Teknik.

²⁰ *Statistik Penggunaan Trade Remedies 2015-2022*. (2023). Kementerian Perdagangan RI

²¹ Sulaiman. (2022). Fragmentasi Regulasi dan Ketidakpastian Hukum Bisnis di Indonesia. *Jurnal Hukum Dan Pembangunan Ekonomi*, 10 No. 2.

proactive in initiating anti-dumping and safeguard measures to protect their domestic industries from unfair trade practices.²²

In the context of global market pressures, such as the surge in imported goods resulting from market diversion from countries affected by trade wars, trade remedy mechanisms become critically vital to maintaining a level playing field and the competitiveness of domestic industries. Indonesia's lack of readiness in utilizing these legal instruments places domestic business actors in a vulnerable position, especially in strategic sectors such as steel, textiles, and petrochemicals. Furthermore, the national legal system has yet to fully integrate a risk-based regulation approach—namely, regulatory frameworks grounded in economic and global risk analysis. This has led to many policies being insufficiently adaptive to rapidly changing international dynamics. It is in this regard that building a responsive, predictive business law system capable of functioning as part of an early warning system to address external pressures becomes essential. Therefore, this evaluation indicates that although Indonesia's national legal instruments normatively accommodate protection and legal certainty for business actors, the primary challenges lie in implementation, policy harmonization, and the strategic utilization of available legal instruments. Structural reforms and more adaptive regulatory approaches are required so that Indonesian business law can genuinely serve as a tool of national resilience in facing global turbulence.

Regulatory and Institutional Reform Strategies for Indonesian Business Law Adaptable to International Trade Dynamics

The economic development of a country is highly dependent on legal policies, both domestic and international, which are influenced by globalization.²³ As part of the international community, Indonesia needs to update and harmonize its national trade laws with universally accepted trade law norms.²⁴ In response to various structural challenges and global uncertainties, Indonesia requires regulatory and institutional reforms in business law that are not merely reactive but also proactive, anticipatory, and resilient. Global crises and disruptions resulting from trade wars, pandemics, and shifts in the international economic climate have underscored the urgency of refining the national economic legal architecture to serve as a buffer for national resilience and business actors.

The experiences of countries such as Vietnam and India demonstrate that a combination of legal certainty and strategic incentives during times of crisis can attract investment flows and strengthen national positioning within global value chains. Indonesia needs to emulate models like the One Stop Investment Service and Fast Track Regulation, which have proven effective in reducing structural barriers and enhancing the competitiveness of business law. To enhance the adaptability of national business law, structural reforms are required in the form of: first, Regulatory Agility, which refers to the

²² KPPI. (2023). *Laporan Tahunan KPPI 2023: ASEAN Trade Remedies Database*

²³ Prabowo, M. S. (2015). *Pengaruh Globalisasi Ekonomi dan Hukum Ekonomi Internasional Dalam Pembangunan Hukum Ekonomi di Indonesia*. 16(1), 2741–2780

²⁴ Mandala, S. (2016). Harmonisasi Hukum Perdagangan Internasional: Sejarah, Latar Belakang Dan Model Pendekatannya. *Jurnal Bina Mulia Hukum*, 1(1), 53–61

flexibility of the law in responding to global economic dynamics without compromising accountability. Regulations must be capable of addressing crises without becoming entangled in slow bureaucratic procedures.²⁵ Second, an Early Warning System, which is a system for early detection of global economic fluctuations through cross-sectoral coordination, enabling trade policies to be adjusted responsively and in a timely manner.²⁶ Third, a Legal Firewall, which entails strengthening legal protections for strategic sectors to prevent extreme impacts from external shocks. This includes a reassessment of trade agreements from the perspective of national industrial sustainability. Thus, this reform should at least aim at three main strategies: (1) strengthening adaptive and responsive regulation, (2) integrating an early warning system for business law, and (3) consolidating institutions and synchronizing regulations.

First, adaptive regulation can be realized through the development of regulatory agility, which is the legal system's ability to flexibly respond to changes in the business environment and global dynamics. This does not necessarily require extensive legislative revisions but can be achieved by designing regulatory sandboxes, experimental regulations, or soft law-based legal instruments to support innovation and strategic sectors affected by globalization.²⁷ Countries such as Singapore and the United Arab Emirates have developed such legal frameworks to pilot policies with minimal risk before nationwide implementation.

Second, an early warning regulatory system needs to be established, which is a framework that enables the government to detect potential global impacts on domestic business sectors and prepare regulatory options as mitigation measures. This model has been implemented by South Korea and Vietnam, which were able to anticipate the effects of trade wars and post-COVID-19 logistical crises more swiftly through contingency regulations coordinated across ministries.²⁸ In Indonesia, this model remains sectoral and has yet to be integrated into a unified national legal coordination system.

Third, institutional reform must strengthen cross-sectoral coordination in the formulation and implementation of economic regulations. This can be achieved by enhancing the roles of institutions such as the Ministry of Investment, the Coordinating Ministry for Economic Affairs, and the National Single Window Agency (LNSW) so that they not only focus on technical facilitation but also play a part in regulatory synchronization and policy formulation based on global data and economic projections.²⁹ The establishment of an inter-ministerial task force for regulatory harmonization could serve as a concrete step to reduce regulatory overlap and accelerate responses to international trade issues. On the other hand, the reform approach must also consider the principle of

²⁵ Rangkuti, S. S. (2020). Regulatory Reform Dalam Perspektif Ketahanan Hukum Ekonomi. *Jurnal Hukum Ekonomi*, 6 No. 2, 120

²⁶ WTO. (2023). *WORLD TRADE REPORT 2023 What is the World Trade Report ? What is the 2023 Report about ? Find out more*

²⁷ Bank, W. (2020). *Global Indicators of Regulatory Governance: Practices and Processes of Regulatory Management*

²⁸ ee, J. H. (2021). Trade Policy Responses to Global Shocks: The Case of Korea and Vietnam. *Asian Economic Journal*, 34 No. 1

²⁹ Santosa, D. (2022). Koordinasi Regulasi dan Peran Lembaga Ekonomi Dalam Era Perdagangan Bebas. *Jurnal Regulasi Dan Kebijakan Ekonomi*, 11 No. 2

national legal sovereignty within the framework of global openness—namely, Indonesia’s ability to screen and adjust commitments under international agreements in accordance with domestic legal and economic capacities. One strategy is to more actively incorporate safeguard clauses, carve-outs, and flexibility measures in every trade agreement, as exemplified by India in various free trade negotiations.³⁰

Moreover, the development of a legal firewall, a legal protection system that prevents negative impacts from global shocks such as protectionism by trade partners or commodity price volatility, is crucial as a form of structural legal resilience. This legal firewall may take the form of restrictions on strategic sectors, minimum domestic content requirements (TKDN), or anti-monopoly provisions targeting foreign actors controlling distribution chains. With these strategies, Indonesian business law will be positioned more strongly and dynamically to support national economic transformation and enhance the resilience of domestic enterprises within the fluctuating global trade system.

CONCLUSION

The global geo-political and geo-economic conditions, particularly the trade war between the United States and China, have caused systemic impacts on Indonesia’s economy, ranging from supply chain disruptions to fluctuations in export-import markets. Amid these circumstances, the position of Indonesian business law is under pressure between international commitments that promote market openness and domestic needs to protect national business actors. The national legal system, through various regulations such as the Trade Law and Investment Law, has provided a foundational framework for protection. However, the still sectoral regulatory approach, slow response to global crises, and weak inter-ministerial harmonization constitute major challenges in establishing adaptive legal certainty. Trade remedy mechanisms such as anti-dumping and safeguards are available but their implementation remains suboptimal compared to peer countries like Vietnam and India. Furthermore, in international trade agreements, Indonesia’s legal position still exhibits an imbalance between liberalization commitments and domestic capacity to anticipate external shocks. This highlights the necessity for a comprehensive evaluation.

Recommendation

First, business regulatory reform based on agility is needed, whereby national business regulations should be directed toward regulatory agility—namely, the ability to respond swiftly to global changes through a flexible legal framework grounded in risk assessment and data-driven (evidence-based) regulation. Second, the strengthening of trade remedy mechanisms is essential; the government must enhance the capacity of institutions handling anti-dumping, safeguards, and subsidies so that local businesses can compete fairly and be protected from unfair trade practices. Third, policy integration across ministries and agencies is necessary; this requires cross-sectoral policy harmonization through an early warning policy system for global trade crises, ensuring that legal and economic responses are not merely reactive. Fourth, strategic protection within trade agreements is crucial, whereby Indonesia should advocate negotiation strategies in trade agreements that not only emphasize liberalization but also prioritize national economic resilience, including the incorporation of escape clauses or emergency safeguard provisions

³⁰ WTO. (2024). *India’s Trade Policy Review 2023*

in international agreements.

As a final recommendation, benchmarking international best practices is necessary; comparative studies with countries such as Vietnam and India—which have successfully navigated global crises through investment incentives and swift legal reforms—can serve as valuable references in formulating national legal strategies

REFERENCES

- Anisah, S., Safitri, S. N., Hendra, J., Studi, P., Syariah, E., Agama, S. T., Bengkalis, I., Bengkalis, K., & Riau, P. (2025). *Proteksi Perdagangan di Era Globalisasi : Tantangan dan Peluang dalam Sistem Ekonomi Modern*. 2(1), 132–140.
- Bank, W. (2020). *Global Indicators of Regulatory Governance: Practices and Processes of Regulatory Management*.
- Darajati, M. R. (2020). Ketaatan Negara Terhadap Hukum Perdagangan Internasional. *Jurnal Ilmu Hukum*, 5 No. 1 (Oktober 2020), 21–42.
- Evita Isretno Israhadi. (2016). *Hukum Dagang Internasional*.
- Fahira, F. (2025). *Menavigasi Perdagangan Indonesia di Tengah Ketegangan AS-China*. DetikNews.
- Hořman, M. (2020). Richard Baldwin: The Globotics Upheaval: Globalisation, Robotics, and the Future of Work 1st edition. London: Weidenfeld & Nicolson, 2019, 292 pages, ISBN 978-1- 4746-0901-2. *Czech Journal of International Relations*, 55, 65–69. <https://doi.org/10.32422/mv.1695>.
- Ignacio Bartesaghi, Natalia Melgar. (2024). Trade war: the steel and aluminium markets and the trade governance, *Review of Applied Socio- Economic Research* (Volume 27, Issue 1 / 2024), pp. 37-49.
- Investment, M., & Agency, G. (2024). *Shifting Shores : FDI Relocations and Political Risk*.
- KPPI. (2023). *Laporan Tahunan KPPI 2023: ASEAN Trade Remedies Database*.
- Krygier, ed M. (1999). *The Rule of Law After Communism*. Ashgate.
- Lee, J. H. (2021). Trade Policy Responses to Global Shocks: The Case of Korea and Vietnam. *Asian Economic Journal*, 34 No. 1.
- Lenaerts, K. (1990). Constitutionalism and the Many Faces of Federalism. *The American Journal of Comparative Law*, 38(2), 205–263. <https://doi.org/10.2307/840100>
- Manan, B. (2010). Perjanjian Internasional dan Implementasinya dalam Hukum Nasional. *Jurnal Hukum Internasional*, 3 No. 1, 43–56.
- Mandala, S. (2016). Harmonisasi Hukum Perdagangan Internasional: Sejarah, Latar Belakang Dan Model Pendekatannya. *Jurnal Bina Mulia Hukum*, 1(1), 53–61. <https://doi.org/10.23920/jbmh.v1n1.6>
- Marzuki, P. D. M. (2017). *Penelitian Hukum: Edisi Revisi*. Prenada Media. <https://books.google.co.id/books?id=CKZADwAAQBAJ>
- Mudjiyono, H., & Yusuf, H. (2024). *Analisis Terhadap Perspektif Hukum Dagang Dalam Menghadapi Tantangan Globalisasi Ekonomi Analysis of Trade Law Perspectives in Facing the Challenges of Economic Globalization*. 1(2), 1014–1021.
- OECD. (2024). FDI in Figures. *FDI Monthly Report*, April, 1–8. <http://www.oecd.org/investment/FDI-in-Figures-April-2019.pdf>
- Prabowo, M. S. (2015). *Pengaruh Globalisasi Ekonomi dan Hukum Ekonomi Internasional Dalam Pembangunan Hukum Ekonomi di Indonesia*. 16(1), 2741–2780.

- Rangkuti, S. S. (2020). Regulatory Reform Dalam Perspektif Ketahanan Hukum Ekonomi. *Jurnal Hukum Ekonomi*, 6 No. 2, 120.
- Santosa, D. (2022). Koordinasi Regulasi dan Peran Lembaga Ekonomi Dalam Era Perdagangan Bebas. *Jurnal Regulasi Dan Kebijakan Ekonomi*, 11 No. 2.
- Seminar Outlook Perdagangan Indonesia 2023*. (2022).
- Statistik Penggunaan Trade Remedies 2015-2022*. (2023). Kementerian Perdagangan RI.
- Sulaiman. (2022). Fragmentasi Regulasi dan Ketidakpastian Hukum Bisnis di Indonesia. *Jurnal Hukum Dan Pembangunan Ekonomi*, 10 No. 2.
- UNCTAD. (2020). World Investment Report 2020 - International Production Beyond the Pandemic - Key Messages and Overview. <https://unctad.org/>.
- UNCTAD. (2023). Trade and Development Report 2022. In *Trade and Development Report 2022*. <https://unctad.org/tdr2022>
- Wibowo, A. (2025). *Hukum Dagang Internasional*. Yayasan Prima Agus Teknik.
- Winanti, P. S. (2022). Menakar Kesiapan Indonesia Dalam Merespon Perjanjian Perdagangan Internasional. *Politika: Jurnal Ilmu Politik; Vol 13, No 1 (2022)* DO - 10.14710/Politika.13.1.2022.23-40.
<https://ejournal.undip.ac.id/index.php/politika/article/view/41643>
- WTO. (2020). *Trade Policy Review: Indonesia*. World Trade Organization.
- WTO. (2023). *WORLD TRADE REPORT 2023 What is the World Trade Report ? What is the 2023 Report about ? Find out more*.
- WTO. (2024). *India's Trade Policy Review 2023*.
- Yani. (2025). *RI Perluas Sayap Dagang Tanpa AS: Strategi Diplomasi Ekonomi di Tengah Badai Global*. Pena Insight.