



## Import Regulations and the Protection of Domestic Products: An Indonesian Economic Law Perspective

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### ABSTRACT

Import regulation is a crucial instrument within national economic policy, playing a significant role in controlling the inflow of foreign goods while safeguarding the sustainability of domestic industries. From the perspective of Indonesian economic law, import policies are not solely aimed at fulfilling domestic market demands but are also designed to maintain a balance between trade liberalization and national interests. This study seeks to examine the legal framework governing import activities as well as the various forms of protection provided to domestic products. The research employs a normative juridical method, utilizing both statutory and conceptual approaches, supported by a comprehensive review of legal literature and secondary data sources. The findings indicate that the Indonesian government has implemented a range of protective measures, including tariff-based instruments such as import duties, as well as non-tariff measures like quotas, technical standards, and the Domestic Component Level (TKDN) policy. These mechanisms are intended to strengthen the competitiveness of local industries and reduce dependency on imported goods. However, in practice, several challenges persist, including regulatory inconsistencies across sectors, weak enforcement mechanisms, and external pressures from global trade regimes that emphasize market openness. These issues highlight the need for more adaptive, integrated, and sustainable policies to ensure a proper balance between protecting domestic industries and fulfilling international trade commitments.

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### INTRODUCTION

The rapid advancement of economic globalization has significantly transformed the dynamics of international trade, including the increasing intensity of export and import activities across countries, particularly in Indonesia. The expansion of free trade, supported by developments in technology, transportation, and communication, has facilitated broader cross-border market access, enabling goods and services from various parts of the world to enter domestic markets with greater ease. In this context, imports play a crucial role in fulfilling national needs, especially for commodities that cannot yet be produced optimally within the country, either in terms of quality or quantity. Nevertheless, an uncontrolled surge in imports may generate adverse effects on the sustainability of domestic industries (Delion et al., 2025).

From the standpoint of economic law, the state holds the authority to regulate and oversee economic activities, including import practices, in order to maintain national economic stability and safeguard public interests. Indonesian economic law positions the state as a central actor responsible for balancing market efficiency with social justice. This principle aligns with constitutional mandates, which emphasize that the national economy should be organized based on collective efforts and that strategic sectors must be

controlled by the state for the greatest prosperity of the people. Therefore, import regulation should not be perceived merely as a technical trade policy but also as a fundamental component of national economic development strategies (Abunawas & Hendrianto, 2023).

In principle, import regulation in Indonesia aims to control the inflow of foreign goods so as not to undermine domestic industries. The government has implemented various policies to establish a comprehensive import control system, including the imposition of tariffs, quota restrictions, and the enforcement of technical and administrative standards. These measures are intended to foster fair competition between imported and local products while simultaneously protecting domestic business actors. However, in practice, the implementation of such regulations often encounters multiple challenges, both structural and substantive in nature (Qayyimah & Huda, 2024).

One of the primary challenges in import regulation lies in the tension between protecting domestic industries and complying with international trade obligations. As a member of the World Trade Organization (WTO), Indonesia is bound by international agreements that promote trade liberalization, including the reduction of tariff and non-tariff barriers. This situation requires the government to formulate import policies that support national interests without violating global commitments. In reality, protectionist measures such as the Domestic Component Level (TKDN) policy frequently attract criticism, as they are perceived to potentially hinder free trade principles (Anandra, 2025).

On the other hand, safeguarding domestic products remains an essential priority, particularly in the face of intensifying global competition. Local industries, especially micro, small, and medium enterprises (MSMEs), are often at a disadvantage compared to imported goods that are more competitively priced and of higher perceived quality. Consequently, the government must adopt strategic measures to enhance the competitiveness of domestic products through fiscal policies, incentives, and supportive regulatory frameworks. Such protection is not only aimed at preserving industrial sustainability but also at generating employment opportunities and improving overall societal welfare (Isni & Septiawan, 2025).

Furthermore, import policies have wide-ranging implications for various aspects of the economy, including price stability, product availability, and the balance of trade. Excessively restrictive import policies may lead to shortages of goods and rising prices in the domestic market, ultimately disadvantaging consumers. Conversely, overly liberal import policies may result in an influx of foreign products that could weaken or even displace local industries. Therefore, a balanced and well-calibrated policy approach, grounded in comprehensive analysis, is essential to ensure equilibrium between the interests of producers and consumers (Zulfah et al., 2025).

Another significant issue in the implementation of import regulations in Indonesia is the lack of regulatory harmonization among institutions, coupled with bureaucratic complexity that often undermines policy effectiveness. The proliferation of regulations issued by various ministries and agencies frequently leads to overlapping rules, thereby creating legal uncertainty for business actors. This condition is further exacerbated by weak inter-agency coordination and inadequate supervision of policy enforcement in practice. As a result, the intended objectives of import regulation, particularly in protecting domestic industries, are not always achieved optimally (Soga et al., 2024).

To address these challenges, a more comprehensive and integrated approach is required in formulating import policies. The government needs to harmonize existing regulations and strengthen coordination among relevant institutions to establish an effective and efficient import control system. Additionally, enhancing institutional capacity and reinforcing supervisory mechanisms are crucial to ensure consistent policy implementation. These efforts are expected to improve legal certainty and create a more conducive business environment for domestic enterprises.

In an increasingly complex era of globalization, the role of economic law becomes highly significant in governing the interaction between national interests and global market forces. Law functions not only as a regulatory instrument but also as a means of social engineering to promote sustainable economic development. Accordingly, import regulations must be designed to be adaptive and responsive to global changes while still prioritizing national interests. This approach is consistent with modern economic law principles, which emphasize the balance between economic efficiency and social equity.

Based on the foregoing discussion, it can be concluded that import regulation and the protection of domestic products constitute a complex and multidimensional issue that requires a holistic regulatory approach. This study is therefore important to provide a deeper understanding of how import regulations are structured within the framework of Indonesian economic law and how such policies can effectively protect domestic products amid the pressures of global trade liberalization. Ultimately, this research is expected to contribute to the development of more equitable, sustainable, and nationally oriented economic policies.

## RESEARCH METHOD

This study employs a normative juridical research method, which focuses on examining legal norms within the framework of Indonesia's positive legal system. This approach is considered appropriate because the subject matter of the research relates to import regulations and the legal protection of domestic products,

both of which are governed by various statutory provisions. Normative juridical research aims to analyze the consistency, synchronization, and effectiveness of legal norms in regulating economic activities, particularly in the context of international trade. Therefore, this study not only reviews legal texts but also connects them with broader principles of economic law that continue to evolve (Saebani, 2023).

The research utilizes both a statutory approach and a conceptual approach. The statutory approach involves analyzing relevant laws and regulations concerning import activities, including trade laws, government regulations, and technical policies issued by related ministries. Meanwhile, the conceptual approach is used to explore fundamental concepts within economic law, such as legal protection, trade policy, and economic sovereignty. This approach is essential for constructing a comprehensive analytical framework to address the issues examined in this study.

The data used in this research are secondary data obtained through library research. These consist of primary legal materials, secondary legal materials, and tertiary legal materials. Primary legal materials include laws and regulations related to import control and the protection of domestic industries. Secondary legal materials encompass scholarly journals, academic books, previous research findings, and other relevant academic publications. Tertiary materials include legal dictionaries, encyclopedias, and other supporting references that assist in clarifying legal terms and concepts used in the study.

Data collection techniques are conducted through documentation and literature review. Documentation involves gathering legal documents such as statutes, government regulations, and administrative policies related to import regulation. In contrast, the literature review process involves examining academic sources to establish a solid theoretical and conceptual foundation. The data collection process is carried out systematically and methodically to ensure that the information obtained effectively supports the analysis.

The data analysis technique applied in this research is qualitative analysis using a descriptive-analytical approach. The collected data are analyzed by interpreting applicable legal norms, examining the interrelation among regulations, and assessing their effectiveness in practical implementation. The analysis follows a deductive method, where general legal principles are used to derive conclusions about specific issues under study. Additionally, a comparative approach is employed to evaluate the alignment between national regulations and international trade law principles.

To ensure the validity and reliability of the findings, source triangulation is applied by comparing various relevant references. This method aims to guarantee that the data used are accurate and academically credible. Through a systematic and comprehensive research design, this study is expected to provide a clear and in-depth understanding of import regulations and the protection of domestic products from the perspective of Indonesian economic law.

## DISCUSSION

### The Concept of Import Regulation in Indonesian Economic Law

Import regulation within the framework of Indonesian economic law constitutes an essential component of foreign trade policy, carrying a strategic function in controlling the inflow of goods from abroad in a measured and systematic manner. In this regard, the state does not merely act as a facilitator of economic activities but also as a regulator vested with the authority to establish norms, standards, procedures, and specific criteria aimed at maintaining national economic stability. This regulatory role is crucial, considering that import activities have direct implications for various economic aspects, including the balance of trade, the sustainability of domestic industries, and price stability within the local market.

Conceptually, import regulation in Indonesia is closely linked to the welfare state paradigm, where the government bears responsibility for safeguarding national economic interests while ensuring social justice for all citizens. Within this framework, import policies are not viewed solely as economic mechanisms but also as legal instruments designed to achieve broader national development objectives. This perspective aligns with the foundational principles of Indonesian economic law, which prioritize public interest over individual or group interests (Aliansyah et al., 2025).

In practice, import regulation in Indonesia is implemented through a combination of tariff and non-tariff policy instruments. Tariff measures generally involve the imposition of import duties on foreign goods, with the intention of increasing their market price so that domestic products can compete more fairly. On the other hand, non-tariff measures include import licensing systems, quota restrictions, technical standards requirements, as well as regulations related to product safety and health. These non-tariff instruments often function as indirect protective mechanisms for domestic industries, particularly in responding to the intensifying pressures of global competition.

Furthermore, import regulation reflects the state's effort to strike a balance between the necessity of imported goods and the protection of domestic industries. In certain circumstances, imports are indispensable for supporting economic growth, such as in the provision of raw materials or capital goods that are not yet sufficiently produced domestically. However, without appropriate regulatory control, excessive reliance on imports may lead to dependency on foreign products and weaken the competitiveness of local industries.

Therefore, import policies must be designed selectively and proportionally to maximize their benefits for the national economy (Anshori, 2018).

From a legal standpoint, import regulation in Indonesia must also adhere to the principles of sound legislative drafting, including clarity of objectives, consistency with the hierarchy of laws, and enforceability. According to Pratiwi (2018), although import policies in Indonesia are normatively structured in accordance with these principles, their practical implementation still faces several shortcomings, particularly in terms of substantive provisions and inter-agency coordination. This indicates a gap between legal norms as written and their execution in real-world contexts.

The challenges in implementing import regulations are often exacerbated by overlapping policies among government institutions, bureaucratic complexity, and insufficient harmonization between domestic regulations and international legal frameworks. Such conditions can create legal uncertainty for business actors, ultimately reducing the effectiveness of import policies. Therefore, efforts toward regulatory harmonization and improved institutional coordination are necessary to establish a more efficient and transparent import control system (Mahani et al., 2023).

Moreover, the increasingly dynamic nature of global trade requires continuous adaptation of Indonesia's import regulations. As a participant in various international trade agreements, particularly within the framework of the World Trade Organization (WTO), Indonesia is obligated to formulate import policies that are non-discriminatory and consistent with free trade principles. This presents a significant challenge, as the government must balance the need to protect domestic industries with the obligation to uphold international commitments. In this context, import regulation must remain adaptive and responsive to evolving global economic conditions.

### **Forms of Protection for Domestic Products**

The protection of domestic products constitutes a crucial element within Indonesia's economic law policy, aimed at ensuring the sustainability of national industries amid increasingly intense global competition. In practice, such protection is implemented through a range of policy instruments, both tariff-based and non-tariff in nature. Tariff measures are generally reflected in the imposition of import duties on foreign goods, which increase their market prices and make them less competitive compared to locally produced goods (Setiawan, 2017). As a result, domestic products are given a stronger opportunity to compete within the national market.

In addition to tariff instruments, the government also relies on non-tariff measures as a more comprehensive form of protection. One of the most prominent policies in this regard is the Domestic Component Level (TKDN), which mandates the use of locally sourced components in the production of goods and services. This policy is designed not only to reduce dependence on imported goods but also to stimulate the growth of domestic industries, enhance employment opportunities, and strengthen the national economic structure. In the long term, the TKDN policy is expected to foster industrial self-reliance and improve the global competitiveness of Indonesian products (Bukit et al., 2017).

Furthermore, the government applies safeguard measures as a temporary form of protection to address sudden surges in imports that may harm domestic industries. These measures are typically introduced when a significant increase in imported goods causes or threatens serious injury to local producers. Safeguard mechanisms may include import quotas, temporary tariff increases, or additional import duties. According to Redi et al. (2022), safeguard policies play an essential role in maintaining domestic market stability while providing local industries with time to adjust and enhance their competitiveness.

In addition, protection for domestic products is also carried out through anti-dumping policies. Dumping occurs when a country exports goods at prices lower than their normal value in the exporting country, thereby potentially disrupting the market in the importing country. To counter such practices, the Indonesian government imposes anti-dumping duties as a means of protecting domestic industries from unfair competition. This policy seeks to ensure a level playing field and prevent losses for local businesses resulting from distorted pricing practices in international trade (Triasih, 2016).

Beyond these measures, the protection of domestic industries is also reinforced through the enforcement of national standards and technical requirements for imported goods. These standards cover aspects such as safety, health, environmental protection, and product quality, all of which must be met before goods can be distributed in the Indonesian market. Such regulations serve not only as quality control mechanisms but also as protective measures for both consumers and domestic producers. By enforcing strict standards, substandard imported goods can be filtered out, thereby creating more opportunities for local products to thrive.

However, the implementation of these protective policies is not without challenges. One of the primary issues is the potential conflict with international trade principles that emphasize liberalization and the reduction of trade barriers. Policies such as TKDN requirements and import restrictions are often perceived as forms of protectionism, which may trigger trade disputes with other countries. Therefore, it is essential for the government to ensure that these measures remain consistent with international legal frameworks,

particularly those established under the World Trade Organization (WTO).

Moreover, the effectiveness of protection policies largely depends on consistent implementation and strong coordination among relevant institutions. In practice, several obstacles remain, including weak enforcement, overlapping regulations, and limited transparency in licensing procedures. These issues can undermine the effectiveness of protection measures and create legal uncertainty for business actors. Consequently, continuous improvements are necessary, both in regulatory frameworks and institutional capacity, to ensure that the protection of domestic products can be implemented effectively and sustainably.

### 3. Impact of Import Policies on Domestic Industries (Paraphrased English Version)

Import policies exert a significant influence on the development of domestic industries, as they are closely related to market competition levels, market structure, and the sustainability of national business actors. From the perspective of economic law, import policy is not merely understood as a mechanism for regulating the flow of goods, but also as a state intervention tool aimed at maintaining a balance between the interests of domestic producers and consumer needs. Consequently, every import policy introduced carries broad economic implications, generating both positive and negative effects.

On the one hand, import restriction policies can provide greater space for domestic products to grow and develop. With reduced competition from foreign goods, local industries gain opportunities to expand production capacity, increase market share, and improve product quality. This condition is particularly important for micro, small, and medium enterprises (MSMEs), which often struggle to compete with imported products that are cheaper and relatively more consistent in quality. Studies indicate that import restrictions can expand market opportunities for local products, thereby encouraging the growth of domestic industries (Irawan & Soesilo, 2021).

In addition, protectionist import policies may also encourage import substitution, a condition in which domestic production replaces goods previously supplied by imports. In the long term, import substitution has positive implications, as it strengthens the national industrial structure, reduces dependency on foreign goods, and enhances economic independence. With appropriate policy support, domestic industries can evolve into more competitive players, not only in the local market but also in the global market.

However, on the other hand, import restriction policies may also generate negative consequences, particularly for consumers. Limitations on imported goods can reduce product variety in the market and potentially increase prices due to constrained supply. In certain circumstances, this may trigger inflationary pressures and reduce public purchasing power. Therefore, import policies must be carefully designed to avoid market distortions that could harm consumers (Puspandari et al., 2022).

Moreover, changes in import policies may affect different industrial sectors in different ways. Some industries may benefit significantly from protectionist measures, while others may face additional pressure. For example, the local bag industry experienced increased competitiveness following restrictions on imported similar products. Such policies provided opportunities for local producers to increase output and expand distribution networks, enabling them to compete more effectively in the domestic market (Isni et al., 2024). This demonstrates that import policy can serve as an effective instrument for promoting sectoral industrial growth when it is properly targeted.

Conversely, industries that rely heavily on imported raw materials may be adversely affected by import restrictions. Increases in tariffs or limitations on import quotas for raw materials can raise production costs, which in turn affects product prices and reduces industrial competitiveness. This situation highlights that import policies cannot be applied uniformly, but must instead consider the specific characteristics and needs of each industrial sector.

Beyond its impact on producers and consumers, import policy also influences macroeconomic stability, particularly in relation to the trade balance and exchange rate stability. Import restrictions may help reduce trade deficits and stabilize the national currency. However, if implemented excessively, such policies may provoke retaliatory measures from trading partner countries, which could ultimately harm the national economy as a whole.

Within the framework of economic law, it is important to emphasize that import policy should be based on the principle of balance of interests, namely balancing the protection of domestic industries with consumer welfare. The state must formulate policies that do not solely favor producers but also take into account their broader impact on society. This approach is consistent with the objectives of economic law, which not only seeks efficiency but also prioritizes justice and social welfare.

### **Challenges and Harmonization of Import Regulations in the Era of Globalization**

In the era of economic globalization, import regulations in Indonesia are facing increasingly complex dynamics, particularly as a consequence of Indonesia's active participation in the international trading system. Membership in the World Trade Organization (WTO) imposes legal obligations on Indonesia to align its national policies with core principles of free trade, such as non-discrimination, transparency, and the reduction of trade barriers. This situation places the state in a dilemma, as it must simultaneously open its

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domestic market while also protecting domestic industries that are not yet fully competitive.

One of the main challenges in this context is formulating protectionist policies that remain consistent with international legal frameworks. Policies such as the Domestic Component Level (TKDN), import restrictions, and technical requirements are often viewed as non-tariff barriers that may potentially violate free trade principles. In certain cases, such measures may even trigger trade disputes if they are considered harmful to trading partners. Nevertheless, from the perspective of national economic law, protective policies retain their legitimacy as long as they are designed to safeguard strategic national interests and implemented in a proportionate manner (Zefanya et al., 2025).

In addition to external pressures from the global trade regime, Indonesia also faces internal challenges related to regulatory structure and institutional governance. The existence of numerous regulations issued by different ministries and agencies often results in policy overlap and inconsistent implementation. This situation creates regulatory complexity that is difficult for business actors to navigate, particularly for small and medium enterprises (SMEs) that have limited access to legal information. Consequently, legal uncertainty has become one of the main obstacles in trade activities (Salsabila et al., 2025).

Weak inter-agency coordination further hampers the effectiveness of import regulation implementation. In practice, import licensing processes often involve multiple institutions with differing procedures, leading to lengthy and inefficient bureaucracy. In addition, the lack of integrated information systems among agencies results in data duplication and slows down decision-making processes. This not only increases transaction costs but also creates opportunities for maladministration practices.

On the other hand, technological advancement and economic digitalization also introduce new challenges in monitoring import activities. E-commerce platforms enable large volumes of imported goods to enter the domestic market through channels that are difficult to regulate using conventional supervision methods. This condition requires regulatory updates that can accommodate technological developments while ensuring that imported goods comply with applicable standards and regulations in Indonesia.

In addressing these challenges, regulatory harmonization becomes a strategic step that must be undertaken by the government. Harmonization does not only refer to aligning regulations among domestic institutions but also ensuring consistency with international legal obligations. This can be achieved through regulatory simplification, strengthened inter-agency coordination, and increased transparency in policy formulation. Through harmonization, a more coherent, efficient, and legally certain regulatory system is expected to emerge for business actors.

Furthermore, the government needs to adopt an adaptive and responsive approach in formulating import policies. This is essential given the rapidly changing dynamics of global trade, driven by technological advancements, geopolitical shifts, and global economic crises. Import policies that are flexible and based on comprehensive data analysis will be better positioned to address emerging challenges while maintaining the competitiveness of national industries.

From an economic law perspective, harmonization of import regulations must also consider the principle of balance between national interests and international obligations. The state cannot entirely disregard global commitments, but it must also avoid sacrificing domestic interests. Therefore, policy formulation must integrate both dimensions proportionally to ensure a fair and sustainable trade system.

## CONCLUSION

Import regulation in the context of Indonesian economic law plays a highly strategic role in controlling the inflow of foreign goods while simultaneously safeguarding the sustainability of domestic industries. As a trade policy instrument, import regulation is not only intended to meet domestic market demand but also serves as a tool for maintaining economic stability, enhancing national industrial competitiveness, and strengthening economic sovereignty. In practice, import regulation is implemented through various instruments, both tariff-based and non-tariff-based, such as import duties, quota restrictions, TKDN policies, and technical standards.

The protection of domestic products represents one of the primary objectives of import policy. Various protective measures, including safeguard and anti-dumping policies, demonstrate the state's effort to ensure fair and healthy competition for domestic industries. These policies have proven to provide opportunities for local products, particularly MSMEs, to grow and improve their competitiveness in the domestic market, although they may also lead to negative impacts such as price increases and limited consumer choices.

On the other hand, import policies also generate complex and multidimensional effects on domestic industries. Well-designed policies can stimulate industrial growth and import substitution; however, poorly balanced policies may create market distortions and harm certain sectors, particularly industries that depend heavily on imported raw materials. Therefore, policy formulation must be balanced and based on comprehensive analysis.

In the era of globalization, challenges in import regulation have become increasingly complex, arising both from external pressures in the form of international obligations and internal issues such as

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regulatory disharmony and weak institutional coordination. Therefore, regulatory harmonization is a crucial step in creating a legal system that is consistent, transparent, and provides legal certainty.

In conclusion, effective import regulation is one that successfully balances the protection of domestic industries with openness to international trade. Adaptive, integrated, and sustainable policies are essential to support national economic development that is fair, competitive, and oriented toward public welfare.

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