



A Model for Resolving Trade Disputes Between Indonesia and Brazil Regarding Imports of Chicken Meat from Brazil According to the World Trade Organization

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ABSTRACT

This study discusses the model of resolving trade disputes between Indonesia and Brazil related to chicken meat imports from Brazil based on World Trade Organization (WTO) rules. The dispute stems from Indonesia's policy of regulating halal standards and restricting imports of Brazilian chicken, which is considered to violate international trade rules, including the General Agreement on Tariffs and Trade (GATT) and several other WTO agreements. The formulation of the problem studied is the development of the dispute and the regulation of raw meat imports within the framework of Indonesian law. This study analyzes relevant applicable legal rules, such as Law Number 7 of 1994 and other WTO regulations. The results of the study show that dispute resolution through the WTO's Dispute Settlement Body (DSB) resulted in a decision that largely won Brazil, although Indonesia managed to maintain policies related to halal certification.

INTRODUCTION

Along with the development and progress of world trade that brings an increase in economic relations and welfare, trade relations can lead to disputes between countries. Disputes can occur bilaterally within one region, between countries in different regions, or between one country and a group of countries that are members of an international organization in a particular region, whether they are bound by a trade agreement or not. In this regard, countries that are bound by a treaty include provisions and arrangements for dispute settlement in international treaties. This loading is found in every international agreement, in trade agreements, investment agreements, economic cooperation agreements and cooperation agreements in other fields.

International trade is the process of exchange between two or more countries for profit. Start using the original source. It can be between individuals (individualsEnd original source. and begin original source. individuals), between individuals and a nation's government, or between a nation's government and another nation's governmentEnd original source. Start original source. Global commerce final original source in numerous nations. occurred for thousands of years, and only in the last few centuries has it had an impact on economic, social, and political interests. It has helped to advance globalization, the industrialization of transportation, and the existence of multinational corporations.

In addition to the economic benefits of international trade, other benefits of globalization are also becoming more and more apparentEnd original source. Start original source. fields include Start original source. social, Start original source. politics, and start original source. defense and security. The economic community believes that all nations engage in international trade in order to satisfy the demands of their citizens. When comparing Begin original source.to humansEnd original source. and begin original source.no humanEnd original source., the state Begin original source.can beEnd original source. and can exist independently without the assistance of othersEnd original source., as well as countries, no country survives without cooperation with other countries. International trade is also beneficial in the political field and can strengthen political relations between countries.

Since exports to other nations enable a rise in production that promotes economic growth, they are one of the sources of foreign exchange that an open economy like Indonesia needs.

1. Dr. AHMAD SALEH KUSNOWIBOWO 2020, "settlement of trade disputes between countries in the free trade agreement (FTA) within the framework of the WTO and ASEAN, Pranamedia Group p. 1
2. https://id.wikipedia.org/wiki/Perdagangan_internasional_2022 accessed on August 25 at 21.55 WIB.

As a result, it is expected that trades will stabilize or essentially contribute to financial growth. Within the setting of Indonesian traditions, importation alludes to the act of bringing items into the nation from exterior its borders. On

the other hand, conventions incorporate the Republic of Indonesia's arrive, sea, and airspace. A stage for universal participation is the World Exchange Organization (WTO), which was formally established on January 1, 1995, and has its central command in Geneva, Switzerland. Universal commercial movement has existed since 1948, when the Common Understanding on Duties and Commercial (GATT) was made. The GATT was made in October 1947 with the deliberate of setting up feasible exchange liberalization and ensuring the certainty of the run the show of law in universal exchange exercises.

The creation of a worldwide organization within the field of universal exchange, which has been going on since the conclusion of World War II, is secured within the Begin unique source. It wasn't until the World Exchange Organization (WTO) was set up within the Joined together States at Bretton Woods over fifty a long time afterward that this idea got to be a reality. Since there was no around the world universal organization within the early 1990s, the international exchanging framework endured from an organization vacuum. As a result, start with the 1940s, the first source, and work your way forward. Despite the nonattendance of a worldwide organization for worldwide exchange some time recently the World Exchange Organization (WTO), nations concurred on standardizing criteria for universal exchange in commodities (merchandise) with the Common Understanding on Duties and Exchange (GATT) in 1947.

In October 1947, the Common Assentment on Tarrif and commerce (GATT) was shaped, which points to secure the certainty of rules / laws in worldwide commerce for the around the world trade community, and accomplish maintained exchange liberalization. GATT acts as a transaction stage, a debate settlement gathering and as a worldwide exchange direction within the domain of items. The GATT has supported various rounds of discourses since it was passed. Before the arrangement of the WTO.

Precedents in WTO Trade Dispute Resolutions Past WTO cases have set important precedents for resolving trade disputes similar to the Indonesia-Brazil case. For instance, the United States - Poultry (China) dispute (WTO DS392) illustrates how SPS measures were scrutinized under WTO law (Bown & Reynolds, 2015). Similarly, Brazil's successful challenge against European Union restrictions on poultry imports (WTO DS269) demonstrates the effectiveness of WTO litigation in removing trade barriers (Horn & Mavroidis, 2006).

The Universal Exchange Organization (ITO) was set up but fizzled to be executed since no part nation needed to confirm the constitution so that no part nation needed to approve the constitution so that it did not have official constrain within the Uruguay circular (1986-1994) got to be the herald of the arrangement of the World Exchange Organization (WTO) with individuals concurring to approve the Assentment on Building up The World Exchange Organization/WTO.⁷ The foundation of the WTO as a successor organization is the result of a joint assentment of the GATT part nations which was already as it were a set of cotractual understandings. The foundation of the WTO on January 1, 1995, is indivisible from the presence of issues that debilitate the smooth and deliberate universal exchange climate due to non-compliance of part nations in executing the arrangements of the GATT. The wastefulness of the GATT body's debate

determination strategy, which frequently involves a discussion prepare between the debating parties, is in part to fault for this.⁸One of the universal organizations, the World Exchange Organization (WTO), is fundamental to worldwide exchange between nations, particularly when it comes to expanding financial development and decreasing destitution rates in a nation. Within the system of the multilateral exchanging framework, this organization's presence must also ensure that all requests are fulfilled which the preferences of more prominent welfare openings are realized, especially for creating countries, of which the lion's share of WTO part countries are. Trade debate between international individuals is too tended to by the WTO; these are dealt with by the Debate Settlement Body, or DSB for brief. The WTO precludes part countries from settling party debate, and the DSB inquires the losing party to the claim to acknowledge the WTO's proposed approaches in arrange to compensate the winning party. The DSB is an organization beneath the WTO's sponsorship that works to resolve issues relating to worldwide trade.

In conducting international trade cooperation, Indonesia has policies that cause disagreements with foreign nations. In order to defend the poultry industry, the regulation halts the chicken import partnership with Brazil, allowing Indonesia to shut down Brazil's market access to Indonesia. This can have a very bad impact on Brazil when it cannot export chicken meat from its country into Indonesia, Brazil experiences huge losses. From these chicken exports, Brazil has made several claims that Indonesia has allegedly practiced a form of protection in trade that is considered to violate many rules according to the WTO, including the Agreement on Technical Barriers to Trade, the Agreement on Sanitary and Phytosanitary Measures, the Agreement on Agriculture, the Agreement on Preshipment Infections, and the Agreement on Import Licensing Procedures.

Brazil's Poultry Export Market and Trade Challenges. Brazil is one of the world's largest poultry exporters, with major markets in the Middle East, Europe, and Asia. Research by Jank, Kutas, & Nassar (2017) emphasizes the importance of Brazil's access to foreign markets and its frequent engagements with the WTO to challenge trade restrictions. Previous cases, such as Brazil's disputes with the European Union over sanitary standards, provide insights into how Brazil leverages WTO mechanisms to defend its export interests.

Indonesia signed the World Trade Agreement into Law Number 7 of 1994 regarding the Ratification of the Agreement on Establishing the World Trade Organization, which means it must now abide by any agreements reached in the WTO forum. Twelve Eleven Brazil and Indonesia were involved in a case in 2009 about Brazil's exports of chicken to Indonesia. Indonesia enforced a rule that prohibited the trading of chicken from Brazil to Indonesia, which is why this occurred. Indonesia stated that it had no intention of restricting or obstructing the import of chicken meat in this particular case, but it did want to make sure that the exported chicken meat was classified as halal for consumption, which tries to guarantee the safety of every product that is used in the community. Judicial settlement of disputes entered a new era after the formation of the WTO in 1955. The WTO established a new legal instrument that contains rules and

procedures for dispute resolution, as well as institutions through special stand-alone bodies in dispute resolution, namely the Dispute Settlement Body (DSB), Panel, and Appellate Body.

THEORETICAL REVIEW

The Role of Bilateral Negotiations in Trade Disputes While WTO litigation is an option, studies suggest that bilateral negotiations often yield faster and more pragmatic solutions (Hoekman & Mavroidis, 2015). Empirical research by Baccini, Dür, & Elsig (2019) supports the idea that dispute resolution through direct negotiations can be more effective in maintaining long-term trade relations while avoiding prolonged legal battles.

The existence and position of the new institution automatically brings the way of trade dispute settlement under the WTO to be "rule oriented" and increasingly "legalistic". For the WTO to play such a role, it must be a transparent and willing body. Legal settlement is seen as a solution to resolve international trade, during the GATT era many trade disputes could not be resolved completely because GATT used a diplomatic approach rather than legal settlement. One of the international trade disputes that is still ongoing today is Indonesia's trade dispute with Brazil, which began in 2014. Where Brazil sued Indonesia to the WTO because it was considered to have hindered the entry of frozen chicken meat export products from Brazil. However, the case was temporarily postponed. In 2016, Brazil again sued Indonesia to the WTO forum because the Indonesian government-maintained halal standards for the import of chicken products, which then affected the export of frozen chicken meat from Brazil.

GATT law, the forerunner to WTO law, and universal exchange law for the most part are regularly considered partitioned legitimate measures within the realm of worldwide law. Within the period of financial globalization, WTO law is an vital portion of universal law, and its significance is as it were expanding.

There are times when it's unclear how WTO regulations relate to international law. If WTO legislation specifically specifies the use of other laws, it is widely acknowledged that international law derived from custom and legal principles can be applied in WTO law. However, it is very contentious when regulations included in international accords pertaining to human rights, the environment, or minimum wage payment standards are used as grounds for violations of WTO commitments in trade disputes.

With respect to the work of WTO law in national legitimate frameworks, it ought to be famous that the lion's share of WTO individuals restrict the coordinate application of WTO controls in court cases. The national lawful frameworks of the lion's share of WTO individuals are not straightforwardly affected by WTO law. In this setting, the European Court of Equity alludes to the WTO debate determination handle and the reality that the larger part of EU exchanging accomplices don't straightforwardly give WTO law control. WTO law as it were has coordinate control in certain circumstances, such as when European enactment particularly alludes to WTO controls. National courts in a

few EU nations have given coordinate specialist to a few WTO rules relating to the assurance of mental property rights, a arrangement region that remains past the capacity of part states. These export-hindering approaches incorporate the Positive List approach, moment transportation limitations, halal certification and labeling, necessities on the utilize of imported items, and deferred endorsement of sterile necessities, concurring to Brazil's WTO claim against Indonesia. Since of these arrangements, Brazil recorded a claim against Indonesia, claiming that the nation had executed exchange assurance in infringement of different worldwide exchange law disobedient, counting the Common Assention on Duties and Exchange (GATT) 1947. The case was afterward listened by the WTO court beneath the case number DS: 484.

In the decision on the chicken import dispute, there were three provisions won by Indonesia, namely Brazil was deemed to have failed to prove that Indonesia's import policy was contrary to a number of WTO agreements, especially regarding product discrimination in the context of halal certification and labeling. In addition, Brazil argued to the WTO panel regarding the requirement of direct transportation to limit import transportation and the general ban on the import of chicken meat and chicken products if not proven. In this case, Indonesia is considered to violate the provisions of the GATT which contains articles relating to general exceptions for a country not to accept imports of goods from other countries. Therefore, Indonesia's policy is not in line with the provisions of GATT 1947 and indicates the protection of domestic market trade. 11 Economic and trade relations between Brazil and Indonesia. Final original sources are indicated. Start the original source, finish the original source, and trade Start the original source's import and export operations. Brazil is Indonesia's top export destination for natural rubber and rubber products, as well as polyester textiles. Start with the original source. yarn, cocoa, palm (original source), oil (original source), copper, Start the original source and finish it. ore and sugar. In a later case, the trade of chicken meat between Brazil and Indonesia has been in debate. With regard to the part of WTO law in national lawful frameworks, it ought to be watched that most WTO individuals don't permit WTO rules to be straightforwardly conjured in debate some time recently national courts. WTO law has no coordinate impact on the national lawful arrange of most WTO individuals. The European Court of Equity in this respect joins to the WTO debate settlement framework and the truth that most EU trading partners moreover don't grant coordinate specialist to WTO law.

METHODOLOGY

The sort of investigate in this ponder is regulating juridical lawful investigate. Standardizing juridical lawful inquire about is investigate that's centered on considering the application or rules or standards in positive law.15 Standardizing juridical investigate employments auxiliary information through library inquire about strategies. In this library investigate strategy, the creator collects, peruses, and considers and methodically analyzes perusing sources which incorporate books, magazines, daily papers, logical papers, laws and controls and other writing sources that have pertinence to the fabric talked about

in this ponder. The collection of lawful materials utilized are a) Law Number 7 of 2004 concerning the confirmation of the Assention Setting up the World Organization, b) Law Number 33 of 2014 concerning Halal Item Ensure, c) Direction of the Serve of Exchange No.29 of 2019 on the arrangements of Send out and Moment of Creatures and Creature Items, and d) Direction of the Serve of Agribusiness Number 42 of 2019 concerning the Section of Carcasses, Meat, and / or prepared for nourishment into the Domain of the Republic of Indonesia.

This inquires about information collection employments an archive or writing ponder, the investigate approach employments a legitimate approach and a case approach. All information in this ponder were analyzed subjectively.

RESEARCH RESULTS AND DISCUSSION

Progress of Dispute Settlement Between Indonesia and Brazil Regarding Chicken Meat Imports

In this section, you must provide us with each step taken to accomplish your studies. You must not put too much the result of descriptive statistics here; on the other hand, it should be summarized in an easier to read table or graphs. You must not forget the numbers for every table and chart presented in your paper.

The demand for chicken meat in Indonesia until 2018 is 5.5 kg/cap/year. While the production of chicken meat in Indonesia until 2018 was 3,500 tons. In this case, although chicken meat production in Indonesia is quite high, the community's needs have not been met by it. Thus, Indonesia needs to import chicken meat, to meet the needs of chicken meat consumption for the community. This is related to the requirement for Indonesia to have laws governing the importation of chicken meat. These regulations are useful for regulating standardization in terms of packaging, labels, quality and other things that are considered important and necessary. For instance, the Republic of Indonesia's Regulation of the Minister of Trade Number 29 of 2019 regarding Export Requirements for Animals and Animal Products and the Regulation of the Minister of Trade Number 72 of 2019 (Permendag No.29 of 2019 Jo. Permendag No.72 of 2019) basically dictate what must be done before products made from chicken meat can be imported into Indonesia.

Each citizen has distinctive characteristics both from normal assets and human assets, causing contrasts within the items delivered both in terms of quality, amount and costs required amid the generation handle. So that to meet the requirements of each nation within the world, it is necessary to execute a universal exchange relationship. The usage of universal exchange exercises isn't simple since it straightforwardly bargains with the legitimate framework of a nation. The distinction in lawful frameworks in each nation requires legitimate unification and harmonization which causes the birth of rules or laws in worldwide trade.¹⁸ The Common Assention on Taxes and Exchange (GATT) was built up in October 1947, which points to guarantee the certainty of rules / laws in worldwide exchange for the universal trade community, as well as making maintainable exchange liberalization. GATT capacities as an arrangement gathering, debate settlement gathering, and as a universal exchange control within the field of merchandise. Since its sanctioning, the GATT has supported

different arrangements known as rounds. Some time recently the arrangement of the WTO, the Universal Exchange Organization (ITO) was to begin with built up but fizzled to be executed since no part nation needed to confirm the constitution so that it might not have authoritative drive. The Uruguay Circular (1986-1994) got to be the trailblazer of the arrangement of the World Exchange Organization called the WTO with individuals concurring to confirm the Understanding on Building up the World Exchange Organization. GATT as a Legal Framework is used by the WTO as an instrument to smooth the course of international trade for WTO countries. Indonesia ratified End original source: Law Number 7 of 1994 concerning Confirmation of the Assentation on Building up the World Exchange Organization/WTO. makes Indonesia must comply with all the comes about of the assentation within the WTO gathering. Thus, inside Indonesia must harmonize national enactment with the arrangements that have become an agreement within the WTO. Within the execution of universal exchange exercises in Indonesia, one of Indonesia's approaches has caused debate with other nations, to be specific the security approach of the ungag division by halting the moment of chicken meat from Brazil. Brazil feels that its showcase gets to has been closed to Indonesia since 2009. This has caused it to endure tremendous misfortunes since it cannot trade chicken meat to Indonesia.²⁰ From Indonesia's chicken send out approach, Brazil claims that Indonesia has practiced exchange security which abuses WTO rules, counting the Assentation on Clean and Phytosanitary Measures, the Assentation on Specialized Boundaries to Exchange, the Understanding on Farming, the Understanding on Purport Permitting Methods and the Understanding on Preshipment Assessment. This debate has been handled at the WTO court beneath Number DS/484, Indonesia-Measures Concerning the Purport of Chicken Meat and Chicken Item. It is curiously to see that Indonesia could be a part of the World Exchange Organization (WTO). Indonesia approved the WTO assentation through Law Number 7 of 1994, in this manner Indonesia as a part of the WTO is bound to create regulations/policies that don't struggle with the standards within the WTO agreement. One of the regulations within the WTO understanding controls the Technincal Obstruction to Trade (TBT), or non-tariff specialized obstructions to exchange made by the government of a nation within the frame of controls, guidelines, and congruity assessment and Clean and Phytosanitary Measures which is an understanding relating to Wellbeing in common, counting Plant Wellbeing, Nourishment Security within the shape of vegetables and items of creature origin. Indonesia does not look for to disallow or limit the consequence of chicken meat or chicken items from any nation, counting Brazil. Indonesia only ensures that chicken meat and chicken items are secure, sound and halal. Indonesia's endeavors to assist guarantee item wellbeing and security have brought about within the end of a few measures contradicted by Brazil in this prepare.

Here is the steps Indonesia took to stop Brazilian chicken imports into Indonesia:

1. General ban on the import of chicken meat and chicken products
2. Prohibition of imports of chicken cutlets other prepared or preserved chicken meat.
3. Limitation of users of imported products

4. Indonesia's strict import licensing procedures
5. Undue delay in connection with the approval of sanitary requirements
6. Restrictions on transportation of imported products
7. Discriminatory application of halal labeling requirements.

The cessation measures have violated WTO provisions with the following legal claims:

- a. Claims related to border measures that create trade restrictions.
- b. Claims related to discriminatory treatment.
- c. Claims related to sanitation barriers.

Dispute Settlement Body (DSB) as the dispute settlement body of the WTO in providing recommendations and formulating rules is not allowed to increase or decrease the rights and obligations of member countries listed in the agreement covered in the list as an agreement that can be submitted using the dispute settlement mechanism of article 3 of the DSU consisting of consultations, dispute settlement under article XXIII (panel), panel process, WTO decision results, appeal through the Appellate Body, implementation of decisions, reality as a decision.

The final decision for the chicken import dispute, according to information given by the Republic of Indonesia's Ministry of Agriculture, Indonesia has won three (three) provisions because Brazil is considered to have failed to prove that the provisions are contrary to the WTO agreement, namely discrimination in halal labeling requirements, direct transportation requirements, general prohibition of imports of chicken meat and chicken products. Meanwhile, 4 (four) provisions were won by Brazil because they were considered contrary to the WTO agreement, namely the list of products that can be imported, the requirements for the use of imported products, import licensing procedures, and the delay in the approval process of veterinary health certificates. Upon Brazil's winning decision at the WTO, Indonesia and Brazil agreed to appeal. The implication of not conducting an appeal is that Indonesia must adjust or implement the final decision of the WTO panel which will be carried out with changes and clarifications, such as those found in Farm Minister Regulation No. 34 of 2016.²⁵ Brazil thus agreed to Indonesia's offer during the negotiations to stop importing chicken meat because Indonesia is overproducing, and to take the chance to export beef to Indonesia and engage in other mutually beneficial collaborations.

The chicken exchange war between Brazil and Indonesia isn't a modern story. On October 16, 2014, Brazil recorded a complaint against Indonesia with the WTO for hindering the passage of solidified and prepared chicken items into the nation. At the time, Brazil challenged the in general importation of chicken meat and chicken items as well as a few particular arrangements. Brazil considered the arrangements within the focuses of the importation rules to ruin sends out to Indonesia. The rules of the amusement that are considered to prevent incorporate a positive list, necessities for utilize, separation in halal labeling prerequisites, confinements on moment transportation, and delays in endorsement of clean prerequisites. Brazil, which claims to be the world's biggest maker and exporter of halal chicken and chicken, has had it advertise get to

closed to Indonesia since 2009. One year afterward, the WTO announced Brazil had won a four-point claim related to the chicken importation rules. The issue of chicken imports to Brazil started when Indonesia misplaced a claim recorded by Brazil at the WTO in 2014. Within the claim, Brazil complained around the application of unwritten directions by Indonesia, which was considered to have hampered chicken sends out to Indonesia since 2009. Three a long time afterward, Indonesia was found blameworthy of not complying with four WTO arrangements. To begin with, Indonesia's purport list was said to be conflicting with articles XI and XX of GATT 1994. Moment, the prerequisites for the utilize of imported items were conflicting with Article XI and Article XX. Third, consequence permitting methods, particularly in terms of confinements on the application window period and the prerequisite for the lasting recording of information on the sort, number of items, and harbour of section, as well as nation of root, are conflicting with articles X and XX. Fourth, the delay within the endorsement handle of veterinary wellbeing certification abuses article 8 and attach (1) (a) of the SPS agreement.²⁶ Hence, Indonesia must alter its purport arrangements.

The government accommodated by amending two regulations, namely Regulation of the Minister of Trade No. 65/2018 on the export and import provisions of animals and animal products and Regulation of the Minister of Agriculture No. 23/2018 on the Entry of Carcasses, Meat, Offal, and their Preparations within the territory of the Republic of Indonesia. As the case progressed, in May 2021 Indonesia decided to appeal to the Appellate Body against the WTO panel ruling. The stream of offers at the WTO is directed in Add 2 of GATT 1947 concerning Understanding on Rules and Methods Overseeing the Settlement of Debate as the procedural law for debate settlement at the WTO. In expansion to taking after the stream of the request prepare, Indonesia too proceeds to create endeavors by opening transactions and arrangements with Brazil on this matter. Directorate Common of Worldwide Arrangements of the Service of Trade Djatmiko clarified that within the WTO technical request, 7 judges are required, but this can be obliged by the jury's term of office in 2021 has terminated and there's no substitution however. In this way, Indonesia does not know when the offer will be prepared by the WTO. In understanding with Article 27 (5) Attach 2 GATT 1947, in common, the procedures ought to not be 60 days from the date when one of the parties to the debate formally informs of its choice to request circulating its report. In case the Re-appraising Body considers that it cannot total the report inside 60 days, it should inform the Board in composing of the reasons for the delay and the assessed period inside which the Re-appraising Body can total its report. In any case, beneath no circumstances ought to the procedures surpass 90 days.

Regulating The Importation of Raw Chicken Meat in the Indonesian Legal Framework

Concurring to the Republic of Indonesia's 1945 Structure, the state is required to guarantee that each citizen has the flexibility to hone their religion and revere as they see fit. To ensure that all devout adherents adore and take after their confidence, the state must offer assurance and affirmations on the

halalness of the products that the society employs and expends. Indonesian enactment has expressed Clients are entitled to precise, clear, and fair data around the condition and ensure of products and/or administrations beneath Shoppers are entitled to precise, clear, and genuine data around the condition and ensure of merchandise and/or administrations beneath Article 4 letter c of Law Number 8 of 1999 concerning Customer Security. Commerce performing artists are too required to grant exact, clear, and genuine data around the conditions and ensures of merchandise and/or administrations as well as to supply clarifications. In this manner, the state must give security and affirmations approximately the halalness of items devoured and utilized by Muslim clients in arrange to ensure that each religion disciple adores and carries out their devout lessons and convictions. utilize and eat in arrange to ensure that all religion disciples adore and maintain their devout lessons and convictions. One of these is described in the regulation. controlling halal certification.

Halal product guarantees ought to be implemented in compliance with the following principles: protection, fairness, and original source beginning. legal clarity, responsibility and openness, efficacy and efficiency, and professionalism. Consequently, the assurance that Halal products would be implemented aims to provide comfort, security, safety and certainty of the availability of halal products for the community in consuming and using products, as well as increasing added value for business actors to produce and sell halal products.

This objective is crucial given the quick development of science and technology in the areas of food, medicine, and cosmetics. The processing and use of raw materials for food, drinks, cosmetics, medications, and other things has been influenced by this. Originally simple and natural, these materials are now processed and used using scientific engineering. Halal and haram can be mixed together through product processing that makes use of scientific and technological advancements. either intentionally or unintentionally. Therefore, to Ascertain the halalness and terminate the original source's purity. A unique investigation that calls for interdisciplinary expertise, such as expertise in the domains of foodEnd original source, chemistry, and begin original source, is required for a product. biochemistry, biology, industrial engineering, pharmacy, and end original source. Read more about End original source. Halal certification is a procedure or activity used to fulfill or accomplish specific requirements. End original source is the final objective of this halal certification. A Start with the original source. official legalfinal original source. Recognition Start with the original source. that End is the originating source of the provided products. adhered to the original source of Begin.halal supplies. Before adding a halal label to the product, every company actor must first get a certificate. As the most significant aspects of Islamic law are halal and haram, which are also part of the actual content of Islamic law, determining halal certification is crucial. The public must be aware of the accuracy of information regarding the quantity of halal food in order to security guarantee for Muslims. That's where the importance of halal certification on a product.

In this regard, in reality, many products circulating in the community are not all guaranteed to be halal. Meanwhile, various laws and regulations that have a

relationship with the regulation of halal products have not provided certainty and legal guarantees for the Muslim community. Therefore, the Government issued Law Number 33 of 2014 concerning Halal Product Guarantee on October 17, 2014. The main points of regulation in this law include the following:

1. To ensure the availability of Halal Products, product ingredients that are declared halal are determined, both materials derived from animal raw materials, plants, microbes, and materials produced through chemical processes, biological processes, or genetic engineering processes. In addition, PPH is also determined which is a series of activities to ensure the halalness of the Product which includes the provision of materials, processing, storage, packaging, distribution, sale, and presentation of Products.
2. This Law regulates the rights and obligations of Business Actors by providing exceptions to Business Actors who produce Products from ingredients derived from prohibited ingredients with the obligation to explicitly include non-halal information on Product packaging or on certain parts of the Product that are easily seen, read, not easily erased, and are an integral part of the Product.
3. In order to provide public services, the Government is responsible for organizing JPH whose implementation is carried out by BPJPH. In carrying out its authority, BPJH cooperates with related ministries and / or institutions, MUI, and LPH.
4. The procedure for obtaining a Halal Certificate begins with submitting an application for a Halal Certificate by a Business Actor to BPJPH. Furthermore, BPJPH checks the completeness of the documents. Product halal examination and / or testing is carried out by LPH. The LPH must obtain accreditation from BPJH in collaboration with MUI. Determination of Product halalness is carried out by MUI through the MUI halal fatwa trial in the form of a Product Halal Determination decision signed by MUI. BPJPH issues a Halal Certificate based on the Product Halal Determination decision from MUI.
5. Halal certification fees are charged to Business Actors who apply for a Halal Certificate. In order to facilitate the implementation of JPH implementation, this Law provides a role for other parties such as the Government through the state revenue and expenditure budget, local governments through the budget regional revenue and expenditure, companies, social institutions, religious institutions, associations, and communities to facilitate halal certification costs for micro and small businesses.
6. In order to ensure the implementation of JPH, BPJPH supervises LPH; validity period of Halal Certificate; Product halalness; inclusion of Halal Label; inclusion of non-halal information; separation of location, place and processing equipment, storage, packaging, distribution, sales, and presentation between Halal and non-halal Products; existence of Halal Supervisor; and / or other activities related to JPH.
7. To ensure law enforcement against violations of this Law, administrative sanctions and criminal sanctions are stipulated. Article 4 of the Halal Product Guarantee Law Number 33 of 2014 makes it very evident that "products that enter, circulate, and are traded in the territory of Indonesia must be halal

certified." This criterion is applicable to all food and drink products. This indicates that it is evident that those involved in the production and exchange of food products must be halal certified, feature a halal label on their packaging, and serve as a robust legal framework for the government, which has the authority to control halal goods in Indonesia. Halal certification is a formal fatwa given from the Indonesian Ulema Council. Halal certification from MUI is a certificate that states information in the form of a written statement regarding halalness the obligation of halal certification for all food and beverage products is expressly stated in Article 4 of Law Number 33 of 2014 concerning Halal Product Guarantee, which reads "products that enter, circulate, and are traded in the territory of Indonesia must be halal certified." This means that it is clear that business actors who produce and trade food products in Indonesia must be halal certified and have a halal logo on their packaging and are also absolutely necessary as a strong legal umbrella for the Government which is authorized to regulate halal products in Indonesia. Halal certification is a written fatwa issued from the Indonesian Ulema Council. MUI halal certificate is a certificate that states information in the form of a written statement regarding the halalness of the product mentioned in the certificate. This halal certificate is included in the requirements for business actors to obtain permission to include halal labels on product packaging from authorized government agencies. Article 1 Point 10 of Law Number 33 of 2014 concerning Halal Product Guarantee states that halal certification is recognition of the halalness of a product issued by BPJPH based on a written halal fatwa issued by MUI.

8. Ministerial Regulation Number 42 of 2019 on the Entry of Carcasses, Meat, and/or Processed for Food into the Territory of the Republic of Indonesia was issued in 2019 by the agriculture minister. The requirements, processes, and oversight for admission are governed by this Minister of Agriculture regulation. The act of bringing corpses, meat, offal, and/or their preparations into the Republic of Indonesia from outside is defined as entry under article 1, number 1. To be able to enter the products referred to in this Permen, there are a series of requirements as contained in Article 6 of Permen No. 42 of 2019, namely:
 - a. Conducted by business actors, namely livestock companies, state-owned enterprises (BUMN), regional-owned enterprises (BUMD) social institutions, and foreign companies/international institutions.
 - b. Have import approval from the Ministry of Trade.
Meet administrative and technical requirements for animal health and veterinary services. Administrative requirements apply to all business actors:
 - Application letter A stamped certificate of control of cold storage that already has NKV and refrigerated transportation equipment accompanied by supporting evidence/documents, except for the entry of processed meat ready for circulation that does not require refrigerated facilities as informed on the product label.
 - Halal certification for is required and issued by a halal certification body recognized by the Indonesian halal authority.

- Have a competent veterinarian in the field of Kesmavet, proven by a letter of appointment or work contract from the head of the Company.
- Have a competent veterinarian in the field of Kesmavet, proven by a letter of appointment or work contract from the head of the Company.
- A stamped statement letter stating that the documents submitted are true and valid.

According to Article 6 of Ministerial Regulation No. 42/2019, registered importers must obtain an Import Approval Letter (SPI) from the Ministry of Trade in order to import animals or animal-derived products. The following criteria must be met in order to receive an import recommendation letter, per Article 13 of Minister of Trade Regulation No. 29/2019 concerning Provisions for the Export and Import of Animals and Animal Products:

- a. Complete Business Establishment Deed for importers of NIB owners, or Deed of Establishment of Institutions for social institutions, or the identity of the head and / or assigned representative for representatives of foreign countries or international institutions.
- b. NIB which applies as Import Identification Number (API) (for importers who own NIB)
- c. A declaration of not trading animals and animal products for social institutions, or a declaration letter for internal needs and not to be circulated to Representatives of Foreign Countries or International Institutions.
- d. Proof of breeding site assignment, for imports of breeders and broodmares.
- e. Proof of assignment of cold storage and proof of control of refrigerated transportation equipment for product imports.
- f. A statement letter stating that the slaughter of the feeder is carried out in a slaughterhouse in accordance with the provisions of the legislation on the import of feeders.

The provisions on food labeling are regulated in Chapter VIII Articles 96-103 of Law No. 18/2012 on Food. Specific regulations regarding the use of labels on imported chicken meat products are found in Article 16 and Article 17 of MOA 42/2019. Article 16 requires that product packaging must be packaged in the country of origin using special and foodgrade materials, and not toxic; and have a label. Article 17 specifies that the label must use Indonesian and English and include:

- a. Destination Country Indonesia
- b. Establishment registration number
- c. Date of slaughter, cutting, production date for Processed Meat and best before;
- d. The number, type, and specification of carcasses, Meat, Edible Offal, and/or their preparations; and
- e. Halal mark for those required.

In the Regulation of the Minister of Trade of the Republic of Indonesia Number 29 of 2019 concerning Provisions for the Export and Import of Animals and Animal Products as amended by Regulation of the Minister of Trade of the Republic of Indonesia Number 72 of 2019, Article 20A stipulates that:

- a. Imported animal products must be halal certified in accordance with the provisions of laws and regulations.
- b. Imported animal products derived from prohibited materials are exempted from the obligation to be halal certified in accordance with the provisions of laws and regulations.
- c. Animal products as referred to in paragraph (1) must include halal information in and or on the packaging at the time of entry into the territory of the Unitary State of the Republic of Indonesia.
- d. Importers must include halal information on Animal products as referred to in paragraph (3).
- e. Animal products as referred to in paragraph (2) must include non-halal information in or on the packaging when entering the territory of the Unitary State of the Republic of Indonesia.
- f. Importers must include non-halal information on animal products as referred to in paragraph (5).

CONCLUSIONS AND RECOMMENDATIONS

The research's conclusion, based on the explanation in the discussion above, is that the World Trade Organization's (WTO) framework for resolving trade disputes involving the import of chicken meat between Brazil and Indonesia has been thoroughly explained. This study demonstrates that trade conflicts are an inevitable aspect of global trade dynamics, particularly when national interests conflict with international regulations.

Indonesia and Brazil are clear examples of how domestic policies can become global issues. The dispute stems from Indonesia's policy of imposing halal requirements and other regulations that Brazil considers to be a form of trade protection that is not in line with WTO principles. Through the dispute settlement mechanism at the WTO, the case was handled systematically, with Brazil as the plaintiff and Indonesia as the defendant.

Brazil filed a lawsuit to the WTO in 2014 with the subject matter of the lawsuit related to chicken meat imports and hygiene and halal product certification requirements. However, three years later Indonesia was found guilty of not fulfilling four WTO provisions. So, in May 2021 Indonesia decided to file an appeal against the WTO panel. Apart from filing an appeal, Indonesia has also tried to open negotiations and negotiations with Brazil. In the appeal of this case, the technical appeal at the WTO requires 7 judges, but it is constrained because the jury's term of office this year has expired and there is no replacement yet. So, it is not yet known when the appeal will be processed by the WTO and the regulation of raw meat imports in Indonesia. The outcome of the dispute settlement process showed that Indonesia successfully defended most of its trade policies, especially regarding halal requirements, as Brazil failed to prove its allegations. However, in some aspects, Indonesia's policies are considered not fully consistent with the General Agreement on Tariffs and Trade (GATT) 1947, especially regarding the provisions of domestic market protection. This confirms the importance of harmonization between national policies and international commitments, especially in the multilateral trading system.

This research makes important contributions both theoretically and practically. Theoretically, this research enriches the literature on international trade law and dispute settlement at the WTO. Practically, this research can serve as a reference for policy makers, business actors, and academics in understanding the dynamics of international trade dispute settlement. In addition, this case underscores the importance of dialogue and negotiation in resolving trade disputes so as not to harm the parties involved.

ADVANCED RESEARCH

Building upon the analysis of the Indonesia-Brazil poultry trade dispute within the WTO framework, future research should explore the broader implications of halal certification as a potential trade barrier under international trade law. A comparative legal analysis between WTO dispute cases involving religious or cultural standards—such as the European Union’s restrictions on genetically modified organisms (GMOs) and the United States’ country-of-origin labeling (COOL) regulations—could provide deeper insights into the intersection of trade liberalization and national sovereignty. Additionally, empirical studies employing econometric modeling could quantify the economic impact of such disputes on both importing and exporting countries, assessing whether regulatory compliance leads to trade diversion or market adaptation strategies. Further exploration of alternative dispute resolution mechanisms, including bilateral negotiations and mediation, may offer insights into more effective, non-litigious approaches to resolving similar conflicts in the future. Given the WTO’s ongoing appellate body crisis, analyzing how states navigate unresolved appeals through unilateral policy adjustments or regional trade agreements would also contribute to the discourse on the evolving global trade governance landscape.

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