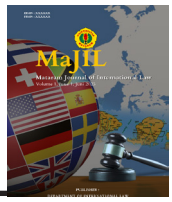
Mataram Journal of International Law
Volume 4, No. 1, June 2026
*open access at : https://journal.unram.ac.id/index.php/majil/index*
*Department of Law, Faculty of Law, University of Mataram*

# *A STUDY OF UNILATERAL RETALIATION IN INTERNATIONAL TRADE LAW: AN ANALYSIS OF THE UNITED STATES VS CHINA DISPUTE*

**Kahfi Rasman Haris**
University of Mataram
E-mail: kahfirasman77@gmail.com

**Muh Risnain**
University of Mataram
E-mail: risnaini@unram.ac.id

**Ayu Riska Amalia**
University of Mataram
E-mail: aramel@unram.ac.id

***Abstract***

*This research analyzes the conformity of unilateral retaliation measures in the trade dispute between the United States (US) and the People's Republic of China (PRC), particularly through the imposition of additional tariffs during section 301 the 2017–2020 period and the development of reciprocal tariffs in 2025. The study is based on three core principles of the World Trade Organization (WTO) framework: the Most-Favoured-Nation (MFN) principle under Article I:1 of GATT 1994, the commitment to bound tariffs under Article II of GATT 1994, and the rules governing retaliation and the prohibition of unilateral action under Articles 22–23 of the Dispute Settlement Understanding (DSU). The US–China dispute is used as a doctrinal reference to identify elements of violations of MFN and bound tariff obligations, as well as to explain enforcement challenges arising from the inability to finalize panel reports following the Appellate Body crisis since 2019. Employing normative legal research methods with statutory and conceptual approaches, this study argues that tariffs imposed under Section 301 and reciprocal tariffs based on the International Emergency Economic Powers Act (IEEPA) are generally inconsistent with WTO commitments. This is because such measures are discriminatory based on country of origin, may exceed agreed tariff limits, and undermine the DSU framework, which permits retaliation only through multilateral procedures. Furthermore, this research evaluates the effectiveness of the WTO Dispute Settlement Mechanism (DSM) and highlights Article 25 DSU arbitration and the Multi-Party Interim Appeal Arbitration Arrangement (MPIA) as practical alternatives for restoring legal certainty and finality in dispute resolution.*

***Keywords: Tariffs; Section 301;IEEPA;Arbitration.***

## A. INTRODUCTION

*The World Trade Organization* (WTO) was built to ensure international trade takes place within a rules-based framework and avoid escalation of trade conflicts that rely on *self-help practices*. At the substantive level, the WTO discipline places non-discrimination as a key principle, especially through *Most-Favoured-Nation* (MFN) and *National Treatment*, and regulates tariffs through *bound tariff commitments* so that there is certainty and predictability of cross-border trade.[1] At the procedural level, the WTO provides *a Dispute Settlement Mechanism* (DSM) to ensure that claims of violations and

DOI: https://doi.org/10.29303/n3p3q604

their remedies are dealt with through multilateral procedures, not through unilateral retaliation.[1]

The US-PRC trade dispute shows structural pressure on the design. During the 2017–2020 administration period, the U.S. used *Section 301 of the Trade Act of 1974* as a basis to investigate alleged unfair trade practices of the PRC, and then set tariff increases on certain imported products from the PRC.[2] This policy is selective towards the country of origin so that it immediately puts itself in the MFN test trajectory. At the same time, this policy is accompanied by the use of other instruments (e.g. *Section 232*) that show a shift in the orientation of trade policy towards more aggressive protectionism.[3]

From the WTO side, this dispute was brought to the DSM and produced the DS543 panel report. The panel concluded that the additional duties of the US on certain goods from the PRC are inconsistent with WTO obligations, particularly on the aspects of MFN and *bound tariffs*.[4] However, the usefulness of this decision cannot be separated from the *crisis of the Appellate Body* since December 2019 *the Appellate Body* is no longer able to accept appeals due to the vacancy of judges, so many of the panel's reports filed on appeal do not reach finality and are not practically binding. This situation shifts the calculation of *compliance incentives* and gives the country room to expand the use of domestic instruments as a shortcut to retaliation.[5]

Adding complexity to the 2025 development, the U.S. issued *Executive Order 14257* which used the IEEPA's authority to implement reciprocal tariffs: a 10% base tariff on imports and additional tariffs that differ between countries as Annex I. By design, *country-specific rates* challenge the MFN principle because it treats members differently on the basis of country of origin. Furthermore, the implementation *of across-the-board duties* has the potential to hit *bound rates* at a number of tariff posts that the US has committed to in *schedules*.[6] On the other hand, the PRC's response and the dynamics of temporary de-escalation (e.g. the negotiations in Geneva in May 2025) show that tariff policy also functions as a *bargaining instrument* outside of the WTO's adjudication mechanism.[7]

## B. METHOD

In this study, the author uses a type of normative law where normative *law research* is a legal research that examines laws that are conceptualized as a norm or rule that applies in society, which then becomes a reference for everyone's behavior.[8] The technique of collecting legal materials is carried out through document studies, by comparing, reviewing, and analyzing relevant legal sources. The analysis of legal materials in this study was carried out by interpretive methods, which aim to understand international legal norms and rules. This interpretation is used to draw conclusions relevant to international trade issues. The purpose of this study is to analyze the conformity of US unilateral actions with WTO principles in the context of the US–PRC dispute and to evaluate the effectiveness of the WTO DSM and offer recommendations for the restoration of finality of judgments.

## C. RESULTS AND DISCUSSION

### 1. Analyzed Rate Policy Objects

The first object of the study was the *additional ad valorem duties* imposed by the US on a number of imported products from the PRC in the period 2017–2020 based on *Section 301*. In summary, the USTR conducted an investigation into the PRC's alleged technology/IPR practices, and then the US government set tariff increases on several product listings with an additional amount of up to 25%. The PRC responded with *retaliatory duties* on U.S. products. This escalation forms a spiral tariff pattern that DSU discipline classically wants to prevent.[26] In DS543, the additional tariff policy is tested through the WTO legal apparatus, including MFNs and *bound commitments*.[9]

The second object of study is the 2025 reciprocal tariff policy based on IEEPA. *Executive Order* 14257 establishes a 10% base tariff for imports into U.S. customs territory and additional tariffs differ between countries as per Annex I (e.g., reciprocal tariffs for the PRC are set at a certain level, while other countries are different). The design of this policy is *across-the-board* and is much broader in scope than the *Section 301 product listing rate*.[10] At the practical level, this policy is accompanied by diplomatic-economic dynamics, including a temporary de-escalation through the *Geneva joint statement of negotiations in May 2025 that affirms the commitment to tariff adjustments for a period of 90 days.*[11]

### 2. Consistency Test against Article I:1 of the GATT 1994 (Most-Favoured-Nation)

Article I:1 of the GATT 1994 requires that any *advantages* regarding import duties and import/export levies granted to a country's products must be granted immediately and unconditionally to similar products of all members. Norma ini menargetkan diskriminasi atas dasar asal negara *(origin-based discrimination)*. Within a doctrinal framework, MFN works as an *anti-fragmentation rule* that locks the system from the breakdown of tariff relations into many different bilateral channels.[12] Karena itu, jika suatu anggota menaikkan tarif hanya untuk produk asal anggota tertentu, sementara produk sejenis dari anggota lain tetap pada tarif normal, maka secara *prima facie* terjadi pelanggaran MFN.[25] Therefore, if a member increases the tariff only for the product of a particular member, while the similar products of another member remain at the normal rate, then there *is a prima facie* MFN violation.[13] Based on the *Most-Favoured Nation* clause of one of the countries that gives special treatment or preference to a country, the treatment must also be given to other countries that are members of an agreement.[14]

In *Section 301* tariffs, this pattern of discrimination is obvious: the policy is directed specifically at imports from the PRC in response to domestic investigations. The DS543 panel stated *that* additional U.S. duties on certain goods from the PRC are inconsistent with Article I:1 of the GATT 1994. Its significance lies not solely in the conclusion of

9 United States — *Tariff Measures on Certain Goods from China (DS543),* Panel Report WT/DS543/R (15 September 2020). https://www.wto.org/english/tratop_e/dispu_e/cases_e/ds543_e.htm diakses 13 Desember 2025.

10 United States, *Executive Order 14257 of April 2, 2025* (April 2, 2025), p. 5. https://www.govinfo.gov/content/pkg/FR-2025-04-07/pdf/2025-06063.pdf, accessed January 10, 2026.

11 White House, *Joint Statement on U.S.-China Economic and Trade Meeting in Geneva* (Mei 2025).

12 General Agreement on Tariffs and Trade 1994 (GATT 1994), Pasal I:1 (Most-Favoured-Nation Treatment). https://www.wto.org/english/docs_e/legal_e/gatt47_e.htm

13 An An Chandrawulan, The Most-Favoured-Nations Treatment Clause Under The GATT/WTO, Fakultas Hukum Universitas Padjadjaran, Bandung, 2000, hlm.6.

14 Han Van Houtte, *The Law of International Trade,* Edisi kedua, Sweet & Maxweel, hlm. 6.

infringement, but in the logic that MFN cannot be compromised by domestic policy preferences, except through WTO exceptions that are proven to be qualified (e.g. general exceptions or security exceptions). Thus, the element *immediately and unconditionally* in MFN is understood as a prohibition of imposing additional political/economic conditions for one country compared to another on similar products.[15]

In the 2025 reciprocal tariff, the MFN problem is even structural because *Executive Order* 14257 explicitly stipulates different tariffs between countries in Annex I. If similar products are subject to different tariffs solely because of their country of origin, then *the advantage* in the form of lower tariffs (or conversely, higher tariff burdens) is not given equally to all members. This reinforces the argument that country-specific reciprocal tariffs *are prima facie* contrary to Article I:1.[8] In the perspective of legal certainty, such policies erode the *standard of common tariffs* and shift the regime towards tariffs on bilateral relations that revive the practice of *power-based bargaining.*[16]

### 3. Consistency Test with Article II of the GATT 1994 (*Bound tariffs*/Schedules of Concessions)

Article II of the GATT 1994 limits the scope for tariff increases through bound *rate* commitments set out in *schedules of concessions*. Functionally, *bound tariffs* maintain predictability and prevent *tariff surprises*. An exporter can plan for market access knowing that tariffs cannot be raised beyond the bound limit except through procedures provided by the WTO (e.g. renegotiation of concessions or certain legitimate safeguards). Thus, a violation of Article II occurs when *the applied rate plus additional duties* exceeds the *bound rate* at the relevant tariff post, or when the levy design creates the effect of a tariff exceeding the commitment.[17]

In the context of *Section 301*, *additional duties* are added on top of the normal rate. If this addition causes the effective rate to exceed the *bound rates* on the U.S. schedules, then a violation of Article II occurs. The DS543 panel assessed that the US actions violated GATT disciplines, including on the bound commitments aspect , because the tariff increase was carried out unilaterally without a relevant WTO procedural path and was specifically directed to the PRC.[18] This means that Article II not only contains a numerical limit, but locks in the stability of tariff commitments as part of a *multilateral bargain* that cannot be unilaterally changed only for domestic policy reasons.[19]

At the 2025 reciprocal tariff, Article II violations have the potential to be broader because of their cross-product coverage. *Baseline 10%* and additional *country-specific rates* can override bound tariff posts at low or zero levels, so that the total effective rate

15 General Agreement on Tariffs and Trade 1994 (GATT 1994), Pasal I:1 (Most-Favoured-Nation Treatment). https://legal-wires.com/content/files/2025/01/GATT--General-Agreement-on-Tariffs-and-Trade---1994.pdf, diakses 13 Desember 2025.

16 General Agreement on Tariffs and Trade 1994 (GATT 1994), Pasal I:1 (Most-Favoured-Nation Treatment). https://legal-wires.com/content/files/2025/01/GATT--General-Agreement-on-Tariffs-and-Trade---1994.pdf, diakses 13 Desember 2025.

17 WTO Analytical Index: praktik interpretasi GATT 1994 Article I dan Article II, https://www.wto.org/english/res_e/publications_e/ai17_e/gatt1994_art2_jur.pdf, diakses 20 Desmber 2025.

18 WTO, *Panel Report, United States—Tariff Measures on Certain Goods from China*, WT/DS543/R (15 September 2020),tersedia pada: https://www.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/WT/DS/543R.pdf&Open=True. diakses 10 Januari 2026.

19 GATT 1994, Pasal II:1–2 (Schedules of Concessions/Bound Tariffs). https://legal-wires.com/content/files/2025/01/GATT--General-Agreement-on-Tariffs-and-Trade---1994.pdf, diakses 20 Desmber 2025.

exceeds *the bound rate.* When tariff policies are applied comprehensively without tariff post differentiation, clashes with schedules increase systemically.[8] The consequence is the erosion of the function *of schedules* as a stabilization tool. If a major country feels it can ignore *bound tariffs* through a domestic emergency declaration, then the incentive for other countries to keep tariffs on bound limits will weaken.[3] The US tariff actions in 2017-2020 and subsequent developments are inconsistent with Article I of the GATT 1994 on MFN and beyond Article II of the GATT 1994 on *bound tariffs.*

**4. Retaliatory Discipline in DSU: Articles 22–23 and the Prohibition of Unilateral Action**

Under the DSU, retaliation is known as *suspension of concessions and other obligations*. However, it is not an automatic right. Retaliation is the last step after: (i) there is a panel/AB decision adopted by the DSB; (ii) there is a reasonable period of time for implementation; and (iii) the losing party does not comply. DSU Article 22 regulates compensation and suspension of concessions, including the mechanism of objection and arbitration regarding the level of suspension.[4] This suggests that DSU establishes institutional control so that retaliation remains proportionate and does not turn into unlimited retaliation.[20] Adapun tindakan retaliasi ini merupakan upaya terakhir dalam DSU yang dapat dilakukan apabila negara pelanggar tidak memperbaiki kebijakan tersebut dalam jangka waktu yang wajar, mewajibkan untuk negara melalui prosedur penyelesaian sengketa yang diatur dalam DSU sebelum melaksanakan retaliasi.[21]

More fundamentally, DSU Article 23 contains the obligation to use DSU as an exclusive forum to seek *redress of* WTO violations. This norm prevents the state from using unilateral action as a shortcut to punish trading partners. In WTO doctrine, Article 23 is often understood as the center of gravity of the dispute settlement system because it ensures that claims of infringement and their remedies are determined through multilateral processes. Thus, unilateral retaliatory actions carried out before DSB authorization are contrary to DSU's goal of mitigating the escalation of trade conflicts.[22]

Tensions arise when domestic instruments such as *Section 301* are used to apply additional tariffs without waiting for the DSU process. Theoretically, states could align *Section 301* with the DSU by taking disputes to the WTO and refraining from retaliatory actions until a ruling and authorization is reached. However, in the practice of trade wars, additional tariffs are applied first as a means of pressure. This explains why the US-PRC conflict is understood not as just a tariff conflict, but a conflict over the legitimacy of the multilateral mechanism itself.[23] At this point, unilateral retaliation encourages a return to *the logic of power-based enforcement* that is contrary to the WTO's design.[5]

IEEPA-based 2025 reciprocal tariffs add to the problem because they were constructed in response to trade deficits and emergencies, not as an implementation of WTO rulings. When such policies are used to pressure a particular country to change its trade policies,

20 WTO, Dispute Settlement Understanding (legal text) dan struktur prosedurnya (konsultasi, panel, banding, implementasi), https://www.wto.org/english/tratop_e/dispu_e/dsu_e.htm#22, diakses 20 Desmber 2025.

21 Erviana, Priyono, & Trihastuti. (2022). Retaliasi Amerika Serikat Terhadap Indonesia Dalam Kaitannya Dengan Sengketa Impor Produk Hortikultura, Hewan Dan Produk Hewan. Diponegoro Law Journal, 11(4)

22 Putusan/putusan banding terkait DSU Pasal 23 (jurisprudence compilation) yang menegaskan DSU sebagai forum eksklusif untuk redress pelanggaran WTO, https://www.wto.org/english/res_e/publications_e/ai17_e/dsu_art23_jur.pdf diakses 20 Desmber 2025.

23 Trade Act of 1974, Section 301 (19 U.S.C. §2411).

it functionally resembles a unilateral *countermeasure*. In the WTO regime, this kind *of countermeasure* must be under the control of Article 22 DSU and subject to Article 23 prohibitions.[24] Thus, the domestic legality argument does not close the question of international legality; rather, it must be tested through the parameters of the DSU that lock in multilateral procedures. From the explanation above, it is evident that the US tariff action is also contrary to Articles 22-23 of the DSU on compliance and retaliation which must be in accordance with WTO procedures.

**5. Security Exceptions of Article XXI of the GATT 1994 and Their Relevance to IEEPA-Based Tariffs**

Article XXI of the GATT 1994 provides security *exceptions* that allow members to take such steps as they deem necessary to protect essential security interests, including in circumstances of *emergency in international relations*. This exception is often debated because it contains phrases that seem to give the state wide discretion.[25] However, developments in jurisprudence show that security exceptions are not blank checks. Panel DS512 (Russia—Traffic in Transit) recognized that despite the subjective assessment aspect by the state, there remains a minimum objective assessment of the existence of an emergency and the linkage of the measure to the protection of essential security interests.[26]

In the context of the IEEPA, domestic policy is often framed as a national emergency. However, domestic justification does not automatically become a WTO justification. If reciprocal tariffs are justified through Article XXI, states must be able to demonstrate that the conditions claimed as emergencies actually meet the threshold *of emergency in international relations* and that the tariffs are measures rationally related to the protection of essential security interests—not simply a correction of the trade deficit. Therefore, in this analysis, the claim of security exceptions by the US cannot be proven and contradicts Article XXI and jurisprudence that uses Article XXI instruments. Instrument *security exceptions* should be treated strictly so as not to obscure the difference between economic policy and security policy.

**6. The PRC's Position in the WTO and Its Relevance to the Analysis of U.S. Unilateral Action**

The PRC has been a member of the WTO since 2001, so the US-PRC tariff dispute is within the scope *of WTO covered agreements*. This membership status is important on at least three levels. First, it closes the space for the argument that tariffs are purely bilateral matters that can be fully regulated by domestic law. Second, it places both parties within a framework of multilateral rights and obligations: each bound to MFN, *bound commitments*, and the obligation to use the DSU as a redress channel. Third, the status gives the PRC the procedural right to challenge tariff actions through consultations and panels, as well as the substantive right to demand restoration of concessions when

24 International Emergency Economic Powers Act (IEEPA), 50 U.S.C. §§1701–1708. https://crsreports.congress.gov/product/pdf/LSB/LSB11332

25 GATT 1994, Pasal XXI (Security Exceptions), https://legal-wires.com/content/files/2025/01/GATT--General-Agreement-on-Tariffs-and-Trade---1994.pdf, diakses 20 Desmber 2025.

26 WTO, *Panel Report, Russia—Measures Concerning Traffic in Transit*, WT/DS512/R, adopted 26 April 2019, in particular para. 7.75, https://www.wto.org/english/tratop_e/dispu_e/512r_e.pdf accessed 17 January 2026

uncorrected violations occur. Thus, the unilateral actions of the US need to be tested not only from a national policy perspective, but from the perspective of whether it interferes with the multilateral bargains that are the basis for the stability of the WTO system.

## 7. The Effectiveness of the WTO DSM in the Midst of *the Appellate Body Crisis* and the Finality Restoration Recommendations

The WTO DSM is designed as a relatively fast, structured dispute resolution system that has clear legal consequences. The stages start from consultation (peaceful effort), then panel adjudication, appeal (appellate review), and implementation supervision. The strength of this system lies in finality: once the panel/AB report is adopted by the DSB, the recommendations become a reference that must be complied with and can be monitored. However, since December 2019 *the Appellate Body* has not been able to hear appeals due to the vacancy of the judges. As a result, the losing party can suspend the finality by appealing when there is no forum that can decide, so that the practice of *appeal into the void* arises. This lowers certainty and makes it difficult for panel recommendations to activate post-judgment instruments (e.g., requesting Article 22 authorization).[27]

In the context of tariff disputes, this problem is real: when the panel's decision is not final, the incentive to immediately comply is weakened, and the state may opt for a tariff-based coercive negotiation strategy outside the DSU. In other words, the *crisis of the Appellate Body* is not only a technical institutional problem, but an economic-political problem that affects the behavior of large and small countries.[28] Therefore, the effectiveness parameters of the DSM are not only measured by the existence of norms, but by the ability of the system to produce final decisions and provide an operationalized implementation mechanism.[29]

To restore finality, DSU Article 25 provides arbitration as an alternative mechanism that can be agreed upon by the parties. Textually, Article 25 recognises arbitration as an alternative means of dispute settlement under the WTO, and the outcome must be notified to the DSB and applicable to the parties. In contemporary practice, a group of WTO members established the *Multi-Party Interim Appeal Arbitration Arrangement* (MPIA) as an Article 25-based interim appeal mechanism to replace the *appellate review* function when *the Appellate Body* is not functioning.[30] This mechanism suggests that the restoration of finality can be done without waiting for the full reform *of the Appellate Body*, as long as the parties are willing to commit themselves to an arbitration procedure that resembles an appeal.[31]

The implications of this recommendation for the U.S.-PRC dispute are strategic. First, Article 25 arbitration can prevent disputes from stopping at a non-final panel decision, thus restoring the DSM's function as a determinant of legality. Second, after finality is

27 WTO, *'WTO reform ,* April 2024. https://www-wto-org.translate.goog/english/thewto_e/minist_e/mc13_e/briefing_notes_e/reform_e.htm?_x_tr_sl=en&_x_tr_tl=id&_x_tr_hl=id&_x_tr_pto=tc

28 European Parliament Research Service (EPRS), briefing note (17 Juni 2024), https://www.europarl.europa.eu/EPRS/TD_European_Parliament_Sep2024.pdf diakses 20 Desmber 2025.

29 National Board of Trade Sweden, *The WTO Appellate Body Crisis* (2023). https://www.kommerskollegium.se, diakses 20 Decmber 2025.

30 DSU, Article 25 (Arbitration) as an alternative dispute resolution mechanism.

31 The Multi-Party Interim Appeal Arbitration Arrangement (MPIA), established in 2020 based on DSU Article 25, https://www.wto.org/english/tratop_e/dispu_e/altds_e.htm accessed December 20, 2025.

achieved, the post-decision DSU instruments (Article 21 surveillance, compensation/ suspension of Article 22 concessions) can operate again in an orderly manner, and the entire series remains within the DSU Article 23 corridor so as to minimize unilateral escalation. Third, this option can strengthen good faith in compliance because the parties know that disputes cannot be frozen through appeals without a forum.

### 8. The Dynamics of Temporary De-escalation and Its Relevance to WTO Discipline

The 2025 chronology shows that reciprocal tariffs are not only legal instruments, but also instruments of coercive diplomacy. After the issuance of *Executive Order 14257*, there was a response to retaliatory tariffs and escalation, before negotiations in Geneva resulted in a *joint statement*. In the *joint statement*, the US said it would adjust the implementation of *the additional ad valorem rate of duty* by suspending part of the tariff for the initial 90-day period, while the PRC also took similar adjustment steps.[32] This pattern suggests that tariffs are often used as *leverage* to encourage short-term political-economic concessions, which in turn reduces economic losses, but still leaves normative questions about the consistency of initial policies with MFNs, *bound tariffs*, and the prohibition of unilateral action.[33]

If de-escalation is achieved solely through coercive negotiations, there is a risk of precedent: large countries can obtain results without the need to submit to WTO legality assessments. In the long run, this reduces the attractiveness of rule-based systems and increases incentives for other countries to replicate similar strategies. Therefore, reconciliation between political negotiations and legal adjudication is important: negotiations can take place, but legality assessments through the DSM are still necessary in order for the system to maintain consistency and predictability.[34] In other words, diplomatic solutions should not replace legal discipline, but rather complement them.

## D. CONCLUSION

First, the U.S. additional tariff policy in the *Section 301* period (2017–2020) and the IEEPA-based reciprocal tariff policy (2025) are inconsistent with WTO provisions. At the substantive level, these policies test and even violate Article I:1 of the GATT 1994 (MFN) because they discriminate on the basis of national origin, and go beyond the tariff commitments bound by Article II of the GATT 1994 when *additional duties* add to the tariff burden above *bound rates*. At the procedural level, unilateral retaliation policies intersect directly with the DSU Articles 22–23 discipline which locks retaliation so that it is only valid through multilateral procedures and DSB authorization.[2] Second, the current effectiveness of the WTO DSM is hampered not by the absence of norms, but by the interruption of the chain of finality of decisions due to *the Appellate Body*

32 Executive Order 14257 (2 April 2025), Regulating Imports With a Reciprocal Tariff..., Federal Register (7 April 2025) dan Annex I (Public Inspection PDF 2025-06063). https://www.govinfo.gov/content/pkg/FR-2025-04-07/pdf/2025-06063.pdf, diakses 10 Januari 2026.

33 White House, *Joint Statement on U.S.-China Economic and Trade Meeting in Geneva* (Mei 2025), https://www.whitehouse.gov/briefings-statements/2025/05/joint-statement-on-u-s-china-economic-and-trade-meeting-in-geneva/ diakses 20 Desember 2025.

34 Reuters, May 12, 2025 report on the US-PRC deal in Geneva (90-day provisional tariff reduction), https://www.reuters.com/world/china/us-china-extend-tariff-truce-by-90-days-staving-off-surge-duties-2025-08-12/ accessed January 10, 2026.

*crisis* since 2019, which has given rise to the practice of *appeal into the void*. Third, justification through security exceptions under Article XXI of the GATT 1994 cannot be treated as an automatic justification; it must be tested following the parameters of jurisprudence so as not to become a loophole to avoid MFN/*bound tariff obligations*

## BIBLIOGRAPHY

### Books

An An Chandrawulan, The Most-Favoured-Nations Treatment Clause Under The GATT/WTO, Fakultas Hukum Universitas Padjadjaran, Bandung, 2000, hlm.6.

Muhaimin. 2020. Metode Penelitian Hukum, Mataram University Press, Mataram, hlm 52

Risnain, Muhammad, Erlies Septiana Nurbani, Diva Pitaloka, and Adhitya Nini Rizki Apriliana. Pengantar Hukum Internasional: *Pendekatan Kemahiran Hukum, Etika Hukum, Hukum dan Gender, serta Hukum dalam Konteks Lokal*, Prenada Media, 2023.

### Regulations

Executive Order 14257 (2 April 2025), hlm. 21 (PDF). https://public-inspection.federalregister.gov/2025-06063.pdf diakses 10 Januari 2026.

General Agreement on Tariffs and Trade 1994 (GATT 1994), https://www.wto.org/english/docs_e/legal_e/gatt47_e.htm

International Emergency Economic Powers Act (IEEPA), 50 U.S.C. §§1701–1708. https://crsreports.congress.gov/product/pdf/LSB/LSB11332 diakses 20 Desmber 2025.

Multi-Party Interim Appeal Arbitration Arrangement (MPIA), dibentuk 2020 berbasis DSU Pasal 25, https://www.wto.org/english/tratop_e/dispu_e/altds_e.htm diakses 20 Desmber 2025.

World Trade Organization, Panel Report, United States—Sections 301–310 of the Trade Act of 1974, WT/DS152/R, 22 December 1999, hlm. 319–320, khususnya para. 7.65–7.68 (lihat juga pengantar para. 7.59–7.61), tersedia pada: https://www.wto.org/english/tratop_e/dispu_e/wtds152r.pdf (diakses 30 Desember 2025).

WTO Analytical Index: praktik interpretasi GATT 1994 Article I dan Article II, https://www.wto.org/english/res_e/publications_e/ai17_e/gatt1994_art2_jur.pdf, diakses 20 Desmber 2025.

WTO Analytical Index: praktik interpretasi GATT 1994 Article I dan Article II, https://www.wto.org/english/res_e/publications_e/ai17_e/gatt1994_art2_jur.pdf, diakses 20 Desmber 2025.

WTO, *Dispute Settlement Understanding* (legal text) dan struktur prosedurnya (konsultasi, panel, banding, implementasi). https://www.wto.org/english/docs_e/legal_e/28-dsu_e.htm.

WTO, *Panel Report, Russia—Measures Concerning Traffic in Transit*, WT/DS512/R, diadopsi 26 April 2019, khususnya paras 7.75, https://www.wto.org/english/

tratop_e/dispu_e/512r_e.pdf diakses 17 Januari 2026

WTO, Panel Report, *United States—Tariff Measures on Certain Goods from China* (DS543), WT/DS543/R, hlm. 30 (PDF). https://www.wto.org/english/tratop_e/dispu_e/543r_e.pdf, diakses 10 Januari 2026.

**Journal**

European Parliament Research Service (EPRS), briefing note (17 Juni 2024), https://www.europarl.europa.eu/EPRS/TD_European_Parliament_Sep2024.pdf diakses 20 Desmber 2025.

Kyla H. Kitamura, Section 232 of the Trade Expansion Act of 1962, Congressional Research Service, CRS Product No. IF13006, 22 Mei 2025, hlm. 1, https://www.congress.gov/crs-product/IF13006, diakses 10 Agustus 2025.

*Yohana. (2025). Legalitas Tarif Retaliasi Tiongkok Dalam Perang Dagang Terhadap Amerika Serikat. Volume 5(3).*

**Website**

Reuters, laporan 12 Mei 2025 tentang kesepakatan AS–RRT di Jenewa (penurunan tarif sementara 90 hari), https://www.reuters.com/world/china/us-china-extend-tariff-truce-by-90-days-staving-off-surge-duties-2025-08-12/ diakses 10 Januari 2026.

White House, *Joint Statement on U.S.-China Economic and Trade Meeting in Geneva* (Mei 2025), https://www.whitehouse.gov/briefings-statements/2025/05/joint-statement-on-u-s-china-economic-and-trade-meeting-in-geneva/ diakses 20 Desember 2025.

WTO, *'WTO reform* , April 2024. https://www-wto-org.translate.goog/english/thewto_e/minist_e/mc13_e/briefing_notes_e/reform_e.htm?_x_tr_sl=en&_x_tr_tl=id&_x_tr_hl=id&_x_tr_pto=tc