

**THE VIOLATION OF NON-DISCRIMINATION PRINCIPLE
BY THE UNITED STATES TARIFF MEASURES IN 2025
AGAINST MAJOR TRADING PARTNERS UNDER INTERNATIONAL LAW**

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ABSTRACT

Globalization has increased dependence on international trade and established the principle of non-discrimination as the foundation of the World Trade Organization multilateral trading system. In practice, unilateral tariff policies are still frequently applied and have the potential to violate the Most-Favored-Nation and National Treatment principles. The United States (U.S.) reimposed additional tariffs in 2025 on its major trading partners. This policy has triggered trade disputes and created legal uncertainty in international trade relations, as well as undermining the stability of the global multilateral trading system.

This study aims to analyze the regulation of the principle of non-discrimination in international economic law based on GATT and WTO, as well as to analyze violations of the principle of non-discrimination committed by U.S. tariff policies against major trading partners in 2025. The type of research is normative juridical with a legislative, case, and analytical approach. The data in this study comes from secondary data presented in the form of narrative text and analyzed using qualitative normative methods.

Based on the results of research and discussion, the principle of non-discrimination in international economic law is regulated in Article I:1 and Article III of the 1994 GATT, Article II and Article XVII of GATS, and is confirmed within the WTO framework. The U.S. 2025 tariff policy has been found to violate the WTO principle of non-discrimination, particularly the Most-Favored Nation (MFN) and National Treatment (NT) obligation, as it selectively applies additional tariffs to certain trading partners. This policy constitutes *de jure* discrimination and, in some cases, exceeds bound tariffs and cannot be justified by national security exceptions. As a result, this policy undermines legal certainty and the integrity of the WTO's multilateral trading system.

Keywords : Principle of Non-Discrimination, United States Tariff Policy, World Trade Organization (WTO)

**PELANGGARAN PRINSIP NON-DISKRIMINASI OLEH KEBIJAKAN TARIF
AMERIKA SERIKAT PADA 2025 TERHADAP MITRA DAGANG UTAMA
MENURUT HUKUM INTERNASIONAL**

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ABSTRAK

Globalisasi mendorong ketergantungan perdagangan internasional dan menempatkan prinsip non-diskriminasi sebagai fondasi sistem perdagangan multilateral World Trade Organization. Faktanya, kebijakan tarif unilateral masih sering diterapkan dan berpotensi melanggar prinsip Most-Favoured-Nation serta National Treatment. Amerika Serikat (AS) kembali menerapkan tarif impor tambahan pada 2025 terhadap mitra dagang utama. Kebijakan ini memicu sengketa perdagangan dan menimbulkan ketidakpastian hukum dalam hubungan perdagangan internasional serta melemahkan stabilitas sistem perdagangan multilateral global.

Penelitian ini bertujuan untuk menganalisa pengaturan prinsip non-diskriminasi dalam hukum ekonomi internasional berdasarkan GATT dan WTO, serta menganalisis pelanggaran prinsip non-diskriminasi yang dilakukan oleh kebijakan tarif AS terhadap mitra dagang utama pada 2025. Tipe penelitian adalah yuridis normatif dengan pendekatan perundang-undangan, kasus, dan analisis. Data dalam penelitian ini berasal dari data sekunder yang disajikan dalam bentuk teks naratif dan dianalisis menggunakan metode normatif kualitatif.

Berdasarkan hasil penelitian dan pembahasan, prinsip non-diskriminasi dalam hukum ekonomi internasional diatur dalam Pasal I:1 dan Pasal III GATT 1994, Pasal II dan Pasal XVII GATS, serta ditegaskan dalam kerangka WTO. Kebijakan tarif AS tahun 2025 terbukti melanggar prinsip non-diskriminasi WTO, khususnya kewajiban Most-Favoured Nation (MFN) dan National Treatment (NT), karena menerapkan tarif tambahan secara selektif terhadap negara mitra dagang tertentu. Kebijakan ini merupakan bentuk diskriminasi de jure dan dalam beberapa hal melebihi tarif terikat serta tidak dapat dibenarkan melalui pengecualian keamanan nasional. Akibatnya, kebijakan tersebut melemahkan kepastian hukum dan integritas sistem perdagangan multilateral WTO.

Kata Kunci : *Prinsip Non-Diskriminasi, Kebijakan Tarif Amerika Serikat, World Trade Organization (WTO)*