

LEGAL STRATEGIES TO PROTECT INDONESIAN INDUSTRIES FROM TRADE WAR IMPACTS BETWEEN UNITED STATES AND CHINA

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ABSTRAK

Penelitian ini bertujuan untuk menganalisis implikasi yuridis dari perang dagang antara Amerika Serikat dan China terhadap sistem hukum ekonomi Indonesia, khususnya dalam aspek ekspor, impor, tarif, dan bea masuk Industri. Perang dagang yang dimulai sejak 2018 dan memanans kembali pada 2025 telah mengganggu stabilitas perdagangan global dan memberikan tekanan terhadap negara-negara mitra dagang, termasuk Indonesia. Meskipun Indonesia bukan pihak langsung dalam konflik, keterlibatannya dalam rantai pasok global membuatnya rentan terhadap dampak tidak langsung, seperti penurunan ekspor dan gangguan pada industri padat karya. Metode yang digunakan dalam penelitian ini adalah metode penelitian hukum normatif dengan pendekatan perundang-undangan dan pendekatan sejarah aturan hukum. Data diperoleh dari bahan hukum primer, sekunder, dan tersier yang dianalisis secara kualitatif. Hasil penelitian menunjukkan bahwa dampak perang dagang terhadap Indonesia relatif kecil secara langsung, namun tetap signifikan dalam sektor-sektor tertentu seperti manufaktur dan tekstil. Oleh karena itu, diperlukan strategi hukum yang adaptif melalui optimalisasi instrumen hukum yang ada, seperti Undang-Undang Perdagangan dan Undang-Undang Kepabeanan. Pemerintah perlu memperkuat regulasi dan kebijakan seperti pemberian insentif fiskal, diversifikasi pasar ekspor, serta pengawasan perdagangan lintas negara untuk memitigasi dampak ekonomi global. Langkah-langkah ini penting untuk melindungi produsen lokal, menjaga stabilitas ekonomi nasional, dan memastikan keberlanjutan sektor industri padat karya di tengah ketidakpastian global.

Kata kunci: Perang dagang, Amerika Serikat, China, hukum ekonomi, Indonesia, ekspor-impor, tarif, kepabeanan

ABSTRACT

This study aims to analyze and understand the legal implications of the trade war between the United States and China on Indonesia's economic legal system. The escalation of tariffs between these two economic giants has significantly disrupted global trade stability, which indirectly affects Indonesia, particularly in export-oriented sectors such as textiles, electronics, and footwear. The research adopts a normative legal method with a statutory and historical legal approach. The study uses primary, secondary, and tertiary legal materials which are analyzed qualitatively to draw conclusions. The findings reveal that although Indonesia is not a direct party to the conflict, its interconnectedness within global supply chains makes it vulnerable to external shocks, including declining export demand, disruption in production, and increased economic uncertainty. The Indonesian government must respond with adaptive legal strategies, particularly by strengthening the implementation of Law No. 7 of 2014 on Trade and Law No. 17 of 2006 on Customs. These include measures such as fiscal incentives, export market diversification, and enhanced technical support for exporters. Moreover, the customs regulation framework must be optimized to protect domestic industries through tariff adjustments and stricter import controls. This legal framework allows the government to implement responsive and preventive

trade policies to ensure economic stability, protect labor-intensive industries, and mitigate the risks of global trade disruptions stemming from the US-China trade conflict. The study underscores the urgency of legal reform to maintain Indonesia's resilience in the face of ongoing global economic tensions.

Keywords: Trade war, United States, China, economic law, Indonesia, export-import, tariffs, custom

1. Introduction

1.1 Background

The trade war between the United States and China is not merely a tariff issue. It is part of a strategic rivalry between the two nations, encompassing economic, technological, and geopolitical dimensions.¹ Since 2018, this trade war has created international economic tensions. The United States (hereinafter referred to as U.S.), increased tariffs on several imported goods with significant daily utility, such as washing machines, solar panels, steel, and aluminum. Although these tariff hikes were not initially directed specifically at China, they were perceived by China as targeted actions, particularly since the U.S. raised tariffs on thousands of Chinese products between 2018 and 2019, eventually affecting approximately \$350.000.000.000 worth of imports from China. In response, China imposed retaliatory tariffs on around \$100.000.000.000 worth of U.S. exports. In 2020, both parties agreed to de-escalate the tariff tensions.²

The U.S. imposed these tariffs due to the following reasons:

1. The import of certain products harmed domestic manufacturers, prompting President Trump to implement safeguard tariffs.
2. The United States alleged that China engaged in unfair trade practices, such as compelling U.S. companies to share technology with Chinese firms and misappropriating American intellectual property.³

The trade war reignited in 2025, triggered by President Trump's policy of imposing an additional 34% tax on Chinese products. This renewed trade conflict, led by the U.S., came as a major shock to the global economy. The overall tariff increase is projected to cost around \$2,280 per household in 2025. If the U.S. were to impose a 10-percentage point tariff increase on all products from all countries (except China, which faces a 60-percentage point increase), this may prompt U.S. trade partners to retaliate similarly. As of 2022, the average global import tariff was 3.6%, while it was about 2.2% in the U.S. and 4.7% for China.⁴

As the top economic power globally, the U.S.-China trade war significantly impacts other countries involved in international trade. According to the National Bureau of Economic Research (NBER), the tariff restrictions imposed by both countries actually led to a 3% increase in global trade. For example, France, Spain, the Philippines, and South Africa experienced increased exports of certain goods and services to the U.S. due to higher tariffs on Chinese exports, which made their products

¹ Zhang, Kevin Honglin, "Goeconomics of US-China tech rivalry and industrial policy", *Asia and the Global Economy*, 4, No.2, (2024): 2-9

² Fajgelbaum, Pablo, Khandelwal, Amit, 2021, "The Economic Impacts of the US-China Trade War, NBER, URL: <http://www.nber.org/papers/w29315>, accessed April 21, 2025

³ Ibid

⁴ Bouet, Antoine Leysa Maty, Zheng, Yu, 2025, "Towards a Trade War in 2025: real Threats for the World Economy, False Promises for the US, URL: https://www.cepii.fr/PDF_PUB/wp/2025/wp2025-03.pdf, accessed April 19, 2025

more expensive and less in demand. Countries like Malaysia, Taiwan, Japan, and many other East Asian economies also benefited. Vietnam, for example, increased its exports to the U.S. by 35% in 2020, reaching \$17.5 billion.⁵

Despite these benefits, a World Bank analysis using the Computable General Equilibrium (CGE) model – an economic forecasting tool – predicts that a 25% tariff on all Chinese imports to the U.S. would reduce global exports by 3% and global output by 1.7%. Escalation in U.S.-China tariffs could decrease global exports by up to \$674 billion and global income by \$1.4 trillion (1.7%). The countries most affected are the U.S. and China, with key impacted sectors including agriculture, chemicals, and transportation equipment in the U.S., and electronics, machinery, and other manufacturing in China. However, trade partners are also indirectly affected.

According to *Tempo.co.id* (April 4, 1945 edition), there are five regional economic impacts of the trade war:

1. Higher import prices – even components not made in the U.S. can rise in price due to increased production costs.
2. Economic uncertainty – this may cause exchange rate fluctuations, such as depreciation of the rupiah.
3. Disruption of global supply chains – companies dependent on U.S. or Chinese production/distribution will adjust to new tax burdens, potentially relocating supply chains elsewhere.
4. Decline in trade volume – high tariffs reduce international trade by making imports more expensive.
5. Geopolitical tension – trade wars often worsen diplomatic relations between countries.⁶

Bank Indonesia Governor Perry Warjiyo noted that the trade war affects both developed and developing countries, slowing economic growth. For Indonesia, a Chinese trade partner, this could impact exports to China. Perry emphasized the need for strengthened policies to mitigate declining global economic growth, encouraging domestic demand and expanding export opportunities. According to the IMF, Indonesia's economic expansion is expected to slow from 5.1% to 4.7%.⁷ Thus, Indonesia must be strategic and discerning in interpreting the dynamics of the trade war to avoid being caught in the rivalry between these two major powers.

However, prior studies have also examined the same issue, namely the trade war between the US and China, as discussed in several international journals such as the article by by Taufikurahman and Firdaus (2019) assessed the impact of the US-China trade war on Indonesia using a quantitative approach with the GTAP simulation model. Their findings showed that Indonesia has not been able to fully capitalize on the situation, as indicated by a slight increase in GDP and a decline in exports. However, their research focused primarily on macroeconomic analysis and did not

⁵ Su, Q, "To What Extent di US-China trade war affect the global economy", *Exploring the Financial Landscape in the Digital Age*, 2024:485-490

⁶ Tempo, 2025, "5 Dampak Perang Dagang bagi Ekonomi Kawasan", URL: <https://www.tempo.co/ekonomi/5-dampak-perang-dagang-bagi-ekonomi-kawasan-1227529>, accessed April 24, 2025

⁷ Julian Isaac, 2025, "BI cuts 2025 growth below 5.1 percent outlook amid escalating U.S.-China trade tension, UR: <https://indonesiabusinesspost.com/4163/markets-and-finance/bi-cuts-2025-growth-below-5-1-percent-outlook-amid-escalating-u-s-china-trade-tension>, accessed April 24, 2025

explore legal strategies or regulatory preparedness.⁸ different with our research focus to fill that gap by employing a normative legal approach, emphasizing the role of legal instruments such as the Trade Law and the Customs Law in protecting domestic industries. By offering adaptive and preventive legal strategies, this research contributes a novel perspective to policy formulation in responding to global trade tensions. Then research from Lara Aba (2021) with title " Institutional Change and Macroeconomic Variables in the ASEAN—Indonesia, Vietnam, and Cambodia: The Effects of a Trade War between China and USA", examines the macroeconomic effects of the US–China trade war on ASEAN countries—specifically Indonesia, Vietnam, and Cambodia. His study highlights the potential decline in GDP and rises in current account deficits due to reduced export demand, particularly in non-oil and gas sectors. However, he also notes that the relocation of foreign manufacturing from China presents a strategic opportunity for ASEAN countries to attract foreign investment. This study adopts a macroeconomic perspective, focusing on institutional change and economic indicators without delving into the legal dimensions of national responses⁹. In contrast, with our study offers a normative legal perspective by analyzing how Indonesia can respond to the trade war through adaptive legal strategies. While acknowledging the same external vulnerabilities—such as disrupted exports and economic uncertainty—this research emphasizes the need to strengthen domestic legal instruments, particularly the Trade Law (No. 7 of 2014) and the Customs Law (No. 17 of 2006). It proposes concrete legal measures including fiscal incentives, import controls, and institutional reforms to safeguard domestic industries. Next article from Humphrey Wangke (2019) analyzed the implications of the US–China trade war on Indonesia using a qualitative field-based approach in East Java and South Sumatra. His findings suggest that the trade war brings both opportunities and challenges: on the one hand, it opens potential for Indonesia to attract relocated industries from China, but on the other, it reduces demand for Indonesian raw materials and commodities. Wangke emphasizes the importance of regulatory harmonization, inclusive national economic strengthening, and economic diplomacy. However, his study focuses more on general policy and economic response, without a detailed examination of Indonesia's legal framework¹⁰. Different with our research, we are offering a more focused normative legal approach, analyzing how Indonesia can respond through adaptive legal strategies to protect Indonesia industries from impacts of trade war US-China.

1.2 Problem Formulation

Based on the background, this study focuses on the following problems: what are the legal implications of the U.S.-China trade war on Indonesia's economic legal system? And what changes or adjustments might be necessary in Indonesia's regulations related to imports, exports, tariffs, and duties in response to the U.S.-China trade war?

⁸ Taufikurrahman, Muhammad Rizal, Firdaus Ahmad Heri, "The Economic Consequences and Strategies of the US-China Trade War on Indonesia: A GTAP Simulation Analysis", *Proceedings of The International Conference on Trade 2019 (ICOT) Atlantis-Press*, (2019): 102-107

⁹ Aba Lara, Fransiskus Xaverius, "Institutional Change and Macroeconomic Variables in the ASEAN—Indonesia, Vietnam, and Cambodia: The Effects of a Trade War between China and USA", *Economies*, 9, No.4, (2021): 2-21

¹⁰ Wangke, Humphrey, "Implications of United States-China Trade War to Indonesia", *International Journal of Business and Economics Research*, 9, No.3, (2020):151-159

1.3. Objectives of the Study

This research aims to analyze and understand the legal consequences of the U.S.-China trade war on various aspects of Indonesia's economic legal system. It also seeks to propose urgent policy recommendations to anticipate the effects of the trade conflict.

2. Research Methodology

This legal study uses normative legal research methods, focusing on legal norms from an internal legal perspective. The research approach includes statutory and historical analysis of legal rules. The sources used are primary, secondary, and tertiary legal materials. After collection, legal materials are analyzed to form final arguments that answer the study's core issues.¹¹

3. Discussion

3.1 Legal Implications of the U.S.-China Trade War on Indonesia's Economic Legal System

A trade war is an economic conflict between countries involving protectionist policies such as tariffs, import quotas, domestic subsidies, currency devaluation, and embargoes¹². While these barriers may protect industries in the short term, they typically have negative long-term economic consequences. This research focuses on the legal implications for Indonesia amid the ongoing trade war. Since tensions between China and the U.S. began in 2018, many countries have feared another global economic crisis akin to those in 1998 and 2008. However, according to Southeast Asian economist Nguyen Ba Hung (ADB), the 32% tariff imposed by the U.S. on Indonesia would have minimal impact, as Indonesian exports to the U.S. are relatively small. Therefore, Indonesia need not be overly concerned.¹³

According to Badan Pusat Statistik (BPS) in February 2025, Indonesia's trade surplus with the U.S. is largely due to electric machinery and equipment exports worth \$577 million (January-February 2025). Other major contributors include knitted clothing and accessories (\$433.33 million) and footwear (\$407.7 million). Indonesia's top export to the U.S. is electronic components. The apparel sector, being labor-intensive, is especially affected as many international brands in Indonesia rely on the U.S. market.¹⁴ Despite maintaining a surplus, the trade war may lead to decreased demand or supply chain disruptions, especially if U.S. firms relocate production or raise trade standards.¹⁵ This may cause slower export growth or the loss of potential markets, even if total export value doesn't decline drastically.

¹¹ Pitriyantini, P. E., & Astariyani, N. L. G, Consequences of Non-compliance with the Constitutional Court Decision in Judicial Review of the UUD 1945. *Jurnal Magister Hukum Udayana (Udayana Master Law Journal)*10, No.4 (2021): 702-715

¹² Sofia, Hanni, Raka Adji, 2025, "Indonesia's opportunities amid US-China trade tensions", URL: <https://en.antaranews.com/news/352089/indonesias-opportunities-amid-us-china-trade-tensions>, accessed April 27,2025

¹³ Ibid

¹⁴ Rizky ,Martyasari & Arrijal Rachman, 2025, "Ini Daftar Sektor Usaha RI yang paling Terdampak tarif Horor Trump", URL: <https://www.cnbcindonesia.com/news/20250403113509-4-623417/ini-daftar-sektor-usaha-ri-yang-paling-terdampak-tarif-horor-trump>, accessed April 28, 2025

¹⁵ Purwono, R. et al, The American China Trade War and Spillover Effects on Value-Added Exports from Indonesia, *Sustainability*, 14, No.5, (2022): 3093

Indonesia is not experiencing significant direct losses and continues to benefit from trade with the U.S. Based on ADB and Bank Indonesia studies, the direct impact of the U.S.-China trade war on Indonesia is relatively minor, estimated to affect GDP by less than 1%. However, the manufacturing and textile sectors are vulnerable. Given the labor-intensive nature of the apparel industry and its reliance on the U.S. market, a drop in demand could lead to production cuts or worker layoffs—posing potential social issues.¹⁶

The trade war between the U.S. and China not only disrupts global trade stability but also strains the economic resilience of developing countries like Indonesia. Although not directly involved, Indonesia's role in global supply chains and export dependence exposes it to significant indirect effects. Global uncertainty stemming from tariffs and protectionism has lowered international trade volumes and disrupted exchange rate stability, possibly triggering a new economic crisis. Indonesia risks export declines, particularly in labor-intensive sectors such as textiles, footwear, and electronics.¹⁷ These effects could lead to production cuts, layoffs, and rising unemployment. Exchange rate instability may also lead to inflation due to rising import costs, directly affecting consumer purchasing power.

To respond to this potential crisis, Indonesia must adjust its regulations. Article 38(1) of Law 7/2014 on Trade states that "the government regulates foreign trade activities through export and import policies and controls." Paragraph (2) explains these measures aim to: (a) improve the competitiveness of Indonesian export products internationally; (b) expand and strengthen access to foreign markets; and (c) develop exporters' and importers' capacity to be competitive and competent.

Thus, the government plays a crucial role in export trade. Amid the trade war, legal and policy interventions are needed, such as:

1. Providing fiscal incentives or export financing;
2. Export market diversification—helping businesses explore new markets and reduce reliance on the U.S.;
3. Strengthening training and technical support for national exporters to remain competitive in uncertain global conditions.

Furthermore, the Law 7/2014 provides a legal basis for the government to respond to international trade disruptions through adaptive policies, bilateral negotiations, regional economic cooperation, and technical regulatory adjustments in export-import procedures—all to protect local producers from trade war impacts.

Customs regulations, as governed by Law No. 17 of 2006 on Customs (Law 17/2006), also play a strategic role in controlling cross-border trade. Article 13 authorizes the government to set import tariffs based on goods classification and customs value—an instrument of protection when imports threaten domestic industries. Customs inspections (Article 22) and audits (Article 23A) further provide legal tools to detect unfair trade practices such as dumping, under-invoicing, or origin misrepresentation. Strengthening customs oversight is critical amid the U.S.-China

¹⁶ Bank, Asian Development, 2024, "ADB Sees No Serious impact From US Tariffs on Indonesia", URL: <https://en.antaranews.com/news/351213/adb-sees-no-serious-impact-from-us-tariffs-on-indonesia>. Accessed April 27, 2025

¹⁷ Maghfiroh, L., *The US-China trade war and factors affecting Indonesian exports*. *Efficient: Indonesian Journal of Development Economics*, 4, No.2 (2021):1230-1241

trade war to ensure imports remain under control, don't harm local producers, and comply with national laws and international agreements.

Legal implications of the U.S.-China trade war on Indonesia's economic legal system require adaptive, collaborative government responses—strengthening legal instruments like the Trade and Customs Laws and aligning export-import policies with global trends. These efforts are vital to maintain national economic stability, protect labor-intensive industries, and ensure public welfare amid international trade uncertainty.

3.2 Indonesia's Legal Strategy in Responding to the Trade War through Regulatory Revisions

The U.S.-China trade war has introduced new challenges to the stability of the international trade system¹⁸. This economic tension indirectly impacts developing countries like Indonesia, which are integrated into global supply chains. As a country that relies heavily on manufacturing and labor-intensive exports, Indonesia must be prepared to face fluctuations in global demand, tariff barriers, and the possible narrowing of export market access.

In this context, Indonesia's legal strategy becomes critically important. This strategy is realized through the revision and adjustment of regulations governing imports, exports, tariffs, and import duties to maintain national competitiveness and protect domestic industries. The legal foundation lies in Law 7/2014 and Law 17/2006. Article 38 of the Trade Law authorizes the government to regulate foreign trade activities to support export competitiveness, market expansion, and the empowerment of exporters. Relevant policies in this framework include:

1. Export market diversification – opening access to countries in South Asia, Africa, and the Middle East to reduce dependence on the U.S. and China.
2. Fiscal incentives – such as tax reductions or export financing for affected sectors to remain competitive amid global market fluctuations.
3. Adjustment of import duties – as provided in Article 13 of the Customs Law, to protect local industries from an influx of cheap imported goods resulting from oversupply in countries involved in the trade war.
4. Enhanced customs supervision – through Articles 22 and 23A of the Customs Law, to prevent fraudulent trade practices like dumping, under-invoicing, or mislabeling country of origin.
5. Bilateral negotiations and regional cooperation – as a form of legal diplomacy to strengthen Indonesia's position in global trade.

As Professor Hikmahanto Juwana, an international law expert from the University of Indonesia, stated: “Indonesia should not merely be reactive in the face of global trade conflicts but must take anticipatory and strategic legal measures to ensure that its domestic industries survive and thrive.”¹⁹ According to a 2018 *Jakarta Post* analysis, “Indonesia should use the trade war as an opportunity to strengthen its

¹⁸ Kurniawan, A., & Luthfi, K. R. *Impact of the US-China trade war on foreign trade of emerging economies: Brazil, South Africa, and Indonesia*. *JSP: Jurnal Ilmu Sosial dan Ilmu Politik*, 27, No.1, (2023): 1-18

¹⁹ Trisman, Bambang, 2025, “Soal Tarif Trump, Hikmahanto: Indonesia Tak Perlu Kirim Tim Negosiasi”, URL: <https://rm.id/baca-berita/internasional/261179/soal-tarif-trump-hikmahanto-indonesia-tak-perlu-kirim-tim-negosiasi>, accessed May 10, 2025

industrial base and drive economic transformation through coordinated trade and fiscal policy support.”²⁰

We can also compare policies adopted by countries like Vietnam and Mexico in responding to the trade war. These countries offered incentives to foreign investors and reinforced bilateral trade cooperation. Indonesia can learn from these approaches in designing adaptive legal and regulatory frameworks.

Additionally, an analysis from the Center for Strategic and International Studies (CSIS) Indonesia highlights that regulatory flexibility in trade—especially regarding non-tariff barriers and accelerated logistics services—is key to ensuring smooth exports. CSIS Executive Director Yose Rizal Damuri noted: “Indonesia needs a trade regulatory system that is not only responsive but also proactive in addressing global challenges, including through digitalization of export-import services and simplification of licensing procedures.”

A World Bank (2024) study also emphasizes the importance of integrating trade policy with domestic industrial development. Legal reforms in trade must be accompanied by policies that strengthen research and innovation, workforce training, and access to raw materials and production technology.

Case Study Comparisons:

1. Vietnam: Successfully attracted foreign investors relocating from China by offering investor-friendly trade regulations, tariff reductions, and streamlined export-import procedures. This strategy helped Vietnam maintain stable export growth during the trade war.²¹
2. Mexico: Revised trade agreements (e.g., NAFTA to USMCA) to maintain U.S. market access while boosting domestic manufacturing competitiveness through fiscal support and workforce training.²²

Indonesia can adopt similar strategies by strengthening legal instruments to improve ease of doing business, customs transparency, and support for strategic industrial sectors. With these strategies, Indonesia is expected to adapt to international trade fluctuations and minimize socio-economic impacts such as export decline, job losses in labor-intensive sectors, and exchange rate instability.

4. Conclusion

Based on the above discussion, it can be concluded that:

1. The trade war between the United States and China has had a significant impact on the global economy, including Indonesia. The tensions, marked by increased import tariffs and protectionist policies, have altered the patterns of international trade, indirectly placing pressure on Indonesia’s export-import sector. The juridical implications of the trade war include the need for revision and harmonization of economic regulations to align with global dynamics, as well as the strengthening of the role of legal institutions and the government in maintaining national economic stability.

²⁰ Tang ,Winy, 2018, “ trade war offers opportunities for RI”, URL: <https://www.thejakartapost.com/news/2018/10/31/trade-war-offers-opportunities-ri.html>, accessed May 10, 2025

²¹ Agus Wibowo, 2024, Teori & Praktik Perdagangan Internasional, Yayasan Prima Agus Teknik, Semarang, h.23

²² Ibid

2. Legal strategies that Indonesia may implement in adjusting its legislation related to imports, exports, tariffs, and customs duties in response to the US-China trade war include: export market diversification, fiscal incentives, adjustment of import tariffs, enhanced customs supervision, bilateral negotiations and regional cooperation.

Through these efforts, Indonesia's economic legal system can become more adaptive, responsive, and resilient to external economic pressures.

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