
The Crisis of Legitimacy in International Trade Law: An Analysis of the Between the United States and China and Its Impact on Third Countries

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Abstract

This study aims to analyze the crisis of legitimacy in international trade law within the framework of international law, focusing on the U.S.–China trade war and its implications for third countries, particularly Indonesia. The research addresses two main questions: (1) how do violations of international trade law principles manifest in the U.S.–China trade war, and (2) what are the impacts on the economic stability and legal standing of third countries in the global trade system? A normative juridical approach with qualitative analysis was employed, examining legal instruments such as the 1994 GATT and the WTO's Dispute Settlement Understanding (DSU), supported by empirical trade data. The findings reveal that unilateral actions such as the Section 301 Tariffs and China's retaliatory measures violated the principles of non-discrimination and Most-Favoured Nation. The trade war illustrates the ineffectiveness of WTO dispute settlement mechanisms and the erosion of compliance by major powers. For countries like Indonesia, the effects include export decline, supply chain disruptions, and investment uncertainty, though opportunities emerge through industrial relocation. The study recommends structural reforms to the WTO system to strengthen the rule of international law, restore legal certainty, and ensure justice in global trade governance amid the rise of protectionist policies.

INTRODUCTION

Current changes in the global order are increasingly complex, mainly due to rising geopolitical tensions and declining trust in the legitimacy of international law. In the context of global trade, relations between the United States and China have been the main catalyst shaking the international trade legal order that has been maintained through the World Trade Organization (WTO). Since 2018, the trade war between these two superpowers has marked a paradigm shift from multilateralism to economic nationalism. Unilateral US policies such as Section 301 Tariffs, the Entity List, and the CHIPS and Science Act reflect unilateralism that challenges the principles of non-discrimination and fairness in GATT 1994.¹ This phenomenon

¹ Yun Lou, "The Impact of the China-US Tariff War on China and China's Countermeasures," *Public and Municipal Finance* 6, no. 1 (2025): 03–16, [https://doi.org/10.21511/gg.06\(1\).2025.02](https://doi.org/10.21511/gg.06(1).2025.02).

not only shakes global economic stability, but also raises fundamental questions about the effectiveness of the international trade legal regime in facing the dominance of world powers.

The US-China trade war began with Donald Trump's policy of raising import tariffs on thousands of Chinese products in March 2018. The US government accused China of intellectual property theft and unfair trade practices that harmed American domestic industries. In response, China retaliated by imposing retaliatory tariffs on various American products. Between 2018 and 2019, tensions escalated in several rounds of tariff increases, with the total value reaching hundreds of billions of US dollars. Behind these figures lies an escalating economic conflict, which is essentially a manifestation of strategic competition between the world's two largest economic powers to maintain global supremacy through legal instruments and trade policies.²

The trade conflict revealed that the issue at hand was not merely an economic dispute, but had transformed into a matter of international legal legitimacy. The United States used national security as a justification for its tariff and export restriction policies, while China viewed these measures as a form of discrimination that violated Articles I and III of the 1994 GATT. When both countries chose the path of unilateralism, the WTO Dispute Settlement Body appeared to lose its effectiveness because it was unable to compel compliance from major countries.³ This situation reflects a deeper crisis of legitimacy in international trade law: when multilateral norms are no longer obeyed by the parties that should be the main pillars of the system.

The impact of the trade war is not limited to the two main countries involved, but also spreads to third countries that depend on global supply chains.⁴ Developing countries, including Indonesia, face economic slowdown, declining exports, and investment uncertainty due to disruptions in the flow of goods and capital. The relocation of industries from China to Southeast Asia has opened up new growth opportunities, but at the same time created risks of economic dependence and unequal trade practices. In this context, the weakness of legal and

² Pugu Toko Arisanto and Adi Wibawa, "The Donald Trump Era Trade War as the United States' Convulsive Adaptive Foreign Policy," *Indonesian Journal of International Relations* 5, no. 2 (2021): 164–165, <https://doi.org/10.32787/ijir.v5i2.222>.

³ Devika Anggraeni Utami, "The Impact of the US-China Trade War on Indonesia's IHSG (A Study of the Indonesia Stock Exchange from September 2017 to September 2018)," 2021.

⁴ Dong Han, Yuhui Wu, and Chen Si-Si, "Trade War and Grain Import Resilience: Evidence from China's Response to U.S. Tariffs," *Frontiers in Sustainable Food Systems* 9 (2025), <https://doi.org/10.3389/fsufs.2025.1593613>.

institutional capacity in many developing countries has worsened their bargaining position in the face of changes in the international trade structure.⁵

For Indonesia, the dynamics of the US-China trade war have two conflicting sides: a threat to economic stability on the one hand, and an opportunity to strengthen its strategic position on the other.⁶ Tariff increases and trade barriers test the resilience of national exports, while new investment potential can be harnessed through adaptive, fair, and nationally oriented legal policies. However, without the support of a credible international legal system and effective dispute settlement mechanisms, countries such as Indonesia will remain vulnerable to global trade conflicts. Therefore, this study emphasizes that the US-China trade war is not merely an economic conflict, but a reflection of the crisis of legitimacy in international trade law that demands fundamental reforms to the structure, principles, and mechanisms of global law enforcement in the era of multipolarity.

This study aims to examine the crisis of legitimacy in international trade law by highlighting the dynamics of the trade war between the United States and China and its impact on third countries, particularly Indonesia, through an analysis of violations of international trade law principles such as the principle of non-discrimination and Most-Favored Nation. The main objective of this study is to describe how the ineffectiveness of the WTO dispute settlement system weakens the supremacy of international law and causes disparities in compliance among member countries. The research approach uses a legal-normative method with qualitative analysis of international legal instruments, including GATT 1994 and the Dispute Settlement Understanding (DSU), supported by a normative review of empirical data on global trade. The results of this research are expected to strengthen understanding of the urgency of structural reform of the WTO in order to uphold the supremacy of international law, increase legal certainty, and realize justice in fair and sustainable global trade governance.

⁵ Grace Helena Amaranthois Kapisan and Arif Ashari, "United States vs China: Trade Conflict and Its Implications for the Global Economy from an Industrial Geography Perspective," *Geoeducasia: Journal of Geographical Research* 1, no. 1 (2025): 52.

⁶ Mutiara Sari, Marselina, and Neli Aida, "The US-China Trade War: Economic Impact on US-China Trading Partner Countries," *Ekonomikawan: Journal of Economics and Development Studies* 21, no. 2 (December 2021): 133–134.

ANALYSIS AND DISCUSSION

The Crisis of Legitimacy in International Trade Law in the US-China Trade War

Modern international trade is regulated through a multilateral legal regime under the World Trade Organization (WTO), with the main principles of non-discrimination, openness, and fair competition. However, the trade war between the United States and China since 2018 has revealed a sharp gap between international legal norms and national policy practices. The United States' unilateral tariff policy based on Section 301 of the Trade Act of 1974 and China's retaliatory measures show that domestic interests are now shifting away from commitment to the multilateral principles of the WTO. The dispute between the two countries has been brought before the WTO dispute settlement mechanism, but the process has never resulted in effective redress because the United States refuses to comply with WTO recommendations on the grounds of protecting its national interests.⁷ This situation highlights the weak enforcement of international trade law, which should be the normative order for limiting the unilateral behavior of major countries.

Furthermore, the United States' protectionist actions, which were met with retaliatory policies from China, created serious challenges for the application of the principles of non-discrimination and international trade fairness. In the context of WTO law, this practice of reciprocal tariffs is a violation of Article I of GATT 1994 (Most-Favored Nation Principle), which requires each member state to provide equal trade treatment to all parties without discrimination. Thus, this trade war is not merely an economic issue, but a tangible manifestation of the crisis of legitimacy in international law when powerful countries feel free to act outside the law without meaningful consequences. As a result, the integrity of the WTO multilateral system is threatened, as the non-compliance of one major country will trigger a domino effect for other countries that follow a similar precedent.⁸

The concept of reciprocal tariffs is often used as justification by countries involved in trade conflicts to defend their interests. In theory, this concept is based on the principle of reciprocity recognized in international law: any violation against one country can be responded

⁷ Tuti Rastuti and Andian Achya Dzikriyyah Khoirudin, "Indonesian Legal Policy in Responding to China's Trade War Retaliation Against the United States Based on the Principle of Protectionism," *Litigation* 26, no. 1 (2025): 25–26, <https://doi.org/10.23969/litigasi.v26i1.15157>.

⁸ Chindy Nurul Fadilah et al., "Trade War and Protectionism: A Political Economy Study of Tariff Policies in Bilateral Trade Relations," *Mahkamah: Journal of Legal Research* 2, no. 3 (July 2025): 243.

to with commensurate action by the aggrieved country. However, within the framework of the WTO, the unilateral application of reciprocal tariffs violates Article II of the 1994 GATT, which sets agreed maximum tariff limits (bound tariffs), as well as Article 23 of the Dispute Settlement Understanding (DSU), which prohibits member countries from taking unilateral retaliatory measures before going through the official dispute settlement process. In other words, both the United States and China have ignored the legal mechanism by taking unilateral retaliatory measures. This practice shows a degradation of the rule of law in the international trading system, because legitimate retaliatory measures should only be taken after obtaining approval from the WTO Dispute Settlement Body (DSB).⁹

1. Violations of GATT and WTO Principles

International trade is an important pillar of global economic stability, placing every country as a subject of international law with rights and obligations regulated multilaterally. To create a fair, transparent, and non-discriminatory trading system, countries around the world formed the World Trade Organization (WTO) through the Agreement Establishing the World Trade Organization (Marrakesh Agreement 1994). The main instrument of the WTO, namely the General Agreement on Tariffs and Trade (GATT), regulates the basic principles of trade in goods that must be complied with by all members. Among them, Article I affirms the Most-Favored Nation (MFN) principle, Article II regulates the list of tariff concessions or bound tariffs, and Article III affirms the National Treatment principle which guarantees equal treatment between domestic and imported products. These three principles form the legal foundation for an international trading system based on fairness and legal certainty.¹⁰

The WTO recognizes the existence of limited protection policies through trade remedy mechanisms, namely anti-dumping, countervailing measures, and safeguard measures. The provisions in Article 2 paragraph (1) of the Agreement on Safeguards allow a country to implement safeguard measures if an increase in imports threatens to cause serious damage to domestic industry. The use of such policies must be based on empirical data and through valid international legal investigation procedures. These restrictions ensure that protectionist measures are not used as a political-economic tool, but rather as a legal response to serious

⁹ Yohana Yohana, "The Legality of China's Retaliatory Tariffs in the Trade War Against the United States," *Innovative: Journal of Social Science Research* 5, no. 3 (2025): 6490, <https://doi.org/10.31004/innovative.v5i3.19861>

¹⁰ Dewi Lusy Nurcahyani and Andi Aina Ilmih, "Reviewing US Reciprocal Tariffs from the Perspective of International Trade Law and Resolution through Diplomacy," *Jurnal Cendekia Ilmiah* 3, no. 5 (2025): 2673–2673.

disturbances in the domestic market. Proper implementation maintains a balance between national economic sovereignty and the international obligations of member countries.¹¹

The trade war between the United States and China is a clear example of a deviation from these principles. The United States imposed unilateral tariffs () through Section 301 of the Trade Act of 1974, while China implemented retaliatory measures without following the WTO Dispute Settlement Body (DSB) mechanism. Both policies violate Article I of GATT 1994 on the principle of non-discrimination and Article 23 of the Dispute Settlement Understanding (DSU), which requires dispute resolution through multilateral channels. The United States' application of the national security exception under Article XXI of GATT 1994 also lacks a strong basis, as national security cannot be used as a pretext to protect domestic industries. These violations represent an erosion of the principle of legal equality, which is the foundation of the global trading system.¹²

The unilateral actions of both countries have legal consequences that threaten the credibility of the WTO. The unwillingness to submit to the dispute settlement mechanism weakens the legitimacy of the institution as the guardian of the supremacy of international economic law. Global supply chains are disrupted, tariff stability is threatened, and developing countries suffer losses due to increased legal uncertainty. The WTO dispute settlement system has lost its effectiveness because it has no coercive power over large countries that reject its decisions. This situation shows that the multilateral trading system cannot stand without the consistent commitment and trust of all member countries.¹³

The US-China trade war reflects a violation of the principles of good faith and *pacta sunt servanda* in international treaty law. The selective implementation of international obligations undermines the principles of fairness and non-discrimination. When major countries treat international law as a tool of domestic policy, the global trading system loses its meaning as an instrument of balance. The WTO's crisis of legitimacy confirms that the sustainability of international trade law depends on the political will of member countries to place the rule of law above national interests. The existence of law only has meaning when it

¹¹ Gina Nafsah Savira, "The Appropriateness of the Principle of Retaliation in the Case of the Trade War Between the United States and China," *Belli Ac Pacis* 8, no. 2 (2023): 100–102, <https://doi.org/10.20961/belli.v8i2.74498>.

¹² Ayu Salsabila et al., "The Legal Impact of the US-China Trade War on the Principle of Non-Discrimination in the World Trade Organization," *Jurnal Ilmu Hukum* 2, no. 4 (2025): 59–64, <https://doi.org/10.62017/syariah>.

¹³ Adhi Pradana Barus et al., "The Dispute Over the Application of Import Tariffs and Trade Barriers Between the United States and China from the Perspective of the WTO Framework," *Locus: Journal of Legal Concepts* 2, no. 1 (March 17, 2022): 39, <https://doi.org/10.56128/jkih.v2i1.21>

is obeyed, not when it is used as a means to justify unilateral actions.¹⁴

2. The Ineffectiveness of the WTO Dispute Settlement System

The dispute settlement mechanism within the World Trade Organization (WTO) is designed as an international judicial system that is adjudicatory and binding on all its members. The Dispute Settlement Body (DSB) is the main organ that handles every trade conflict between countries through formal procedures such as consultation, panel formation, panel reports, appeals, and implementation of decisions. This process aims to ensure compliance with WTO agreements, including the General Agreement on Tariffs and Trade (GATT) 1994, the Agreement on Subsidies and Countervailing Measures, and other instruments. The DSB functions as a legal, not political, forum for the settlement of global trade disputes.¹⁵

The authority of the DSB is confirmed by Article 3.7 of the Dispute Settlement Understanding (DSU), which states, "The aim of the dispute settlement mechanism is to secure the withdrawal of measures found to be inconsistent with the covered agreements or otherwise to secure a mutually satisfactory solution." This norm confirms that the main objective of the dispute settlement mechanism is to ensure the withdrawal of policies that are inconsistent with WTO provisions, not merely to provide economic compensation. Every panel or Appellate Body ruling is binding and must be implemented by member states found to be in violation. This obligation reflects the principle of *pacta sunt servanda* in international law, which requires states to comply with legally agreed treaties.¹⁶

The trade war between the United States and China poses a serious challenge to the effectiveness of this mechanism. China has submitted a request for consultations to the WTO regarding the United States' unilateral tariff policy, but the process has not resulted in a concrete resolution. The United States is reluctant to submit to the DSB mechanism on the grounds of domestic industrial interests, while China has responded with retaliatory measures by imposing countervailing tariffs on US products. These reciprocal actions illustrate the weak enforcement power of WTO law due to the lack of voluntary compliance from major countries, which are

¹⁴ Salsabila et al., "The Legal Impact of the US-China Trade War on the Principle of Non-Discrimination in the World Trade Organization."

¹⁵ Adela Salsabila et al., "International Trade Dispute Resolution: The Role of the World Trade Organization (WTO)," *Journal of Legal Research* 2 (2025): 214, <https://doi.org/10.62383/mahkamah.v2i3.857>.

¹⁶ Riyadus Solikhin, "The International Trade Dispute Settlement System within the WTO Framework: Mechanisms, Effectiveness of Decision Implementation, and Retaliatory Measures as Efforts to Restore Rights," *Padjadjaran Law Review* 11, no. 1 (2023): 122, <https://doi.org/10.56895/plr.v11i1.1237>.

the main pillars of the international trading system.¹⁷

Retaliation becomes an extreme option when legal instruments fail to provide effective justice. The Dispute Settlement Understanding (DSU) does allow for limited retaliation if the losing country does not implement the ruling within a reasonable period of time (). However, retaliation is essentially temporary and relies on the principle of rebalancing of rights, not as a permanent means of enforcing justice. In practice, retaliation actually prolongs conflicts and weakens the legitimacy of WTO law. This situation is evident in the US-China tariff war, which continues to escalate without a final legal resolution.¹⁸

The WTO's institutional crisis has become increasingly apparent since the Appellate Body became paralyzed in 2019 due to the United States blocking the appointment of judges. The vacancy of judges means that there is no quorum to adjudicate new cases, resulting in many disputes being delayed without a final decision. When the appeal mechanism ceases to function, the WTO dispute settlement system loses its legal character and becomes an arena for political negotiation. The legitimacy of international trade law now stands at a crossroads between compliance with norms and the dominance of economic power. Restoring the authority of the WTO requires a global political-legal commitment to uphold the supremacy of international law over short-term national interests.¹⁹

Implications of the International Trade Law Legitimacy Crisis for Third Countries

International trade is a cross-border activity carried out on the basis of mutual agreements between individuals, business entities, and governments. This activity plays an important role in driving the global economy through increased exports, imports, and investment between countries. In practice, the trading system often faces challenges in the form of protectionist policies, trade conflicts, or economic crises that can undermine market stability. The impact of trade barriers is not only felt by the countries in conflict, but also spreads to other regions that have economic ties with those parties. The trade war between the United States and China is a concrete example of how the trade dynamics of two major world powers can shake the balance of the international trading system and have a domino effect on third countries,

¹⁷ Riady Ibnu Khaldun, Ratna Sari, and Andi Ismira, "China's Retaliation against the United States in the Context of the Trade War," *Hasanuddin Journal of International Affairs* 3, no. 2 (2023): 70–71.

¹⁸ Nandang Sutrisno, "The US-China Trade War–China and the Collapse of the Future of the WTO," *Faculty of Law, Islamic University of Indonesia*, June 26, 2018, accessed October 1, 2025, <https://law.uii.ac.id/blog/2018/06/26/perang-dagang-as-cina-dan-runtuhnya-masa-depan-wto/>

¹⁹ International Bar Association, "Trade Wars: The Future of the WTO," *IBA Articles*, accessed October 1, 2025, <https://www.ibanet.org/article/82ef576b-48cd-4e24-a202-4343fbae0f28>

including Indonesia, which is highly dependent on the stability of the global supply chain.²⁰

As members of the World Trade Organization (WTO), both countries are bound by the principles of Free Trade and Most-Favored Nation (MFN) as contained in Article I of the General Agreement on Tariffs and Trade (GATT) 1994 and Article II of the General Agreement on Trade in Services (GATS). These provisions prohibit all forms of discrimination based on the origin of goods or services and require member countries to commit to not raising import tariffs beyond the agreed concession list (tariff binding). The additional tariffs unilaterally imposed by the United States on Chinese products are considered contrary to these principles and undermine confidence in the international trade legal system. Such violations not only obscure the essence of fairness in free trade, but also set a negative precedent for global legal compliance, which has been the foundation for the creation of an open and fair world market.²¹

The trade conflict that has escalated since 2018 shows that the crisis of legal legitimacy in the international trading system has real consequences for global economic stability. The imposition of retaliatory tariffs between the United States and China has suppressed the flow of goods, disrupted production chains, and created uncertainty in international markets. WTO data shows a significant slowdown in world trade in goods from 2.6% in 2018 to 1.2% in 2019, reflecting the widespread impact of these violations of multilateral principles. This situation shows that the implementation of international trade law requires collective commitment so that it does not merely become a formal norm without effective binding force. This crisis should serve as a reflection for WTO member countries to strengthen compliance with common rules, build more robust dispute settlement mechanisms, and ensure that international trade law remains an instrument of sustainable global economic justice.²²

1. Global Policy Shift: From Liberalization to New Protectionism

The rise of protectionism has triggered major changes in national policies and global rules. Countries are strengthening their domestic industries by raising tariffs, adding non-tariff barriers, and tightening access to foreign investment. The US, for example, has imposed high tariffs through "Section 301 investigations." Such policies often provoke retaliation from trading partners, exacerbating international tensions. In the interconnected global value chain ,

²⁰ Siska Ardiyanti Cahyaningtias, "Implications of the US-China Trade War on Indonesia's International Trade," *Journal of Law and Citizenship* 5 (2024), <https://doi.org/10.3783/causa.v2i9.2461>.

²¹ Barus et al., "The Dispute Over the Application of Import Tariffs and Trade Barriers Between the United States and China from the Perspective of the WTO Framework.

²² Hua Liao, "Business and Economics Journal Opinion The Economic Impacts of Trade Wars: A Case Study of the US-China Trade Conflict," 2023, <https://doi.org/10.37421/2151-6219.2023.14.428>.

the impact is even greater because it disrupts supply and production. Therefore, analysis of protectionism is important for understanding global economic dynamics and determining response strategies.²³

The tariff conflict between the US and China has caused geopolitical tensions, supply chain disruptions, and trade imbalances. Some sectors are more severely affected than others. The US started the trade war by imposing a 25% tariff on 818 Chinese products worth US\$34 billion, and China retaliated with equivalent tariffs on agricultural, automotive, and fishery products. In August 2018, additional tariffs of US\$16 billion were imposed by both countries. U.S. exports to China fell 11.5% to US\$106.4 billion, while imports from China plummeted 16.2% to US\$451.7 billion (USTR, 2019). This tariff war reduced U.S. GDP by about 0.7% and caused the loss of 300,000 jobs, mostly in the manufacturing sector.²⁴

2. Economic Impact on Third Countries and Strategic Opportunities for Indonesia

Changes in the global trade architecture also have an impact on Indonesia. Industrial supply chains, especially in the electronics, automotive, and textile sectors, have been disrupted due to dependence on inputs from China. However, there are opportunities for exports to the US market due to the obstacles faced by China. Processed wood products, footwear, and rubber have the potential to increase. Unfortunately, limitations in infrastructure, logistics, and national industrial policy mean that these opportunities have not been optimized. In addition, the trade war is driving the relocation of global industries. Many multinational companies are moving their factories from China to Southeast Asia, including Indonesia. However, limitations in skilled labor, bureaucracy, and legal certainty remain major obstacles. Overall, tariff protectionism creates a domino effect that requires developing countries to adjust their industrial strategies. For Indonesia, this moment could be an impetus for diversifying trading partners, reforming the industrial sector, and strengthening its position in international negotiations.²⁵

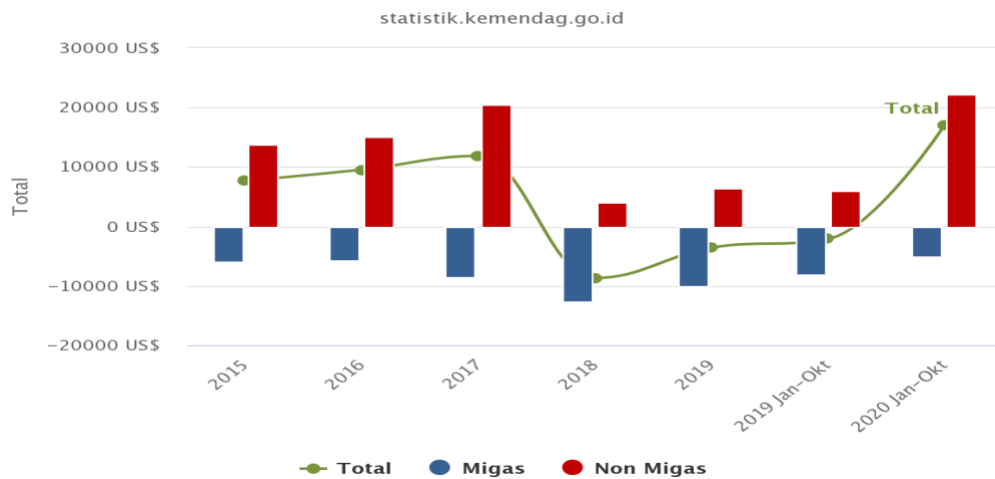
For developing countries, the impact of global protectionism is quite complex. US tariffs on Chinese goods have suppressed demand for Indonesian exports, while Chinese tariffs on US goods have slightly increased Indonesian exports. However, if the US extends tariffs to

²³ Junyu Shang, "The Impact of Rising Trade Protectionism on the Global Business Environment," *Business*, November 2024, 151.

²⁴ Nadia Zahoor et al., "De-Globalization, International Trade Protectionism, and the Reconfigurations of Global Value Chains," *Management International Review*, 2023, 13.

²⁵ Fadilah et al., "Trade Wars and Protectionism: A Political Economy Study of Tariff Policies in Bilateral Trade Relations.

other Asian countries or the European Union, Indonesia's vulnerability will increase. Domestically, it also highlights the trade barriers faced by Indonesia, such as technical barriers, non-tariff policies, and covert protectionism. Even the European Union's protectionism against palm oil is detrimental to the Indonesian economy.²⁶



Before the US-China trade war, Indonesia recorded a trade surplus, with exports in 2015 valued at US\$150,366.3 million and imports at US\$142,694.8 million. The surplus continued in 2016 with exports of US\$145,186.2 million and imports of US\$135,652.8 million, and in 2017 with exports of US\$168,828.2 million and imports of US\$156,985.6 million. However, since the 2018 trade war, there has been a deficit because imports of US\$188,711.4 million exceeded exports of US\$180,012.7 million, and in 2019 the deficit continued with exports of US\$167,683 million and imports of US\$171,275.7 million. Conditions began to improve in January-October 2020 with a surplus of US\$17,042.9 million, where exports reached US\$131,508.9 million and imports US\$114,466 million, indicating signs of recovery in Indonesia's trade balance.²⁷

CONCLUSION

Based on the results of the study described above, it can be concluded that the crisis of legal legitimacy in the international trading system reflects the disharmony between the principles of international legal justice and the reality of global political economy, which is

²⁶ Mohamad Irvansyah et al., "A Systematic Literature Review of Protectionism and International Trade Dynamics: A Systematic Literature Review (SLR) Approach Based on PRISMA 2020," *Jurnal Bahtera Inovasi* 9, no. 1 (2025): 40.

²⁷ Sri Endang Rahayu, "Analysis of the Development of Indonesia's Trade Balance Before and After the US-China Trade War," in *Seminar of Social Sciences Engineering & Humanities, SCENARIO 2020* (Medan, 2020), 459.

dominated by powerful economic actors. International trade law, which is essentially intended to create balance and legal certainty in inter- t economic interactions between countries, in practice often reinforces structural inequalities through international institutions such as the World Trade Organization (WTO) and the International Monetary Fund (IMF). This condition confirms the weak bargaining position of developing countries in the formulation and implementation of global trade law norms. Therefore, a conceptual and institutional reconstruction of the international legal system is needed in order to restore its basic function as a mechanism that guarantees distributive justice and equality among countries. International institutional reform, strengthening the principle of sovereign equality, and enforcing transparency and accountability in the trade policy-making process are fundamental prerequisites for restoring the legitimacy of international law. Thus, international trade law can function effectively as a normative instrument that supports the creation of a fair, inclusive, and sustainable global economic order.

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