UUM JOURNAL OF LEGAL STUDIES
https://e-journal.uum.edu.my/index.php/uumjls

How to cite this article:
Gunawan, Y., & Akbar, M. F. (2026). Countervailing duties on Indonesian biodiesel: WTO dispute resolution and the use of arbitration under DSU article 25. *UUM Journal of Legal Studies, 17*(1), 94-111. https://doi.org/10.32890/uumjls2026.17.1.6

COUNTERVAILING DUTIES ON INDONESIAN BIODIESEL: WTO DISPUTE RESOLUTION AND THE USE OF ARBITRATION UNDER DSU ARTICLE 25

[1]Yordan Gunawan & [2]M. Fabian Akbar
[1]Faculty of Law, Universitas Muhammadiyah Yogyakarta, Indonesia
[2]Faculty of Law, Universitas Gadjah Mada, Indonesia

[1]Corresponding author: yordangunawan@umy.ac.id

Received: 10/6/2024 Revised: 5/9/2025 Accepted: 5/10/2025 Published: 31/1/2026

ABSTRACT

This research aims to analyse the legal dispute between Indonesia and the European Union (EU) concerning countervailing duties on biodiesel imports. Employing a normative qualitative legal research method, the study relies on both primary data, such as WTO legal instruments, panel reports, and dispute settlement documents, and secondary sources, including academic journals, policy papers, and relevant news reports. A case study approach was used to critically assess the role of the World Trade Organization (WTO) in resolving the dispute and the potential of arbitration as an alternative mechanism. The findings indicated that arbitral considerations largely favour Indonesia, affirming that the EU's measures are inconsistent with WTO rules. Practically, the research suggests arbitration as a future-oriented instrument for trade dispute settlement, while highlighting its limitations in implementation and relevance for policymakers and legal practitioners. Academically, this study contributes by offering a critical perspective on how WTO law interacts with state sovereignty and provides insight into the underexplored role of arbitration in international trade disputes, thereby addressing gaps in existing literature. The research argues that arbitration provides a fair mechanism for dispute resolution. However, if arbitration cannot be achieved, parties may resort to litigation before national courts, or, where jurisdiction has been previously recognised, seek recourse to an international court. Without mutual consent or an established jurisdictional basis, submission to an international court would not be possible.

Keywords: Biodiesel, countervailing duties, dispute settlement mechanism, trade dispute, WTO.

INTRODUCTION

The European Union (EU) conducted an in-depth investigation into Indonesia. This investigation is intended to find evidence whether Indonesia has made countervailing measures or evaded EU tariff regulations on biodiesel imports originating from that country. Biodiesel is a biofuel derived from vegetable oil products. This "war" happened after disputes over renewable energy policies, nickel, stainless steel, and deforestation-free products; the two parties are again in dispute over biodiesel. It is also a signal that the trade dispute between Indonesia and the EU seems to have no end (Reuters, 2023).

The EU accused Indonesia of involving the United Kingdom and the People's Republic of China in dealing with the export of biofuel derived from palm oil. This step is thought to have been taken to prevent biodiesel products from Indonesia from being subject to special import duties, as a trade protection measure by the EU. Due to this, on August 15, 2023, Indonesia encouraged the World Trade Organization (WTO) to open trade dispute consultations with the EU regarding the imposition of EU duties on biodiesel imports from Indonesia. Indonesia considers the process of investigating and imposing biodiesel to be inconsistent with WTO rules (Widi, 2023).

The EU has actually applied a duty rate of between 8 and 18 per cent for Indonesian biodiesel imports since 2018. This application is an effort to create justice. The reason is that Indonesia is suspected of providing subsidies to biodiesel producers. At that time, Indonesia carried out retaliation and initiated an investigation, considering that the imposition of duties was not in line with the WTO agreement. The decision was in favour of Indonesia as the plaintiff country. It is one of the triggers for the conflict that has occurred between the EU and Indonesia to date, which is thought to be an attempt at revenge by the EU against Indonesia (Bangun et al., 2020).

Trade disputes at the WTO are one of the important legal elements in the WTO and its member countries. Trade disputes are conflicts or disputes that arise between two or more parties involved in international trade. These disputes can involve countries, companies, or individuals dealing with cross-border trade, exports, imports, or foreign investment (Gunawan et al., 2022). Trade disputes can arise for various reasons, such as tariffs and customs, non-tariff barriers, subsidies, and dumping. The term trade dispute is a well-established term in the field of international trade and economics, and it aptly conveys the essence of the conflict under discussion. Using established terminology helps ensure clarity and understanding when discussing complex topics such as international trade. In summary, the term "trade dispute" is used for clarity and provides a concise and accurate description of international trade-related conflicts (Gebeyehu, 2019).

Despite the availability of the WTO dispute settlement system, the escalating trade conflict between Indonesia and the European Union over biodiesel imports raises fundamental questions concerning the consistency of the EU's measures with WTO law and the effectiveness of arbitration as an alternative mechanism. In this regard, the study seeks to examine the role of the WTO dispute settlement mechanism in addressing the dispute between the two parties, while also analysing the legal implications of the EU's imposition of countervailing duties on Indonesian biodiesel in light of WTO provisions (Paksi et al., 2024). Furthermore, the research aims to evaluate the potential use of arbitration under Article 25 of the DSU as an alternative method for resolving trade disputes, and to assess the broader significance of this case for the governance of international trade and the future development of dispute resolution mechanisms within the WTO framework.

METHODOLOGY

The research was conducted in accordance with normative legal principles and international law perspectives concerning the trade conflict between the European Union and Indonesia. It employed a doctrinal approach by examining concepts, legal standards, and regulations, supported with a case study methodology. Sources of information included newspapers, judicial periodicals, academic journals, and relevant legal documents (Ahmed, 2025), which were assessed and classified through discourse and qualitative analysis to highlight key legal concepts and possible resolutions. In order to enhance the discussion, the study also emphasises the need to incorporate the most recent statistical data and information on EU-Indonesia trade relations, as reliance on information up to 2021 may limit the comprehensiveness of the analysis.

The study adopted a qualitative legal research method, drawing on both primary sources such as WTO agreements, dispute settlement rulings, and arbitration decisions, as well as secondary sources, including academic literature, policy papers, and relevant reports. This approach is appropriate given the doctrinal and interpretative nature of the research problem, which focuses on assessing the legality of countervailing duties and the role of arbitration within the WTO system. However, to ensure analytical transparency, the research applies a structured interpretative framework, consisting of textual analysis of WTO legal provisions, case law interpretation, and contextual comparison with prior dispute settlement practices. Source selection followed relevance and authority criteria, ensuring that only recognised and authoritative legal texts and scholarly works were incorporated.

Although statistical analysis is not central in doctrinal legal research, the reliability of findings was strengthened by applying triangulation across multiple types of sources, legal texts, arbitral rulings, and scholarly commentary to verify the consistency of interpretation. In addition, the study acknowledges positionality by situating its reasoning within the perspective of international trade law scholarship, while striving for neutrality in evaluating both the EU's and Indonesia's arguments. These measures aim to enhance trustworthiness and reproducibility of the legal reasoning process, ensuring that the analysis not only rests on normative interpretation but also provides a transparent pathway for future researchers to replicate or critique the methodological approach.

RESULTS

The Development and Function of the WTO

An international organisation is a voluntary or equal undertaking of members of the international community to promote world peace (Putra, 2021). By establishing a joint international committee in accordance with an international agreement, countries can create a unified body endowed with regulatory, judicial, and supervisory authority (Purnamaa & Yao, 2019). The WTO is an international trade regime that, by means of provisions that are mutually agreed upon, connects the trade interests of all nations worldwide (Satesna, 2022). It was intended that the WTO would establish reciprocal and mutually advantageous conditions from which all nations could benefit. The WTO implemented a trade model that is anticipated to facilitate the seamless operation of international trade (Khurana, 2022).

The establishment of international trade organisations can be traced back to the Bretton Woods system, which was established post-World War II and remained in effect until the 1970s (Shatat, 2019). An instance of a fully negotiated global order designed to regulate currency relations among sovereign

states is the Bretton Woods system. The Bretton Woods System, during its evolution, gave rise to two regulatory institutions that came to dominate the global economic arena: the World Bank and the International Monetary Fund (IMF) (Sali Ahmed Abdullah et al., 2025). Discursively, the United States-led Bretton Woods system was conceived as one that promoted the growth of a prosperous liberal economy. Hegemonic stability is the maintenance of unipolarity by a dominant power that establishes and maintains global political and economic stability (Jin et al., 2018).

The countries that attended the conference recognised the necessity for trade regulation, in addition to the monetary and financial sectors. A gathering was convened in Havana in 1948 by conference participants to deliberate on the charter of the International Trade Organization (ITO). It was anticipated that the ITO, similar to the IMF and World Bank, would be responsible for trade matters. However, efforts to establish the ITO were unsuccessful. The reason for this is that the United States Congress, motivated by political considerations, declined to ratify the ITO charter and did not authorise the organisation's formation (Shafiee, 2020). A gap has existed in the institutional framework governing international commerce ever since the ITO failed to be established. Consequently, in 1948, a regulatory landmark in the realm of global trade materialised in the form of the General Agreement on Tariffs and Trade (GATT) (Igwe, 2018).

GATT was the only multilateral agreement that regulated and contained international trade policies prior to the formation of the WTO. The GATT was established to assist nations in their negotiations regarding international commerce. For the benefit of humanity, the formation of GATT was intended to facilitate free and equitable trade and promote economic growth and development. Further council decisions, interpretations, and configurations contributed to the expansion of the GATT agreement. In the past 77 years, the GATT system has evolved into the foundation of international trade involving numerous nations. Fundamentally, the establishment of GATT seeks to liberalise trade and ensure a secure environment for international commerce (Claussen, 2022).

WTO began with negotiations known as the Uruguay Round from 1986 to 1994. In these discussions, it was decided that the WTO would take over GATT's position and responsibilities (Irshad, 2016). The WTO came into existence formally on January 1, 1995. The WTO initially comprised 154 member nations. A consensus founded on a series of agreements that have been long planned and negotiated by nearly all governments in the world also contributed to the formation of the WTO. The WTO is an international organisation established to advance national welfare by enforcing a set of regulations pertaining to trade agreements. The primary objective of the WTO is to provide support to manufacturers of goods and services in their trade operations, including facilitating export and import policies (Duffy, 2021).

The GATT and the WTO are fundamentally dissimilar. The GATT was transient and ad hoc. General agreements lacking provisions for the establishment of an organisation remain unratified by the parliaments of member countries so long as the WTO remains a member. The WTO's system for resolving disputes is shorter and more practical than that of the GATT. Permanent agreements with clear regulations are ratified by member nations of the WTO (Vicky Chemutai, 2017).

The WTO is an organisation distinct from the specialised agencies of the United Nations and lacks executive authority that member governments may exercise independently (Sudirman, 2017). Assembled to safeguard the welfare of countries through a variety of trade agreement regulations, the WTO plays a crucial role in the management of global trade issues (Widijowati, 2020). The WTO, being an international organisation endowed with legal personality, is granted diplomatic privileges that

are analogous to those enjoyed by special agencies of the United Nations. In contrast to other international organisations like the IMF and World Bank, the WTO does not delegate its authority to a single board of directors or bureaucracy. Furthermore, aside from providing analytical commentary, the organisation does not influence the trade policies of its member countries. Routine trade evaluates the trade policies of each member country (Gallardo-Salazar & Tijmes-Ihl, 2020).

The WTO was established with three primary goals. The first objective is to facilitate negotiations and discourse regarding a nation's trade agenda through the establishment of mechanisms between these nations. The second objective is to guarantee that trade discrimination does not occur or confront any Member State. The third objective is to establish a functional legal framework that facilitates the prevention and resolution of trade disputes. The objective is to facilitate the operations of importers and exporters, service providers, and manufacturers of products (Najiha, 2021).

The Agreement delineates the WTO's goals as follows: enhancing living standards, ensuring complete employment, generating substantial and increasing real income and effective demand, expanding trade and production of goods and services, and facilitating the most efficient utilisation of worldwide resources in alignment with its sustainable development, environmental protection, and preservation objectives. Methods for accomplishing these objectives should be tailored to the specific needs and concerns of each member country. Consequently, the nations reached a consensus to establish a cohesive, pragmatic, and enduring multilateral trading framework comprising the GATT 1994, the products of prior trade liberalisation endeavours, and the resolutions derived from the Uruguay Round of Multilateral Trade Negotiations (Shin & Ahn, 2018).

The WTO, in its capacity as a global trading system, serves as a convergence of political, economic, and legal theory and practice. Thirdly, each party contributes uniquely to the effort to unite nations with disparate degrees of political influence and economic development in order to eliminate trade barriers and establish and maintain a rules-based system (Verdeoss, 2017). In pursuit of effective liberalisation and unrestricted trade, the WTO endeavours to enforce agreements that member nations have already implemented or are in the process of implementing collectively (Babajić et al., 2022). Through mutually agreed-upon provisions, the WTO is anticipated to be capable of connecting all global trade interests.

The WTO serves as an institution that provides a structural framework for trade exchanges among its member nations through the enforcement of accords derived from various legal instruments. As a result, the WTO establishes a multitude of international legal instruments that are delineated in agreements. To execute its responsibilities, the WTO is furnished with the following organs (Zampetti et al., 2022):

a. Ministerial Conferences.
b. The Ministerial Conference is the WTO's preeminent decision-making institution. General Council.
   In addition to regulating trade policies and supervising dispute resolution procedures among members, the General Council serves as a reviewer of trade policies.
c. Goods Trade Council.
   The oversight of the service trade sector's agreement implementation falls under the purview of the Goods Trade Council.
d. Council for Trade-Related Aspects of Intellectual Property Rights (TRIPS).
   The TRIPS is responsible for monitoring and supervising nations in accordance with the TRIPS Agreement.

e. Dispute Settlement Body (DSB).
   The Ministerial Conference-affiliated organisation is responsible for orchestrating a trade conflict among WTO members.
f. Trade Policy Review Body (TPRB).
   It is the responsibility of the organisation to implement the mechanism for evaluating international trade policies.

At present, membership in the WTO has emerged as a substantial catalyst for liberalisation. At present, the WTO can be characterised as a trade organisation lacking the authority to intervene in decision-making processes. The WTO has evolved into a forum for collective international trade interactions on the basis of a succession of agreements negotiated and ratified by numerous countries that have recognised the organisation.

EU and Indonesia Trade Relationship Dynamics

The EU is one of the world's most important economic powers. Relations between Indonesia and the EU were established a long time ago, before the EU signed an inter-regional cooperation agreement with ASEAN in 1980. Both the EU and Indonesia have permanent representatives in their respective capitals, which shows the great interest and concern between the two parties. In recent times, several cooperation frameworks have been developed to increase cooperation between the two parties in various fields, including trade (Gilson, 2020). One form of cooperation between Indonesia and the EU is exploring the formation of an Indonesia-EU Comprehensive Economic Partnership Agreement (IEU-CEPA). The IEU-CEPA agreement, which is currently being negotiated, has great potential to increase trade and investment between the two parties. It is an effort to remove trade barriers, stimulate economic growth, and create new opportunities. The agreement also includes a commitment to the principles of sustainability and environmental protection, which are increasingly important in international trade (Manurung, 2018).

Indonesia and the EU have interests in the field of trade. The trade relationship between the EU and Indonesia is one of the most important in Southeast Asia. Both are major trading partners of each other, and this influences economic growth and stability in the region (Aulawi et al., 2023). Data from Indonesian Economic and Financial Statistics shows that until 2021, the EU was consistently ranked fifth in Indonesia's export destination, below exports to ASEAN countries, and higher than Indonesia's exports to Japan and the United States, which are two of Indonesia's important partners (Apresian & Yazid, 2019).

Indonesia and the EU have interests in the field of trade. The trade relationship between the EU and Indonesia is one of the most important in Southeast Asia. Both are major trading partners of each other, and this influences economic growth and stability in the region. Some mutual benefits from increased cooperation have been realised through expanded trade and investment (Sicurelli, 2020). Bilateral trade between the EU and Indonesia includes Indonesia's main exports to the EU, namely animal or vegetable fats and oils, machinery and equipment, textiles, footwear, and plastic and rubber products. Palm oil from Indonesia is the commodity most exported to the EU. The amount reaches 49% of total palm oil imports in the EU. Meanwhile, the EU’s exports to Indonesia are mostly high-tech equipment, transportation equipment, manufactured products, and chemicals (Siswanto et al., 2023).

Trade in goods between the two partners increased from around €5 billion in 2009 to €4 billion in 2019, or an average increase of 4.8% per year. Direct investment flows from the EU to Indonesia have grown

very rapidly over the last few years. In 2018, the EU was Indonesia's second-largest source of investment, with a share of Foreign Direct Investment worth around €34 billion. In order to create more trade and investment opportunities for businesses and people in the two economic zones, the EU and Indonesia negotiated a free trade agreement, also known as the 2016 IEU-CEPA Agreement (Arifin & Putri, 2019).

The aggregate value of products traded in 2021 was €24.7 billion. The value of Indonesia's exports to the European Union in 2021 was €16.8 billion, or 8.5% of the total value of global exports of products. Constituting €7.9 billion, its imports from the EU represented 5.1% of its total imports of products worldwide. In 2021, Indonesia ranked as the 37th export destination, the 26th greatest source of imports, and the 31st global trading partner for the European Union (Rifin et al., 2020).

However, this trade relationship also faces several challenges. Tariffs and non-tariff barriers, such as technical regulations and product standards, can slow trade flows. Protection of intellectual property rights is also a sensitive issue, especially in the pharmaceutical sector. Sustainability issues, such as deforestation and sustainable palm oil production, have an important impact on trade relations with the EU, which enforces strict sustainability standards. Apart from that, regional geopolitical factors, such as tensions in the Southeast Asia region, can also influence the dynamics of this trade relationship. Regional cooperation through ASEAN also influences these trade relations, with the EU seeking to strengthen its ties with ASEAN as a whole.

Additionally, strained relations between the two nations are likely to develop as a result of the growing emphasis on trade in sustainability, both social and environmental, and the promotion of sustainability principles. When examining the intricacies of these trade relations, it is critical to bear in mind that economic, political, and environmental factors are subject to change over time. Consequently, it is vital to stay informed about the most recent advancements in these relations by consulting authoritative reports and current news sources.

Escalation of Trade Disputes between the EU and Indonesia

International disputes often occur as a form of conflict resulting from international relations. International disputes are disputes or conflicts that occur between individuals or groups who have the same relationship or interest in objects of ownership, which give rise to legal consequences for one another on an international scale. One example is the trade dispute between the EU and Indonesia regarding biodiesel (Awaludin, 2018).

The EU conducted an in-depth investigation into Indonesia to determine whether the country had circumvented countervailing duty regulations by routing biodiesel exports through the People's Republic of China and the United Kingdom. The investigation followed a request from the European Biodiesel Council, which claimed sufficient evidence that Indonesian biodiesel producers benefited from subsidies and unfair pricing. From Indonesia's perspective, however, the investigation was flawed because it disregarded procedural fairness under the WTO Subsidies and Countervailing Measures (SCM) Agreement. It raises concerns about the proportionality of the EU's actions, as countervailing duties must not exceed what is necessary to neutralise alleged subsidies (Syahtaria, 2023).

As a response, Indonesia requested consultations with the EU at the WTO on August 11, 2023, and this request was circulated to WTO members on August 15. Indonesia argued that the EU's countervailing measures and the investigation leading to their imposition were inconsistent with provisions of the SCM

Agreement and the GATT 1994. In particular, Indonesia challenged the measures under Articles 1 and 4 of the DSU, Article 30 of the SCM Agreement, and Article XIII:1 of the GATT 1994. By invoking these provisions, Indonesia emphasised the violation of core WTO principles of non-discrimination and fair process (Aulawi et al., 2023).

Indonesia requested consultations with the EU regarding definitive countervailing import duties on biodiesel imports from Indonesia, as well as a fundamental investigation that led to the imposition of such import duties. Indonesia stated that the definitive countervailing import duty on biodiesel imports from Indonesia and the investigation leading to the imposition of such import duty appeared to be inconsistent with Syahtaria (2023):

a. Articles 1, 4 DSU;
b. Articles 30 SCM; and
c. Article XIII:1 GATT 1994.

The steps that Indonesia wants to discuss in this consultation are the determination of definitive countervailing import duties on biodiesel imports from Indonesia, as well as basic investigations that lead to the implementation of these policies (Countervailing Measures). This request also includes any future actions that the EU may take in connection with the action.

These balancing steps are proven by the Commission Implementing Regulation (EU) dated November 28, 2019, which imposed definitive countervailing duties on biodiesel imports originating from Indonesia (the Biodiesel Definitive CVD Regulation), and the Commission Implementing Regulation (EU) dated August 12, 2019 imposed import duties temporary balancing of biodiesel imports originating from Indonesia (the Biodiesel Provisional CVD Regulation). As a result of these inconsistencies based on the articles brought by Indonesia for consultation with the EU, the EU's actions also appear to eliminate or reduce the benefits that Indonesia obtains, directly or indirectly, based on the agreements included in the agreement.

Nonetheless, discussions between the European Union and Indonesia were taking place in Geneva, Switzerland. The EU and Indonesia have implemented the WTO DSB's mechanism for resolving international trade disputes in stages of the settlement mechanism, specifically through consultations; the Indonesian side attempts to resolve the dispute via consultations with the WTO DSB. However, after the meeting, the ongoing consultation was unable to resolve the dispute. The EU and Indonesia remain embroiled in a dispute that has yet to be resolved. As a result, the two nations have been unable to reach a consensus regarding the implementation of this resolution. In this instance, the WTO has sought a resolution through the DSB in an effort to reconcile trade disputes between the two nations based on WTO initiatives to resolve trade disputes via consultations.

Although consultations took place in Geneva, they failed to resolve the issue. It illustrates a broader structural challenge of the WTO dispute settlement system, where consultations, though mandatory, often serve only as a procedural step toward panel establishment rather than a genuine opportunity for settlement. Consequently, on October 13, 2023, Indonesia proposed the formation of a WTO Panel under Articles 4.7 and 6 of the DSU.

The trade dispute between the EU and Indonesia related to biodiesel allegedly occurred due to attempts at revenge by the EU against Indonesia regarding restrictions on imports of commodities related to deforestation. The regulation is expected to cut EU palm oil imports from the world's main suppliers,

namely Indonesia and Malaysia. The EU incurred losses on imports that evaded the EU's duties last year of around 221 million euros, or around 3.68 trillion rupiah at the current exchange rate, and previously, the EU had imposed additional import duties on imported biodiesel from Indonesia (Sunarminto et al., 2019).

Beyond the legal arguments, the dispute has a political dimension. The EU's measures were widely perceived in Indonesia as retaliatory, linked to earlier disputes over deforestation-related regulations and palm oil imports. By framing the biodiesel duties as a tool of environmental trade policy, the EU arguably blurred the boundary between legitimate trade remedies and protectionism, which under international economic law requires careful balancing between environmental objectives and free trade principles. The EU justified the duties by claiming that Indonesian biodiesel producers enjoyed unfair subsidies such as grants, tax incentives, and access to cheap raw materials, which distorted competition. Indonesia firmly rejected these allegations, maintaining that the duties violated WTO rules and unfairly burdened its biodiesel industry (Haryanto & Imam, 2021).

Thus, the escalation of the dispute reflects not only competing economic interests but also fundamental tensions in the WTO legal framework: the proportionality of countervailing measures, the role of environmental considerations in trade remedies, and the capacity of the DSU to manage disputes that intertwine law and politics.

WTO Resolution on the Trade Dispute between the EU and Indonesia

There is a substantial likelihood of disputes arising when engaging in commercial transactions. When a nation establishes trade policies that are dependent on other nations or that contradict its WTO obligations, international disputes frequently ensue (Adekola, 2019). Among the areas in which WTO and GATT regulations uphold and maintain the credibility of these organisations' agreements and regulations is dispute resolution. In anticipation of this, the WTO has established dispute resolution procedures, including the DSB, an organisation dedicated to resolving disputes. During the Uruguay Round, member nations of the World Trade Organization established the DSB in an effort to establish a solid framework that would obligate all parties to resolve trade disputes within the WTO framework. The matters governed by Article 3 of the DSU outline the primary responsibilities of the DSB (Steinberg, 2019).

a. In accordance with customary international law, elucidate the provisions and regulations of the WTO agreement.
b. Equally applicable WTO regulations govern the rights and responsibilities that the resolution of a dispute cannot alter.
c. Guarantee a mutually agreeable and constructive resolution that adheres to the fundamental principles of the WTO agreement; and
d. Exercise oversight over the activities of relevant national actors that deviate from the stipulations outlined in the agreement.

The main purpose of establishing the WTO DSB is to provide a body that can protect and guide the multinational trade system. Companies as actors in countries carrying out multinational trade require regulations in the midst of their activities to maintain the stability and smooth flow of trade. The WTO exists for the sake of providing a dispute resolution legal entity, which, in its dispute resolution, prioritises legality, time efficiency, and effectiveness in its dispute resolution process (Brewster, 2019).

The WTO dispute settlement system clarifies the obligations of members in accordance with the WTO Agreements. Although dispute resolution does not constitute the primary activity of the WTO, it remains a critical component of the organisation's operations (Flowers, 2019). Dispute resolution within the WTO is a crucial instrument in the administration of member states and in the broader context of economic relations. In general, the WTO dispute resolution procedure comprises multiple phases. Commencing with mandatory consultations among the disputing parties and culminating in the parties reaching an agreement, the DSB processes include panel hearings, appeal reviews, and the implementation of provisions and recommendations. As a result, every member of the WTO is obligated to resolve trade disputes through the channels established by the DSB, and no member nation may adopt problematic measures taken by a party. Both multilaterally and bilaterally (Lee, 2019).

Dispute resolution at the WTO will only begin if there is a complaint by a country that feels its rights have been harmed by another country. In this case, the jurisdiction of the DSB is binding or mandatory to operate without having to wait for approval from the parties to the dispute, according to Article 1.1, Article 6.1, and Article 2 DSU. The basis of binding (compulsory) jurisdiction is explained in Article 6.1 DSU, namely "if the complaining party so requests, a panel shall be established at the latest at the DSB meeting following that at which the request first appears as an item on the DSB's agenda, unless at that meeting the DSB decided by consensus not to approve a panel" (Petersmann, 2018).

Article 3.7 DSU of the WTO states that a WTO DSB decision aims to find a solution that is acceptable to both parties, which can then guide the parties to the dispute to proceed in accordance with the WTO Agreements to as far as possible distance the parties from retaliation efforts or revenge. Retaliation can only be done as a last resort if a dispute turns out not to have reached an agreement between the parties after being resolved through a DSB hearing (Pauwelyn, 2019). These provisions reflect the principle of good faith, a central tenet of international economic law. In the context of the EU-Indonesia dispute, the emphasis on good faith is closely linked to the principle of proportionality, since countervailing duties should only be imposed to the extent necessary to offset the alleged subsidy, not as disguised protectionism. This condition mirrors reasoning in earlier WTO cases, such as US - Countervailing Measures on Certain EC Products, where proportionality and objective evidence were key in assessing the legality of trade remedies.

The Ministerial Conference, which holds the highest authority, and the General Council, which is subordinate to it, comprise the WTO's authority. At least once every two years, the Ministerial Conference, which has the highest authority in the WTO's decision-making system regarding policies and agreements, convenes. Ministers, consisting of representatives of member countries, decide matters under the framework of multilateral trade agreements. The General Council consists of several subordinate bodies, including the General Council, DSB, and Trade Policy Review Body (Hoekman & Mavroidis, 2023).

In its settlement procedures, the DSB, in its capacity as the WTO dispute resolution body, adheres to a set of principles that encompass good faith and the principle of agreement between the parties. A fundamental tenet in the resolution of international trade disputes is the principle of accord between the parties. This principle dictates the implementation or non-implementation of a dispute resolution process (Hughes, 2023). Additionally, this principle may serve as the foundation for determining whether an ongoing dispute resolution process is terminated. A commitment that one or both parties will not attempt to deceive, pressure, or mislead the other party, and that any modifications to the agreement must be mutually agreed upon, can facilitate the formation of an agreement. Consequently,

any modification to the agreement's terms or termination of the agreement itself must be mutually agreed upon by both parties (Supeno, 2020).

This theoretical lens illustrates how the WTO dispute settlement system balances state sovereignty with rule-based governance. While the EU seeks to justify its countervailing duties as legitimate trade remedies, Indonesia relies on WTO rules to argue that these measures are discriminatory and inconsistent with multilateral obligations. This tension reflects a broader discourse in international economic law: whether WTO law is merely procedural or whether it substantively constrains protectionist measures through principles such as good faith and proportionality.

It is possible to say that the principle of good faith is the most fundamental and central tenet of dispute resolution. This principle stipulates that the parties must resolve the dispute in good faith. To prevent the emergence of disputes that could harm relations that have been well-established between the disputing countries, adherence to the principle of good faith is necessary (Gunawan & Endyka, 2017). The DSB, the Director General, and the WTO Secretariat are the three principal entities that participate entirely in dispute resolution on behalf of the DSB. These three bodies must be impartial and independent in the performance of their responsibilities to prevent any potential conflicts of interest between the disputing parties. The entities and stakeholders engaged in the dispute resolution mechanism at the WTO are as follows (Utomo, 2023):

Dispute Settlement Body (DSB)

The DSB is headed by a chairman who is elected by consensus by WTO members, who is believed to be able to represent the interests of all WTO members and is filled with diplomats from WTO member countries who are competent in the field of trade or international relations. The General Council relinquishes its responsibility for resolving disputes within the DSU through the DSB. As intended in Article 4.3 of the WTO Agreement, “the General Council shall convene as appropriate to discharge the responsibilities of the DSB provided for in the DSU. The DSB may have its own chairman and shall establish such rules of procedure as it deems necessary for the fulfilment of those responsibilities.” DSB is responsible for all disputes that enter the WTO based on the DSU. The DSB is tasked with forming the panel, adopting the Panel Report and Appellate Body Report, supervising the decision recommendations that the DSB has issued, and allowing retaliation actions to be taken by the plaintiff country against the defendant country that does not implement the decision recommendations. DSB decides on a decision by consensus or negative consensus.

Director General and the WTO Secretariat

The Director General can play an ex officio capacity and can offer conciliation and mediation processes by accompanying member countries involved in dispute resolution. In particular, if a developing country is involved in a dispute, the Director General can appoint an arbitrator if the panellists cannot determine an arbitrator within the time period, and the WTO Secretariat is involved in resolving disputes. The DSB has the task of facilitating as an assistant to the parties to the dispute if requested, and can also provide legal facilities advice, especially for developing countries involved in disputes, as well as assisting in forming panels and managing administrative sections within the DSB. The WTO Secretariat is responsible for reporting to the Director General on the tasks it carries out.

Panel

The panel is a quasi-judicial body of the WTO DSB, which is responsible for resolving disputes between disputing countries at an early stage. Quasi-judicial is a body outside the court that can make a decision but does not have full binding power, which therefore requires adoption by the DSB, which is the WTO judicial body, to become a legal decision. The panel consists of 3 panellists or a maximum of 5 panellists who will examine disputes that meet the qualifications of being competent in the dispute submitted and do not have any political interests. Article 8.1 DSU explains that panellists can come from government or non-government, including individuals who bring disputes before the panel, representatives of WTO member countries, representatives of the WTO secretariat who are experts in the field of international trade law, or individuals from WTO member countries other than the disputing country who are experts in trade policy. The names of the panellists are usually proposed by WTO member countries and then approved by the WTO DSB. The panel is an ad hoc body, which means it is formed to examine a particular dispute within a certain time and can then be dissolved if the dispute has resulted in an agreed decision.

Appellate Body

The Appellate body, or appeals body, is a body consisting of seven judges who are elected through a consensus process with a working period of four years, with a maximum of two terms. The Appellate Body, or appeals body, has the authority to examine legal aspects in panel reports and is no longer authorised to examine additional evidence or facts on the ground.

Arbitrator

Arbitration is an alternative route that can be taken to resolve disputes other than through a panel or the Appellate Body. The arbitrator is a party under the DSB who plays a role in the arbitration.

Expert

In the dispute resolution process, the panel can ask for expert arguments as additional material for considering legal issues and fact-finding in a dispute. Experts are usually experts in technical or scientific fields who are competent in accordance with the dispute they are aiming to resolve.

Experts are important parties in the panel process. If one of the parties raises issues of a technical or scientific nature, the panel can ask experts to prepare its opinion. Experts also participate in examining or reviewing disputes submitted to the WTO. The position of this Expert is completely under the authority of the WTO panellists. Therefore, the terms of reference and work procedures are also determined by the panellists. They must also report the results of their review to the panel of judges. They consist of professionals acting in their personal capacity and people who are experienced in certain fields relevant to the case being examined. Experts from citizens of the disputing country are not authorised to become an expert review group unless there is an agreement between the parties, and only in specific disputes, which, according to the judge's forum, considers the need for special expertise from the party of the country in direct dispute with an unrelated dispute may be filled by someone else. The expert review group can consult and seek information from any source deemed appropriate. Members must immediately respond to questions from the examining judge if he asks them.

As a result of the establishment of the DSB, all WTO member nations are obligated to resolve their trade disputes through the channels established by the DSB. Furthermore, member nations are prohibited from making unilateral decisions regarding actions that may lead to disputes or other complications in two or more countries (Kanevskaia, 2023). In the specific case of Indonesia and the EU, the invocation of Article 25 DSU arbitration signals a search for flexibility amid the Appellate Body crisis. Scholars such as Grey (2021) and Bjorklund (2021) note that arbitration provides confidentiality, speed, and greater party autonomy, though it depends on mutual consent. This mechanism, if successfully applied, could set a precedent for future trade disputes, demonstrating that arbitration is not merely an alternative but an integral part of the WTO dispute settlement architecture.

In the event that one of the parties perceives a disadvantage in accordance with Article 25 of the DSU, subsequent to the procedure above, arbitration may serve as an alternative panel procedure for the resolution of trade disputes. Arbitration may, therefore, be the most suitable solution presently available for resolving disputes between nations if multiple resolutions proposed by the WTO fail to achieve consensus. It is unsurprising that if a more effective approach exists for resolving trade disputes, WTO members will opt for it. Similarly, if a superior resolution exists compared to the one that the WTO can offer, that approach will also be favoured (Eddy, 2023).

Two or more parties submit their dispute to one or more impartial individuals in order to reach a final, legally binding decision through the arbitration process. When multiple parties who are obligated by an agreement encounter a dispute, they refer the matter to a professional organisation or individual (Hoekman & Mavroidis, 2020). Through arbitration, the dispute will be resolved in a manner that is final and enforceable. Arbitration is frequently utilised as a forum for resolving disputes in international commerce, which is not without justification (Gunawan, 2017). As an alternative dispute resolution method in the realm of commerce, arbitration offers benefits that are absent from other methods. The following are the benefits (Sastrowiyono, 2019):

a. The speed of the procedure can be attributed to the absence of viable alternative legal courses of action within the current general justice system. As a result, the disputing parties do not have to invest time, effort, and financial resources in matters that may lead to detrimental consequences.
b. The parties are afforded the opportunity to select a mutually agreed-upon arbitrator in order to guarantee impartiality.
c. The parties have the authority to determine the location, procedure, and law that govern the arbitration.
d. The evaluation conducted by an authority who assumes the role of an arbitrator is that of a genuine expert who has attained sufficient mastery of the contentious issue to be held accountable for the calibre of the rendered decision.
e. To safeguard the parties' interests, the settlement procedures are conducted behind closed doors, ensuring that the confidentiality of disputes between the parties is maintained; and
f. The arbitrator's decision is final and binding.

Due to its final and enforceable nature, the arbitration award is regarded as substantial and formidable. The parties in dispute are granted justice through arbitration; the process concludes with the parties reaching a mutually beneficial agreement. A binding arbitration award is a legally binding consequence that the parties are obligated to accept. Resolving business disputes in good faith is of utmost importance, encompassing trust in the execution of mutually agreed-upon agreements and the parties' cognisance of arbitration awards (Bjorklund, 2021).

Thus, in the case of a trade dispute between Indonesia and the EU, an in-depth investigation into Indonesia is involved. This investigation is intended to find evidence of whether Indonesia has evaded EU duty regulations on biodiesel imports originating from this country, which is currently in the dispute resolution process carried out by the WTO. Indonesia and the EU currently, the actions taken by the EU against Indonesia are considered to be actions that violate WTO regulations carried out by Indonesia, especially regulations related to Articles 1, 4 DSU, Articles 30 SCM, and Article XIII :1 GATT 1994 (Grey, 2021). From a doctrinal perspective, Indonesia's claim invoking Articles 1 and 4 of the DSU, Article 30 of the SCM Agreement, and Article XIII:1 of GATT, reflects an attempt to test the boundaries of WTO law by arguing that the EU's measures are disproportionate and inconsistent with multilateral trade norms. It underscores the broader legal significance of the case, not only for Indonesia and the EU but also for the credibility of the WTO system itself.

The trade dispute resolution process between the European Union and Indonesia has progressed to the point where Indonesia has requested the formation of a panel; however, the panel's request has not yet been incorporated into the process (Keumala et al., 2025). In regard to the resolution of disputes between the two nations, where no panel has been established to date, a mechanism that may be established in the event that the parties are unable to reach an agreement is the implementation of DSB-ratified recommendations and provisions and the review of appeals. However, in other alternative forms of resolution based on Article 25 DSU, commercial disputes may be resolved via arbitration as an alternative panel procedure. With Indonesia, the EU can reach an accord on an arbitration method of resolution. This approach is regarded as the final and most effective one. One of the primary rationales for employing arbitration as a dispute resolution mechanism between the European Union and Indonesia is the absence of recourse to appeal, cassation, or judicial review, eliminating the need for the parties to ascertain the decision's outcome expeditiously (Li, 2020).

CONCLUSION

The resolution of the biodiesel trade dispute between the European Union and Indonesia is significantly influenced by the World Trade Organization (WTO). The organisation is comprised of a dispute resolution body referred to as the DSB. Currently, it resolves disputes via consultations, panels, panel recommendations, and the Appellate Body. This mechanism is central to ensuring consistency and predictability in the multilateral trading system. Despite this, the case persists due to the fact that Indonesia and the EU have yet to reach an agreement on this matter. Indonesia presented a Panel on the implementation of definitive countervailing import duties on Indonesian biodiesel imports, along with an overview of the fundamental investigation that preceded this measure. However, the panel had not been established at the time of this study, leaving the dispute unresolved.

As per Article 25 of the DSU, if the dispute resolution process fails to identify a common ground between the two nations, arbitration ought to be considered as a substitute panel procedure for the resolution of trade disputes. This research finds that arbitration presents several advantages: greater flexibility, confidentiality, and procedural efficiency compared to a full panel or Appellate Body review. From a theoretical perspective, arbitration also reflects the principle of proportionality in dispute settlement, offering a more balanced approach between the rights of the complainant and the regulatory autonomy of the respondent. If arbitration cannot be pursued, alternative courses of action include recourse to litigation or submission of the dispute to other international adjudicatory bodies. Yet, unlike WTO arbitration, such mechanisms are less aligned with the principles of international economic law and may raise issues of jurisdiction.

In conclusion, the dispute underscores the tension between trade remedies and WTO legality. It demonstrates the practical relevance of Article 25 DSU as a flexible instrument, while also highlighting its underutilization in practice. This study contributes to the discourse by showing how arbitration could fill the current gaps in the WTO dispute settlement system and by emphasising its potential implications for policymakers and legal practitioners in future trade conflicts.

ACKNOWLEDGMENT

The authors would like to express sincere gratitude to Universitas Muhammadiyah Yogyakarta for the support and facilities provided throughout the completion of this research.

REFERENCES

Adekola, T. A. (2019). US–China trade war and the WTO dispute settlement mechanism. *Journal of International Trade Law and Policy*, *18*(3), 125–135. https://doi.org/10.1108/jitlp-02-2019-0011

Ahmed, T. (2025). Exploring doctoral supervision in law education: Perspectives in teaching and pedagogy. *Malaysian Journal of Learning and Instruction*, *22*(1), 1–22. https://doi.org/10.32890/mjli2025.22.1.1

Apresian, S. R., & Yazid, S. (2019). Indonesia-European union comprehensive partnership agreement: Negotiating the labour and the environment. *Journal of Conflict and Integration*, *3*(2), 40–71. https://doi.org/10.26691/jci.2019.12.3.2.40

Arifin, B., & Putri, K. A. P. (2019). Indonesian government strategies on obtaining crude palm oil (CPO) market access to European Union countries over the EU parliament resolution on palm oil and deforestation of rainforest. *Andalas Journal of International Studies*, *8*(2), 203–212. https://doi.org/10.25077/ajis.8.2.201-221.2019

Aulawi, M. H., Gunawan, Y., Alfarizi, M. H., & Lago, M. C. (2023). Governing Indonesia's plan to halt bauxite ore exports: Is Indonesia ready to fight lawsuit at the WTO? *Bestuur*, *11*(1), 26–42. https://doi.org/10.20961/bestuur.v11i1.69178

Awaludin, H. (2018). State border versus culture: An international legal examination. *Indonesia Journal of International Law*, *15*(2), 110–119. https://doi.org/10.17304/ijil.vol15.2.721

Babajić, A., Suljić, M., & Halilbegović, S. (2022). Economic growth, economic development, and poverty: A bibliometric analysis. *Journal of Economic and Social Sciences*, *8*(1), 1–17. https://doi.org/10.14706/jecoss21814

Bangun, S. Z. B., Hidayat, T., & Akim. (2020). The European Union trade protection on Indonesian crude palm oil (CPO) import. *Politstaat: Jurnal Ilmu Sosial dan Politik*, *3*(1), 1–14. https://doi.org/10-20200729

Bjorklund, A. K. (2021). Arbitration, the World Trade Organization, and the creation of a multilateral investment court. *Arbitration International*, *37*(2), 433–447. https://doi.org/10.1093/arbint/aiab015

Brewster, R. (2019). WTO dispute settlement: Can we go back again? *Ajil Unbound*, *113*(1), 61–66. https://doi.org/10.1017/aju.2019.4

Claussen, K. (2022). Next-generation agreement and the WTO. *World Trade Review*, *2*(3), 380–388. https://doi.org/10.1017/s1474745622000131

Duffy, F. A. (2021). The slow demise of the most favoured nation. *Prophetic Law Review*, *3*(2), 111–130. https://doi.org/10.20885/plr.vol3.iss2.art1

Eddy. (2023). The role of the dispute settlement body (DSB) in the settlement of trade disputes between member countries of the World Trade Organization (WTO). *Jurnal Hukum Prasada*, *10*(1), 36–42. https://doi.org/10.22225/jhp.10.1.2022.36-42

Flowers, Z. (2019). The role of precedent and stare decisis in the World Trade Organization's dispute settlement body. *International Journal of Legal Information*, *47*(2), 90–104. https://doi.org/10.1017/jli.2019.21

Gallardo-Salazar, N., & Tijmes-Ihl, J. (2020). Dispute settlement at the World Trade Organization, the Comprehensive and Progressive Agreement for Trans-Pacific Partnership, and the Pacific Alliance. *Journal of International Dispute Settlement*, *11*(4), 638–658. https://doi.org/10.1093/jnlids/idaa021

Gebeyehu, M. H. (2019). The impact of political decisions within the WTO dispute settlement system: Political negotiations within adjudication. *Indonesia Journal of International Law*, *17*(1), 43–65. https://doi.org/10.17304/ijil.vol17.1.781

Gilson, J. (2020). Eu-asean relations in the 2020s: Pragmatic inter-regionalism? *International Economics and Economic Policy*, *17*(1), 727–745. https://doi.org/10.1007/s10368-020-00474-2

Grey, F. A. (2021). Arbitration as an alternative dispute settlement mechanism at the WTO. *Journal of International Dispute Settlement*, *12*(3), 477–504. https://doi.org/10.1093/jnlids/idab009

Gunawan, Y. (2017). Arbitration award of ICSID on the investment disputes of Churchill Mining plc v. Republic of Indonesia. *Hasanuddin Law Review*, *3*(1), 14–26. https://doi.org/10.20956/halrev.v3i1.948

Gunawan, Y., Akbar, M. F., & Corral, E. F. (2022). WTO trade war resolution for Japan's chemical export restrictions to South Korea. *Padjadjaran Jurnal Ilmu Hukum*, *9*(3), 408–431. https://doi.org/10.22304/pjih.v9n3.a6

Gunawan, Y., & Endyka, Y. C. (2017). The protection of small and medium enterprises in Yogyakarta: The challenges of ASEAN Economic Community. *Pertanika Journal of Social Sciences and Humanities*, *25*(October), 199–206.

Haryanto, A. F. C., & Imam. (2021). Analysis of renewable energy directive li on trading of Indonesian palm oil associated with the GATT. *Yuridika*, *36*(3), 503–518. https://doi.org/10.20473/ydk.v36i3.25075

Hoekman, B. M., & Mavroidis, P. C. (2020). To AB or not to AB? Dispute settlement in WTO reform. *Journal of International Economic Law*, *23*(3), 1–26. https://doi.org/10.1093/jiel/jgaa020

Hoekman, B. M., & Mavroidis, P. C. S. S. (2023). Managing externalities in the WTO: The agreement on fisheries subsidies. *Journal of International Economic Law*, *26*(2), 266–284. https://doi.org/10.1093/jiel/jgad008

Hughes, V. (2023). Maintaining relevance in a much-changed world: Reforming WTO dispute settlement. *Journal of International Economic Law*, *26*(1), 133–145. https://doi.org/10.1093/jiel/jgac065

Igwe, I. O. C. (2018). History of the international economy: The Bretton Woods system and its impact on the economic development of developing countries. *Athens Journal of Law*, *4*(2), 108–120.

Irshad, M. S. (2016). The role of Charismatic World Trade Organization and the expansion of free international trade. *International Journal of Management Science and Business*, *2*(3), 17–23. https://doi.org/10.18775/ijmsba.1849-5664-5419.2014

Jin, Y., Liu, D., & Li, Y. (2018). Factors that have led to the collapse of the Bretton Woods system. *American Journal of Industrial and Business Management*, *8*(10), 2133–2142. https://doi.org/10.4236/ajibm.2018.810141

Kanevskaia, O. (2023). WTO rules for trade with disputed territories. *Journal of International Economic Law*, *26*(3), 397–415. https://doi.org/10.1093/jiel/jgad015

Keumala, D., Sabirin, A., Setiyono, S., Az, M. F., & Arranchado, J. R. (2025). Indonesia's sustainable green economy policy in the energy sector: Challenges and expectations. *Jurnal Media Hukum*, *32*(1), 1–20. https://doi.org/https://doi.org/10.18196/jmh.v32i1.24109

Khurana, C. (2022). Review of game theory application in international in trade. *International Journal of English Literature and Social Sciences*, *7*(1), 196–205. https://doi.org/10.22161/ijels.71.26

Lee, H. W. (2019). Legalization and dispute settlement benefits: The case of the GATT/WTO. *The Review of International Organizations*, *14*(1), 479–509. https://doi.org/10.1007/s11558-018-9313-8

Li, X. (2020). DSU article 25 appeal arbitration: A viable interim alternative to the WTO appellate body? *Global Trade and Customs Journal*, *15*(10), 461 – 478. https://doi.org/10.54648/gtcj2020085

Manurung, H. (2018). Improving free trade agreement (FTA) between Indonesia-European Union (EU) through comprehensive economic partnership agreement (CEPA). *Jurnal Asia Pacific Studies*, *2*(1), 23–44. https://doi.org/10.33541/japs.v2i1.667

Najiha, N. (2021). WTO in history: A ticking bomb. *Jurnal Sosial dan Budaya Syar-i*, *8*(5), 1407–1420. https://doi.org/10.15408/sjsbs.v8i5.22632

Paksi, A. K., Nabilazka, C. R., & Silawa, K. (2024). Sustainable development goals (SDGS) 8 decent work and economic growth implementation. *Revista Unisci*, *65*, 141–162. https://doi.org/10.31439/unisci-205

Pauwelyn, J. (2019). WTO dispute settlement post 2019: What to expect? *Journal of International Economic Law*, *22*(3), 297–321. https://doi.org/10.1093/jiel/jgz024

Petersmann, E.-U. (2018). Between 'member-driven' WTO governance and 'constitutional justice': Judicial dilemmas in GATT/WTO dispute settlement. *Journal of International Economic Law*, *21*(1), 113–122. https://doi.org/10.1093/jiel/jgy004

Purnamaa, P. D., & Yao, M. H. (2019). The relationship between international trade and economic growth: An empirical finding from ASEAN countries. *International Journal of Applied Business Research*, *1*(2), 112–123. https://doi.org/10.35313/ijabr.v1i02.72

Putra, A. (2021). The role of international human rights law in fights against climate change. *Jurnal Media Hukum*, *28*(2), 153–164. https://doi.org/10.18196/jmh.v28i2.10988

Reuters. (2023). *Indonesia launches WTO dispute over EU duties on biodiesel imports*.

Rifin, A., Feryanto, H., & Harianto. (2020). Assessing the impact of limiting Indonesian palm oil exports to the European Union. *Journal of Economic Structures*, *9*(26), 1–13. https://doi.org/10.1186/s40008-020-00202-8

Sali Ahmed Abdullah, Khadijah Mohamed, & Ahmad Shamsul Abd Aziz. (2025). An appraisal of Yemen's adherence to the TRIPs agreement standards on civil and criminal enforcement mechanisms of copyright and trademark infringement. *UUM Journal of Legal Studies*, *16*(2), 102–120. https://doi.org/10.32890/uumjls2025.16.2.7

Sastrowiyono, A. A.-F. (2019). The pro's and con's of arbitration: A study of international arbitration with perspective of Indonesian and Korean law. *Lex Renaissance*, *4*(2), 231–247. https://doi.org/10.20885/jlr.vol4.iss2.art2

Satesna, D. P. (2022). Legal personality ASEAN as the subject of international law: Contemporary developments. *International Law Discourse in Southeast Asia*, *7*(1), 65–78. https://doi.org/10.15294/ildisea.v1i1.56871

Shafiee, Y. A. (2020). Compliance to international trade rules: The case of Malaysia environmental protection measures. *UUM Journal of Legal Studies*, *10*(1), 25–42. https://e-journal.uum.edu.my/index.php/uumjls/article/view/uumjls.10.1.2019.9118

Shatat, S. R. (2019). International law internations and human rights. *Jurnal Pembaharuan Hukum*, *6*(2), 274–286. https://doi.org/10.26532/jph.v6i2.9259

Shin, W., & Ahn, D. (2018). Trade gains from legal rulings in the WTO dispute settlement system. *World Trade Review*, *18*(1), 1–31. https://doi.org/10.1017/s1474745617000544

Sicurelli, D. (2020). External conditions for EU normative power through trade. The case of CEPA negotiations with Indonesia. *Asia Europe Journal*, *18*(1), 57–73. https://doi.org/10.1007/s10308-019-00537-3.

Siswanto, C. A., Kurniawan, W., & Birahayu, D. (2023). Indonesia's participation in IE-CEPA: An obligation or policy? *Jurnal Penelitian Hukum De Jure*, *23*(2), 255–272. https://doi.org/10.21009/jpeb.009.1.5

Steinberg, R. H. (2019). The impending de judicialization of the WTO dispute settlement system? *Proceedings of the ASIL Annual Meeting*, *12*(1), 316–321. https://doi.org/10.1017/amp.2018.10

Sudirman, A. (2017). The World Trade Organization (WTO) rules and regulation: A threat or promise to Indonesia's agricultural policy? *Intermestic: Journal of International Studies*, *2*(1), 6–19. https://doi.org/10.24198/intermestic.v2n1.2

Sunarminto, T., Mijiarto, J., & Prabowo, E. D. (2019). Socioeconomic and cultural impacts of oil palm plantation development in Indonesia. *IOP Conference Series: Earth and Environmental Science*, *1*(1), 1–26. https://doi.org/10.1088/1755-1315/336/1/012008

Supeno. (2020). International trade dispute settlement through dispute settlement body (DSB) and international arbitration body. *Nurani: Jurnal Kajian Syari'ah dan Masyarakat*, *20*(1), 147–162. https://doi.org/10.19109/nurani.v20i1.6043

Syahtaria, M. I. (2023). Strengthening national defense: Dynamics of mandatory biodiesel policy and renewable energy potential in Indonesia's palm oil industry. *Jurnal Manajemen Pelayanan Publik*, *7*(2), 391–406. https://doi.org/10.24198/jmpp.v7i2.46798

Utomo, S. (2023). Indonesia's interests in the World Trade Organization and the appellate body impasse: Questioning the existence of special and differential treatment. *Yuridika*, *38*(1), 17–36. https://doi.org/10.20473/ydk.v38i1.38933

Verdeoss, A. Von. (2017). On the concept of international law. *American Journal of International Law*, *43*(3), 435–440. https://doi.org/10.2307/2193637

Vicky Chemutai, H. E. (2017). Measuring World Trade Organization (WTO) accession commitments and their economic effects. *Journal of International Commerce, Economics and Policy*, *8*(2), 1–27. https://doi.org/10.1142/s1793993317500077

Widi, H. (2023). *RI-EU fight again at WTO over biodiesel*.

Widijowati, D. (2020). Implementation of non-discrimination in respect to determine the appropriate policy for dealing with international trade. *UUM Journal of Legal Studies*, *9*, 153–174. https://e-journal.uum.edu.my/index.php/uumjls/article/view/uumjls.9.2018.9108

Zampetti, A. B., Low, P., & Mavroidis, P. C. (2022). Consensus decision-making and legislative inertia at the WTO: Can international law help? *Journal of World Trade*, *56*(1), 1–26. https://doi.org/10.54648/trad2022001