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From Prohibition to Controlled Export: Reformulating Indonesia's Rattan Trade Law for Sustainable Development

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Abstract

Although Indonesia holds most of the world's rattan, since 2012 it has kept unprocessed and semi processed rattan on its list of goods prohibited for export, a rule carried forward in Minister of Trade Regulation Number 22 of 2023 as last amended in 2026. This article examines whether that prohibition fits the demands of sustainable legal development in Indonesian trade law, and proposes a reformulated model that protects smallholders and the domestic processing industry alike. It uses normative legal research with statutory, conceptual and comparative approaches, drawing on the 1945 Constitution, the Trade Law, the Law-Making Law, the Farmers' Protection Law and the Customs Law, and comparing Indonesia's log, nickel, palm oil and cocoa measures with foreign log, maize and cocoa regimes. The analysis finds three defects. First, the ban relies on an instrument the Trade Law reserves for security, health and environmental grounds, whereas securing industrial raw materials is a statutory ground for restriction rather than prohibition. Second, the rule prohibits without any duty to absorb surplus, any reference price or any review clause, so its costs fall on upstream collectors and growers. Third, comparative evidence shows that blanket bans rarely deliver downstream gains without investment and absorptive capacity, and they sit uneasily with Article XI of the GATT. The article concludes that rattan should be moved from the prohibited to the restricted category and governed by surplus-based export licensing, graduated export duties, a Rattan Buffer Agency established by Presidential Regulation, and a mandatory annual review.

Keywords : *Controlled Export; Legal Development; Rattan Buffer Agency; Sustainable Development; Trade Law.*

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I. Introduction

Rattan is not a glamorous commodity, but it matters a great deal to the forest margins of Kalimantan, Sulawesi and Sumatra. It is a climbing palm harvested from natural forest and, increasingly, from rattan gardens that families plant and tend over many years. For these households it has long been a source of cash that sits alongside rubber, fruit and rice, and the gardens themselves keep tree cover on land that might otherwise be cleared.[1] Indonesia is the dominant source of the raw cane that the world's furniture and handicraft makers use, yet its own processors take only a small share of what the forests and gardens can sustainably yield. Industry associations put the country's potential supply of semi-finished rattan at about 250,000 tonnes a year, against domestic absorption by furniture makers of roughly 15,000 tonnes.[2] Even if those figures overstate the gap, the order of magnitude points to a structural surplus rather than a shortage.

The law has answered this surplus with a prohibition. Since 1 January 2012 raw rattan, rough-cut (*asalan*) rattan, washed-and-sulphurised rattan and semi-finished rattan have been barred from export, first under Minister of Trade Regulation Number 35/M-DAG/PER/11/2011 and then through a chain of general export-ban regulations: Number 45 of 2019, Number 18 of 2021 and, today, Number 22 of 2023 as amended four times, most recently by Number 6 of 2026.[3] The stated purpose has always been to keep raw material at home so that furniture factories, mainly in Cirebon and elsewhere on Java, can add value and earn foreign exchange. A year after the 2012 ban took effect, Myers found that only the largest high-end factories on Java had gained, that collectors in the producing islands had been hurt, and that the most immediate winners were smugglers.[4] More than a decade later the policy is still in place, essentially unchanged in substance.

This is why the rattan question is a question of legal development and not only of trade economics. In Mochtar Kusumaatmadja's formulation, law in a developing society is a means of orderly and planned social renewal; it

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[1] Brian Belcher dkk., "Rattan, Rubber, or Oil Palm: Cultural and Financial Considerations for Farmers in Kalimantan," *Economic Botany* 58, no. Suppl. 1 (2004): S77–87, https://doi.org/10.1663/0013-0001(2004)58%5B77:RROOPC%5D2.0.CO;2.. Belcher and colleagues found that, measured by returns to labour rather than per hectare, rattan gardens in East Kalimantan were more attractive to farmers than oil palm or rubber. See also Brian Belcher dkk., "Global Patterns and Trends in the Use and Management of Commercial NTFPs: Implications for Livelihoods and Conservation," *World Development* 33, no. 9 (2005): 1435–52, https://doi.org/10.1016/j.worlddev.2004.10.007..

[2] These are industry estimates rather than official statistics. They were stated by the Indonesian Rattan Entrepreneurs Association (APRI) in July 2023; see Table 2 and the note to it. A similar picture of large unsold surpluses is drawn by Rodd Myers, "What the Indonesian Rattan Export Ban Means for Domestic and International Markets, Forests, and the Livelihoods of Rattan Collectors," *Forest Policy and Economics* 50 (2015): 210–19, https://doi.org/10.1016/j.forpol.2014.07.009..

[3] Minister of Trade Regulation Number 22 of 2023 on Goods Prohibited for Export (State Gazette of 2023 Number 526), as last amended by Minister of Trade Regulation Number 6 of 2026 (State Gazette of 2026 Number 198), Annex, Part I (Forestry), heading 14.01, subheadings 1401.20.10 to 1401.20.90. Earlier instruments are listed in Table 1.

[4] Myers, "What the Indonesian Rattan Export Ban Means.".

should steer change rather than simply record it.[5] Comparative scholarship on law and development likewise treats legal rules as instruments whose design must be judged by what they actually achieve, while warning that the link between legal reform and development outcomes is less certain than optimists assume.[6] A rule that has been reproduced across four regulations without any published evaluation, and that leaves one group of producers systematically worse off, invites exactly this kind of scrutiny. The yardstick is constitutional. Article 33(3) of the 1945 Constitution places natural resources under state control for the greatest prosperity of the people, and Article 33(4) requires the national economy to be organised on principles that include efficiency with justice, sustainability and environmental insight.[7] Sustainability, in this sense, is not an afterthought to legal certainty, justice and utility but, as Putro and Bedner argue, a value that should frame all three.[8]

A growing body of work bears on the problem, though from different angles. Myers (2015) used a value-chain approach to trace the distributional effects of the 2012 ban.[9] Yulianto et al. (2020) examined how rattan harvesting could be reconciled with conservation and local livelihoods in Lore Lindu National Park, Central Sulawesi.[10] On Indonesia's wider use of export bans, Resosudarmo and Yusuf (2006) and Dudley (2004) assessed the log export ban and showed that its effects depend heavily on design.[11] Warburton (2017, 2024) explained resource nationalism and the nickel 'downstreaming' drive through ownership structures and political coalitions,[12] Patunru (2023) charted the return of protectionism in Indonesian

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[5] Mochtar Kusumaatmadja, *Konsep-Konsep Hukum dalam Pembangunan: Kumpulan Karya Tulis* (Alumni, 2006).. For a recent reappraisal that insists the theory must be read together with legal certainty, public participation and substantive justice, see Aisha Mutiara Savitri dkk., "Mochtar Kusumaatmadja's Legal Development Theory as an Epistemological Solution for Indonesian Legal Reform," *Journal of Law and Legal Reform* 7, no. 3 (2026): 1365–400, https://doi.org/10.15294/jllr.v7i3.47279..

[6] Yong-Shik Lee dan Andrew Harding, "Law and Development: A Comparative Law Aspect," *Law and Development Review* 17, no. 2 (2024): 393–415, https://doi.org/10.1515/ldr-2024-0003.; Kevin E. Davis dan Michael J. Trebilcock, "The Relationship between Law and Development: Optimists versus Skeptics," *American Journal of Comparative Law* 56, no. 4 (2008): 895–946, https://doi.org/10.5131/ajcl.2007.0031..

[7] 1945 Constitution of the Republic of Indonesia, Article 33(3) and (4).

[8] Widodo Dwi Putro dan Adriaan W. Bedner, "Ecological Sustainability from a Legal Philosophy Perspective," *Journal of Indonesian Legal Studies* 8, no. 2 (2023): 595–632, https://doi.org/10.15294/jils.v8i2.71127..

[9] Myers, "What the Indonesian Rattan Export Ban Means.".

[10] Yulianto dkk., "Reconciling Livelihoods and Conservation for Rattan Sustainable Harvesting in Lore Lindu National Park, Indonesia," *Small-Scale Forestry* 19, no. 2 (2020): 175–97, https://doi.org/10.1007/s11842-020-09463-4..

[11] Budy P. Resosudarmo dan Arief Anshory Yusuf, "Is the Log Export Ban an Efficient Instrument for Economic Development and Environmental Protection? The Case of Indonesia," *Asian Economic Papers* 5, no. 2 (2006): 75–104, https://doi.org/10.1162/asep.2006.5.2.75.; Richard G. Dudley, "Modeling the Effects of a Log Export Ban in Indonesia," *System Dynamics Review* 20, no. 2 (2004): 99–116, https://doi.org/10.1002/sdr.288..

[12] Eve Warburton, "Resource Nationalism in Indonesia: Ownership Structures and Sectoral Variation in Mining and Palm Oil," *Journal of East Asian Studies* 17, no. 3 (2017): 285–312, https://doi.org/10.1017/jea.2017.13.; Eve Warburton, "Nationalist Enclaves: Industrialising the Critical

trade policy,[13] and Widiatedja (2021) and Sasmal (2025) tested the nickel ore ban against World Trade Organization (WTO) law.[14] Most recently, Reich et al. (2026) measured how the April 2022 palm oil export ban hit independent smallholders' prices.[15]

These studies leave a clear gap. The rattan literature is overwhelmingly economic or ecological, while the legal literature on export bans concentrates on nickel and on WTO compatibility. None of it tests the rattan prohibition as a legal norm, that is, against the instruments the Trade Law itself provides, against the principles that govern Indonesian law-making, and against the constitutional mandate of sustainable prosperity. Nor has anyone turned the recurring idea of a rattan buffer institution into a legal construction with a defined standing, powers and procedure.

The novelty of this article lies in three moves. It reads the rattan ban as a problem of sustainable legal development, judged by Article 33(4) and by the statutory principles of effectiveness and balance. It brings a comparative lens to bear, setting rattan beside Indonesia's other export measures (logs, nickel, palm oil and cocoa) and beside foreign experience with log bans, maize bans, commodity boards and warehouse receipts. And it offers a fully specified alternative: controlled export built on the restriction powers that already exist in the Trade Law and the Customs Law, run by a Rattan Buffer Agency, and disciplined by a mandatory review clause.

The article therefore pursues two aims. The first is to assess whether the rattan export prohibition is consistent with the demands of sustainable legal development in Indonesian trade law, with attention to the fit between its purpose, its legal form and its effects on smallholders and industry. The second is to formulate a model of controlled export, informed by comparative experience, that protects both groups in a balanced way. In theoretical terms the article contributes to the study of legal development and regulatory design for non-timber forest products. In practical terms it is addressed to the Ministry of Trade, the Ministry of Industry and the Ministry of Forestry, to regional governments in producing provinces, and to the farmers, collectors and manufacturers who live with the rule.

Mineral Boom in Indonesia," *The Extractive Industries and Society* 20 (2024): 101564, https://doi.org/10.1016/j.exis.2024.101564..

[13] Arianto A. Patunru, "Trade Policy in Indonesia: Between Ambivalence, Pragmatism and Nationalism," *Bulletin of Indonesian Economic Studies* 59, no. 3 (2023): 311–40, https://doi.org/10.1080/00074918.2023.2282821..

[14] I. Gusti Ngurah Parikesit Widiatedja, "Indonesia's Export Ban on Nickel Ore: Does It Violate the World Trade Organization (WTO) Rules?," *Journal of World Trade* 55, no. 4 (2021), https://doi.org/10.54648/TRAD2021028.; Sunayana Sasmal, "Between a Rock and a Hard Place: Critical Minerals, Export Restrictions and WTO Law after the Indonesia Dispute," *Journal of World Trade* 59, no. 6 (2025), https://doi.org/10.54648/TRAD2025047..

[15] Charlotte-Elena Reich dkk., "Beyond the Ban—Shedding Light on Smallholders' Price Vulnerability in Indonesia's Palm Oil Industry," *Applied Economic Perspectives and Policy* 48, no. 3 (2026): 653–78, https://doi.org/10.1002/aepp.70040..

II. Research Method

This is normative legal research, which takes legal norms as its object and asks whether they are adequate to the purposes they are meant to serve.[16] Three approaches are combined. The statutory approach tests the vertical and horizontal consistency of the rattan export rules with the 1945 Constitution, Law Number 7 of 2014 on Trade as amended by the Job Creation Law, Law Number 12 of 2011 on the Making of Laws and Regulations as amended by Law Number 13 of 2022, Law Number 19 of 2013 on the Protection and Empowerment of Farmers, Law Number 41 of 1999 on Forestry, Law Number 17 of 2006 amending the Customs Law, and Law Number 9 of 2006 on the Warehouse Receipt System as amended by Law Number 9 of 2011. The conceptual approach draws on legal development theory, Radbruch's account of the values of law, and the literature on adaptive and responsive regulation. The comparative approach is functional: it compares legal responses to the same problem, namely restrictions on the export of unprocessed natural resources intended to promote domestic processing, rather than comparing legal systems as wholes.[17]

Primary legal materials are the statutes listed above together with the ministerial regulations on rattan exports from 1979 to 2026, obtained from the official JDIH databases of the Audit Board (BPK) and the Ministry of Trade. Secondary materials are peer-reviewed articles retrieved through Scopus and Google Scholar, with preference for Scopus-indexed journals, and academic books. Where the argument depends on figures, official statements and statistical sources are used and identified as such. The analysis proceeds in three steps: (1) the rattan rules are mapped and tested against their stated purpose and the higher norms; (2) the results are compared with Indonesian and foreign experience of similar instruments; and (3) a reformulated model is constructed from the lessons of the first two steps. The analysis is prescriptive, and conclusions are drawn deductively from normative premises to the case of rattan.

III. Result & Discussion

A. The Rattan Export Ban in Indonesian Trade Law: Continuity without Evaluation

The first thing that strikes one about Indonesia's rattan export rules is their persistence. For more than four decades the state has moved between prohibition, quota and back again, but the dominant instrument has been the ban. Table 1 summarises the main instruments.

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[16] Peter Mahmud Marzuki, *Penelitian Hukum*, Rev. ed. (Kencana Prenada Media Group, 2017), 133–137..

[17] On the functional use of comparison within law and development, see Lee dan Harding, "Law and Development.".

Table 1. Principal Legal Instruments Governing Rattan Exports in Indonesia, 1979–2026

Instrument	Export rule for raw and semi-finished rattan	Policy orientation	Gazette
Minister of Trade and Cooperatives Decree 492/KP/VII/79	Export of rough-cut (*asalan*) rattan prohibited	Early downstream protection	Not gazetted*
Minister of Trade Decree 274/KP/X/1986	Export of raw rattan prohibited	Full downstream protection	Not gazetted*
Permendag 12/M-DAG/PER/6/2005, as amended (4th amendment: 33/M-DAG/PER/7/2009)	Export of rough-cut and semi-finished rattan allowed within annual volume quotas (2009–2010: 25,000 t rough-cut; 16,000 t and 36,000 t semi-finished)	Controlled export by quota	BN 2009 No. 236 (4th amendment)
Permendag 35/M-DAG/PER/11/2011 (revoking 36/M-DAG/PER/8/2009 as amended)	Raw, rough-cut, W/S and semi-finished rattan (HS 1401.20) prohibited from 1 January 2012; products under HS 4601, 4602, 9401 and 9403 exportable by registered exporters after verification; rule 'evaluated periodically'	Full downstream protection	BN 2011 No. 804
Permendag 45 of 2019 on Goods Prohibited for Export	Rattan listed as prohibited export goods	Full downstream protection	BN 2019 No. 679
Permendag 18 of 2021 (revoking 45 of 2019)	Rattan listed as prohibited export goods	Full downstream protection	BN 2021 No. 297
Permendag 22 of 2023, as last amended by Permendag 6 of 2026	All subheadings of HS 1401.20 (whole, split, skin and other rattan) prohibited	Full downstream protection, no upstream safeguard	BN 2023 No. 526; BN 2026 No. 198

Source: compiled by the author from the instruments listed, as published in the JDIH databases of BPK and the Ministry of Trade. *Ministerial decrees issued before Law Number 10 of 2004 were generally not promulgated in the State Gazette. BN = Berita Negara (State Gazette).

Two features of the table matter for the argument. First, none of these instruments says what should happen to the rattan that domestic industry does not buy. The norm stops at the prohibition and has no counterpart duty

of absorption. Second, successive regulations have changed the legal vehicle without changing the substance. The 2019, 2021 and 2023 regulations re-list rattan in general schedules of prohibited goods; they contain no findings on whether the 2011 policy achieved its aims. The 2011 regulation itself promised that it would be 'evaluated periodically', but it named no criteria, no schedule and no responsible body, and no evaluation has been published.

The deeper problem is one of legal form. The Trade Law distinguishes clearly between prohibiting and restricting exports. Under Article 50(2), the Government may prohibit exports in the national interest on three grounds only: to protect national security or the public interest, including social, cultural and moral interests; to protect intellectual property; or to protect human, animal, fish and plant health and safety and the environment. Under Article 54(2), by contrast, exports may be restricted in order to secure domestic supply, to ensure the availability of raw materials for domestic industry, to protect natural resources, to increase economic value, or to stabilise prices.[18] The official purpose of the rattan ban (keeping raw material at home for the furniture industry and increasing value added) falls squarely within the second list. The statute, in other words, channels the industrial-supply objective towards restriction, not prohibition. One may stretch 'public interest' in Article 50(2)(a) to cover industrial policy, but doing so blurs a distinction the legislature drew on purpose, and it allows the most drastic instrument to be used where a graduated one was intended.

The same conclusion follows from the principles of law-making. Law Number 12 of 2011 requires every regulation to be effective and efficient (*kedayagunaan dan kehasilgunaan*), meaning that it must actually be needed and must actually work, and its content must reflect order and legal certainty as well as balance and harmony.[19] The 2022 amendment added a duty to monitor and review statutes after enactment,[20] reflecting a legislative policy, noted by Martitah et al., that Indonesian law-making must be strengthened by both ex ante impact assessment and ex post evaluation.[21] A ministerial regulation that has been re-issued four times without any published review is hard to square with that policy. Regulatory scholarship explains why the omission matters. McCray, Oye and Petersen show that rules are rarely revisited unless review is scheduled in advance and linked to a deliberate

[18] Law Number 7 of 2014 on Trade (State Gazette of 2014 Number 45), Articles 50(2) and 54(2); Articles 38, 51 and 52 as amended by Law Number 6 of 2023 on the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 on Job Creation as Law (State Gazette of 2023 Number 41). Articles 50 and 54 were not amended.

[19] Law Number 12 of 2011 on the Making of Laws and Regulations (State Gazette of 2011 Number 82), as last amended by Law Number 13 of 2022 (State Gazette of 2022 Number 143), Articles 5(e) and 6(1)(i)–(j).

[20] Law Number 13 of 2022, Article 95A.

[21] Martitah Martitah dkk., "Transformation of the Legislative System in Indonesia Based on the Principles of Good Legislation," *Journal of Indonesian Legal Studies* 8, no. 2 (2023): 545–94, https://doi.org/10.15294/jils.v8i2.69262..

effort to gather new evidence,[22] and Ranchordás argues that time-limited and experimental rules can, over time, produce more durable legal certainty than rules that are never re-examined.[23]

The constitutional dimension points the same way. The Constitutional Court has read the state's 'control' under Article 33(3) as a bundle of functions (making policy, administering, regulating, managing and supervising) exercised for the people's prosperity, not as an end in itself.[24] It follows that any restriction on the use of a natural resource must be able to show how it serves that prosperity, and Article 33(4) adds that it must do so efficiently, justly and sustainably. For rattan collectors and growers the link is hard to see: the ban removes their main market without offering any substitute. Caution is needed, however. A ministerial regulation can be reviewed only by the Supreme Court, and only against statutes, so the constitutional question is unlikely ever to be adjudicated directly.[25] The defensible claim is therefore that the rattan ban is potentially inconsistent with the spirit of Article 33(3) and (4) in so far as it closes the market for surplus production without providing producers with any alternative means of prosperity.

Why has the rule survived? Part of the answer lies in the political economy of Indonesian trade policy, which Patunru describes as oscillating between ambivalence, pragmatism and nationalism, with downstreaming as one of its signature programmes.[26] Warburton's work suggests that nationalist resource policies endure where they serve a coalition of domestic business interests that can be clearly distinguished from foreign ones.[27] In rattan the beneficiaries of the ban are concentrated and well organised, while those who bear its costs are dispersed across remote islands. The policy choice made in the 1980s, when the domestic processing industry was young, made sense for its time. What is difficult to justify is freezing that choice when the structure of supply (now largely cultivated), the regional competition and the market for synthetic substitutes have all changed. A legal-development perspective asks for norms that can learn; the rattan ban, as drafted, cannot.

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[22] Lawrence E. McCray dkk., "Planned Adaptation in Risk Regulation: An Initial Survey of US Environmental, Health, and Safety Regulation," *Technological Forecasting and Social Change* 77, no. 6 (2010): 951–59, https://doi.org/10.1016/j.techfore.2009.12.001..

[23] Sofia Ranchordás, "Sunset Clauses and Experimental Regulations: Blessing or Curse for Legal Certainty?," *Statute Law Review* 36, no. 1 (2015): 28–45, https://doi.org/10.1093/slr/hmu002..

[24] Simon Butt dan Tim Lindsey, "Economic Reform When the Constitution Matters: Indonesia's Constitutional Court and Article 33," *Bulletin of Indonesian Economic Studies* 44, no. 2 (2008): 239–62, https://doi.org/10.1080/00074910802169004..

[25] Tim Lindsey, "Filling the Hole in Indonesia's Constitutional System: Constitutional Courts and the Review of Regulations in a Split Jurisdiction," *Constitutional Review* 4, no. 1 (2018): 27–44, https://doi.org/10.31078/consrev412..

[26] Patunru, "Trade Policy in Indonesia.".

[27] Warburton, "Resource Nationalism in Indonesia.".

B. Who Bears the Cost? Smallholders, Industry and the Distribution of Burdens

Balance between upstream and downstream actors does not mean equal shares. It means that no group should carry the whole burden of a policy by design. Measured by that standard, the rattan regime is unbalanced, and the imbalance comes from the structure of the norm rather than from poor enforcement. Table 2 brings together the main indicators that are publicly available.

Table 2. Selected Indicators of Rattan Supply, Absorption and Exports

Indicator	Figure	Source and status
Potential supply of semi-finished rattan	c. 250,000 t per year	APRI (industry estimate), 2023
Domestic absorption by furniture industry	c. 15,000 t per year	APRI (industry estimate), 2023
Share of semi-finished output absorbed domestically	c. 20%	APPRIR (farmers' and traders' association), 2025
Value of rattan product exports, January–August 2020	US$357.16 million (+4.35% year on year)	Ministry of Trade, official statement, 2020
Average annual growth of rattan product exports, 2015–2019	2.11%	Ministry of Trade, official statement, 2020
Indonesia's share of world rattan product exports	6.11% (China 45.15%; Viet Nam 12.49%)	Ministry of Trade, official statement, 2020
Harvesters' price per pole after loss of export buyers	IDR 9,000 → IDR 4,000	CIFOR-ICRAF field research, 2024

Source: compiled by the author. Ministry of Trade figures were announced by the Minister of Trade in Cirebon on 5 November 2020; association estimates were stated publicly in July 2023 (APRI) and January 2025 (APPRIR); field data are from CIFOR-ICRAF household surveys in 14 villages, published in February 2024. The BPS series for HS 1401.20, 4601, 4602, 9401 and 9403.83 should be used to update these figures.

The figures support a simple observation: Indonesia commands most of the raw resource but only a modest share of the world market for finished rattan goods, where China and Viet Nam lead. The prohibition was meant to change that. A decade on, export earnings from finished products have grown slowly, while the gap between what the forests and gardens can supply and what domestic factories buy remains very large. The ban has not turned resource dominance into product dominance; it has mainly shifted where the surplus goes.

The burden falls first on price. With exports closed, collectors and growers can sell only to domestic buyers, whose number is small and whose demand is concentrated on a few species and diameters. Economic research on Indonesian commodity chains shows how readily such conditions produce buyer market power: traders and processors capture margins at each stage, and even modest switching costs allow buyers to pay suppliers less.[28] The 2022 palm oil export ban offers a striking domestic parallel. In a survey of 382 independent smallholders in Jambi, Reich et al. found that farm-gate sale prices fell by about 63 per cent after the ban took effect.[29] Rattan has lived with a permanent version of that shock since 2012.

The burden also falls on legality and on the forest. When a legitimate market is closed but demand abroad remains, trade moves underground. Myers documented this effect for rattan;[30] Porteous found the same pattern for maize export bans in East and Southern Africa, where imperfectly enforced bans pushed trade into informal channels and made domestic prices more, not less, volatile.[31] And when cane loses its value, rattan gardens lose their economic case against conversion. Belcher and colleagues showed that rattan gardens survived in Kalimantan because they offered good returns to labour as well as cultural value;[32] policies that depress cane prices erode exactly that advantage, at a time when Article 33(4) asks the economy to be organised sustainably.

There is a further, less visible problem: the legal status of cultivated rattan. The Forestry Law treats rattan as a non-timber forest product, and in practice cane from family gardens is often handled as if it came from state forest, with the same documentation demands.[33] Experience with the timber legality verification system shows how heavily such requirements weigh on small producers, who often find the costs high and the benefits unclear.[34] Meanwhile, the Farmers' Protection Law sets out a strategy of protection that includes business certainty, commodity prices, the elimination of high-cost economic practices and agricultural insurance,[35] but none of it has been

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[28] Thomas Kopp dan Richard J. Sexton, "Farmers, Traders, and Processors: Buyer Market Power and Double Marginalization in Indonesia," *American Journal of Agricultural Economics* 103, no. 2 (2021): 543–68, https://doi.org/10.1111/ajae.12149.; Thomas Kopp, "When Switching Costs Cause Market Power: Rubber Processing in Indonesia," *Agricultural Economics* 53, no. 3 (2022): 481–95, https://doi.org/10.1111/agec.12690..

[29] Reich dkk., "Beyond the Ban.".

[30] Myers, "What the Indonesian Rattan Export Ban Means.".

[31] Obie Porteous, "Empirical Effects of Short-Term Export Bans: The Case of African Maize," *Food Policy* 71 (2017): 17–26, https://doi.org/10.1016/j.foodpol.2017.07.003..

[32] Belcher dkk., "Rattan, Rubber, or Oil Palm.".

[33] Law Number 41 of 1999 on Forestry (State Gazette of 1999 Number 167).

[34] Krystof Obidzinski dkk., "The Timber Legality Verification System and the Voluntary Partnership Agreement (VPA) in Indonesia: Challenges for the Small-Scale Forestry Sector," *Forest Policy and Economics* 48 (2014): 24–32, https://doi.org/10.1016/j.forpol.2014.06.009..

[35] Law Number 19 of 2013 on the Protection and Empowerment of Farmers (State Gazette of 2013 Number 131), Article 7(2).

translated into rules for rattan growers. Tension between protective statutes and sectoral rules is a familiar theme in Indonesian farmer protection.[36] For non-timber forest products more generally, Shackleton and Pandey argue that livelihood evidence will make little difference unless these products are written into sectoral policy and land-use decisions.[37]

A fair analysis must also take the industry's case seriously. Furniture and handicraft makers have a legitimate interest in a secure supply of cane at reasonable prices, and they employ many thousands of workers. Evidence on log export bans in developing countries suggests that such bans can raise employment in wood-processing firms, by around a quarter in the most recent cross-country study, although the authors stress that the effect depends on complementary industrial policy.[38] Indonesia's own history also counsels caution. Between 2005 and 2011 the country did allow exports of rough-cut and semi-finished rattan under annual quotas (Table 1), and that period ended in the 2011 ban, justified by the need to secure raw material for domestic manufacturers. The lesson is not that controlled export cannot work, but that quotas without a verification and absorption mechanism tend to become liberalisation in practice.

Radbruch's three values of law help to frame the trade-off. Justice requires that like cases be treated alike and that each receives what is due; purposiveness asks whether a rule serves its social end; legal certainty requires that law be positive, stable and reliable.[39] The rattan ban scores well on certainty in the narrow sense, for it is clear and stable. It scores poorly on purposiveness, because it has not delivered the industrial upgrading it promised, and on justice, because it places the cost of adjustment on the weakest participants in the chain. Adding sustainability as a meta-value, as Putro and Bedner propose, sharpens the point: a rule that weakens the economic case for keeping rattan gardens is hard to defend in a sustainable development framework.[40] Because both upstream and downstream interests are legitimate, the task is not to choose sides but to design a norm that meets

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[36] See, in the context of plant variety law, Eny Suastuti dkk., "Examining the Criminal Aspects of the Indonesian Plant Varieties Regime and Farmer Protection for Food Sovereignty," *Journal of Indonesian Legal Studies* 8, no. 2 (2023): 855–98, https://doi.org/10.15294/jils.v8i2.75825..

[37] Charlie M. Shackleton dan Ashok K. Pandey, "Positioning Non-Timber Forest Products on the Development Agenda," *Forest Policy and Economics* 38 (2014): 1–7, https://doi.org/10.1016/j.forpol.2013.07.004..

[38] Sébastien Marchand dan Moussa Zerbo, "Enhancing Employment through Log Export Ban: Insights from Wood-Processing Firms in Developing Countries," *Forest Policy and Economics* 174 (2025): 103491, https://doi.org/10.1016/j.forpol.2025.103491..

[39] Gustav Radbruch, "Statutory Lawlessness and Supra-Statutory Law (1946)," trans. oleh Bonnie Litschewski Paulson dan Stanley L. Paulson, *Oxford Journal of Legal Studies* 26, no. 1 (2006): 1–11, https://doi.org/10.1093/ojls/gqi041.; for the place of these values in Radbruch's post-war thought, see Stanley L. Paulson, "On the Background and Significance of Gustav Radbruch's Post-War Papers," *Oxford Journal of Legal Studies* 26, no. 1 (2006): 17–40, https://doi.org/10.1093/ojls/gqi043..

[40] Putro dan Bedner, "Ecological Sustainability.".

domestic industrial demand first and gives the remaining surplus a lawful outlet.

C. Comparative Lessons from Export Restrictions at Home and Abroad

Rattan is one member of a family of Indonesian export measures, and the family history is instructive. The log export ban of the 1980s was designed to build a plywood industry. It did so, but at a cost: Resosudarmo and Yusuf note that log export bans are frequently counterproductive yet remain popular,[41] and Dudley's simulations show that a ban can either reduce harvesting or, by fostering surplus milling capacity, increase it, depending on whether processing capacity is also controlled.[42] The nickel ore ban of 2020 is often cited as the success story of downstreaming. Economy wide modelling suggests gains in GDP, investment and wages, concentrated in Sulawesi,[43] but Warburton shows that the benefits flow largely to narrow networks of foreign and politically connected capital, creating what she calls 'nationalist enclaves'.[44] Crucially, nickel had something rattan lacks: billions of dollars of committed investment in smelters able to absorb the ore. The 2022 palm oil ban, by contrast, lasted only weeks yet transmitted its costs straight to smallholders.[45] Cocoa offers a different model. Since 2010 Indonesia has levied a graduated export duty on cocoa beans, rising from zero to 15 per cent as world prices climb; the duty shifted exports towards processed products and attracted grinding capacity, though total export volume fell and farmers' interests require continued attention.[46] The cocoa case shows that value addition can be encouraged without shutting the export door.

Foreign experience is consistent with these lessons. In Costa Rica, Kishor, Mani and Constantino estimated that removing the log export ban would be Pareto improving, yielding gains of up to US$14 million a year, while the environmental benefits attributable to the ban were modest.[47] In British Columbia, Fooks, Dundas and Awokuse examined whether removing

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[41] Resosudarmo dan Yusuf, "Is the Log Export Ban an Efficient Instrument.".
[42] Dudley, "Modeling the Effects of a Log Export Ban.".
[43] Achmad Rifa'i dkk., "Economy-Wide Impacts of Natural Resource Downstream Policy: A Case of Nickel Moratorium in Indonesia," *Mineral Economics* 39, no. 3 (2026): 1049–65, https://doi.org/10.1007/s13563-025-00562-2..
[44] Warburton, "Nationalist Enclaves.".
[45] Reich dkk., "Beyond the Ban.".
[46] Imam Mujahidin Fahmid dkk., "'Downstreaming' Policy Supporting the Competitiveness of Indonesian Cocoa in the Global Market," *Frontiers in Sustainable Food Systems* 6 (2022): 821330, https://doi.org/10.3389/fsufs.2022.821330..
[47] Nalin Kishor dkk., "Economic and Environmental Benefits of Eliminating Log Export Bans: The Case of Costa Rica," *The World Economy* 27, no. 4 (2004): 609–24, https://doi.org/10.1111/j.0378-5920.2004.00616.x..

long-standing log export restrictions would yield efficiency gains.[48] Work on African maize bans shows both their economy-wide costs for agricultural growth and household welfare and their tendency to destabilise domestic markets.[49] The trade policy literature explains why: export restrictions insulate domestic prices by exporting volatility to others, and when many countries do so at once the costs multiply.[50] General equilibrium studies of export taxes reach more nuanced conclusions, and Lin and Kinnucan show that, in a vertical market with downstream market power, the optimal export tax on a primary commodity is somewhat higher than conventional formulae suggest.[51] That finding is relevant to rattan, where the domestic processing tier is concentrated: a calibrated duty, not a ban, is the instrument that economic theory supports.

The institutional side of the comparison is equally useful. Indonesia's own food logistics agency, Bulog, stabilised rice prices through buffer stocks; Timmer concluded that the benefits clearly justified the costs in the 1970s and 1980s, provided that operating costs were kept under control.[52] Ghana's Cocoa Board (COCOBOD) sells most of each crop forward, fixes a seasonal producer price through a committee that includes farmers' representatives and the finance minister, and aims to pass at least 70 per cent of the net export price to farmers; Staritz and colleagues show that this centralised model stabilises prices within a season more effectively than the alternatives, although it has accumulated considerable debt.[53] Drawing on projects in Ghana, Zambia and Ethiopia, Coulter and Onumah show that regulated warehouse receipt systems can dampen seasonal price swings and ease access to credit, but that hostile or unstable policy is their main

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[48] Jacob R. Fooks dkk., "Are There Efficiency Gains from the Removal of Natural Resource Export Restrictions? Evidence from British Columbia," *The World Economy* 36, no. 8 (2013): 1098–114, https://doi.org/10.1111/twec.12041..

[49] Xinshen Diao dan Adam Kennedy, "Economywide Impact of Maize Export Bans on Agricultural Growth and Household Welfare in Tanzania: A Dynamic Computable General Equilibrium Model Analysis," *Development Policy Review* 34, no. 1 (2016): 101–34, https://doi.org/10.1111/dpr.12143.; Porteous, "Empirical Effects of Short-Term Export Bans.".

[50] Will Martin dan Kym Anderson, "Export Restrictions and Price Insulation during Commodity Price Booms," *American Journal of Agricultural Economics* 94, no. 2 (2012): 422–27, https://doi.org/10.1093/ajae/aar105.; Antoine Bouët dan David Laborde Debucquet, "Food Crisis and Export Taxation: The Cost of Non-Cooperative Trade Policies," *Review of World Economics* 148, no. 1 (2012): 209–33, https://doi.org/10.1007/s10290-011-0108-8..

[51] Jayson Beckman dkk., "Export Taxes, Food Prices and Poverty: A Global CGE Evaluation," *Food Security* 11, no. 1 (2019): 233–47, https://doi.org/10.1007/s12571-018-0876-2.; Ying Lin dan Henry W. Kinnucan, "The Optimal Export Tax for a Primary Commodity in a Vertical Market," *Agricultural Economics* 51, no. 6 (2020): 909–22, https://doi.org/10.1111/agec.12600..

[52] C. Peter Timmer, "Does Bulog Stabilise Rice Prices in Indonesia? Should It Try?," *Bulletin of Indonesian Economic Studies* 32, no. 2 (1996): 45–74, https://doi.org/10.1080/00074919612331336938..

[53] Cornelia Staritz dkk., "Price-Setting Power in Global Value Chains: The Cases of Price Stabilisation in the Cocoa Sectors in Côte d'Ivoire and Ghana," *The European Journal of Development Research* 35, no. 4 (2023): 840–68, https://doi.org/10.1057/s41287-022-00543-z..

obstacle.[54] A randomised trial in Tanzania confirms the point from the other side: harvest loans allowed farmers to store more and sell more in the lean season, but an unexpected maize export ban blunted the benefits.[55] The economics of storage reminds us that the relationship between supply, consumption and stocks remains central to price behaviour.[56] The common thread is that buffer institutions work when they have clear mandates, transparent pricing rules, sound finance and a stable policy environment.

International trade law adds a final constraint. Article XI:1 of the GATT 1994 prohibits export bans and quotas alike, subject to narrow exceptions. In *China–Raw Materials* the Appellate Body read the exception for temporary measures to relieve critical shortages (Article XI:2(a)) narrowly, and required conservation measures under Article XX(g) to be even-handed, that is, matched by restrictions on domestic use.[57] In *Indonesia Raw Materials* (DS592) a panel found in 2022 that the nickel ore ban was inconsistent with Article XI:1 and not justified; Indonesia appealed into a non-functioning Appellate Body, leaving the ruling in limbo.[58] The European Union, for its part, now treats foreign export restrictions on critical raw materials as a strategic threat and pursues them through disputes and trade agreements.[59] Rattan has not been litigated, but the legal logic is the same. Two lessons follow. A surplus-based quota is still a quantitative restriction and would need to be justified, ideally as a conservation measure tied to sustainable-harvest limits applied at home as well. Export duties, by contrast, are not prohibited by the GATT for members, such as Indonesia, that have made no commitments on them, which makes a graduated duty the more robust instrument. Table 3 summarises the comparison.

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[54] Jonathan Coulter dan Gideon Onumah, "The Role of Warehouse Receipt Systems in Enhanced Commodity Marketing and Rural Livelihoods in Africa," *Food Policy* 27, no. 4 (2002): 319–37, https://doi.org/10.1016/S0306-9192(02)00018-0..

[55] Hira Channa dkk., "Overcoming Smallholder Farmers' Post-Harvest Constraints through Harvest Loans and Storage Technology: Insights from a Randomized Controlled Trial in Tanzania," *Journal of Development Economics* 157 (2022): 102851, https://doi.org/10.1016/j.jdeveco.2022.102851..

[56] Brian D. Wright, "The Economics of Grain Price Volatility," *Applied Economic Perspectives and Policy* 33, no. 1 (2011): 32–58, https://doi.org/10.1093/aepp/ppq033..

[57] Marco Bronckers dan Keith E. Maskus, "China–Raw Materials: A Controversial Step towards Evenhanded Exploitation of Natural Resources," *World Trade Review* 13, no. 2 (2014): 393–408, https://doi.org/10.1017/S1474745614000032.; Baris Karapinar, "Defining the Legal Boundaries of Export Restrictions: A Case Law Analysis," *Journal of International Economic Law* 15, no. 2 (2012): 443–79, https://doi.org/10.1093/jiel/jgs021..

[58] Widiatedja, "Indonesia's Export Ban on Nickel Ore."; Sasmal, "Between a Rock and a Hard Place.".

[59] Victor Crochet dan Weihuan Zhou, "Critical Insecurities? The European Union's Strategy for a Stable Supply of Minerals," *Journal of International Economic Law* 27, no. 1 (2024): 147–65, https://doi.org/10.1093/jiel/jgae003..

Table 3. Comparison of Export Instruments for Unprocessed Natural Resources

Instrument	Effect on upstream producers	Effect on downstream industry	WTO exposure
Total ban (rattan since 2012; nickel 2020; palm oil 2022)	Loss of export market; price falls; smuggling	Cheap input; gains concentrated in large firms unless investment follows	High: Article XI:1; exceptions narrow
Quota without institution (rattan 2005–2011)	Partial market access; allocation rents	Supply concerns led to the 2011 ban	High: Article XI:1
Graduated export duty (cocoa since 2010)	Market remains open; price discount at high world prices	Input advantage; investment attracted	Low where duties are unbound
Buffer agency with surplus licensing and duty (proposed)	Floor price, guaranteed buyer, lawful outlet for surplus	Domestic needs met first; predictable supply	Moderate; reduced if duty-based and tied to harvest limits

Source: author's analysis based on the literature and instruments discussed in Sections A–C.

D. Reformulation: Controlled Export and a Rattan Buffer Agency

The reformulation rests on one shift: from a rigid prohibition to controlled, adaptive export. Controlled export means that rattan may in principle be exported, but only the part of production that measurably exceeds domestic industrial demand, and only through licensing, verification and, where appropriate, an export duty. In administrative law terms a licence is a controlled exception to a general restriction: the state keeps full control while allowing beneficial activity to proceed. This is closer to the design of the Trade Law than the current ban.

The legal basis already exists, so no new statute is needed. The Minister of Trade can move rattan from the list of goods prohibited for export to the list of goods restricted for export, relying on Article 54(2) of the Trade Law and on the restriction and sanction provisions in Articles 52 and 53 as amended by the Job Creation Law. The Minister of Finance can impose a graduated export duty under Article 2A of the Customs Law, which allows export duties precisely to secure domestic needs, protect the sustainability of

natural resources and stabilise domestic prices.[60] Changing the category alone, however, would repeat the mistake of 2005–2011. The heart of the reform is therefore an institution: a Rattan Buffer Agency.

As to legal standing, the agency should be established by Presidential Regulation, accountable to the President through the Minister of Trade, so that it has enough authority to coordinate the trade, industry, forestry and finance portfolios. It should not be a profit-seeking enterprise but an instrument of the state for stabilising prices and ensuring supply, in the tradition of Bulog but adapted to a non-staple forest commodity. Following the 'tripartism' advocated by Ayres and Braithwaite, its governing board should include representatives of growers and collectors, processors and an independent public-interest member, so that no single interest can capture its decisions.[61] COCOBOD's price committee, which includes farmers' representatives, offers a working example.[62]

As to powers, five should be conferred. The agency should be able (1) to buy growers' and collectors' cane at a floor price set by the Government, giving the price certainty that the current regime lacks; (2) to calculate and publish the raw-material needs of domestic industry for each period, based on verified installed capacity and production plans; (3) to determine the exportable surplus, defined as sustainable supply minus domestic needs; (4) to manage buffer stocks in warehouses in the producing regions, using the warehouse receipt system so that stored cane can serve as collateral;[63] and (5) to recommend the grant and revocation of export licences to the Minister of Trade.

As to procedure, the model works in six stages. First, the agency absorbs cane at the floor price at the start of the harvest season. Second, it calculates binding domestic requirements. Third, it determines the volume and grades of surplus available for export, within sustainable-harvest limits that apply equally to domestic use. Fourth, registered exporters may export the surplus under licences issued on the agency's recommendation, paying the applicable graduated duty, with tariff lines, grades, volumes and deadlines specified. Fifth, export and inter-island shipments are verified, using a traceability system proportionate to smallholders rather than a copy of the timber legality regime. Sixth, and most important, every parameter is reviewed at least once a year in a published report, and the regulation lapses after a fixed period unless it is renewed on the basis of that evidence.

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[60] Law Number 17 of 2006 amending Law Number 10 of 1995 on Customs (State Gazette of 2006 Number 93), Article 2A(1)–(2).

[61] Ian Ayres dan John Braithwaite, *Responsive Regulation: Transcending the Deregulation Debate* (Oxford University Press, 1992)..

[62] Staritz dkk., "Price-Setting Power in Global Value Chains.".

[63] Law Number 9 of 2006 on the Warehouse Receipt System (State Gazette of 2006 Number 59), as amended by Law Number 9 of 2011 (State Gazette of 2011 Number 79).

The sixth stage is what makes the regime adaptive, and it is not an administrative afterthought. It turns the promise of 'periodic evaluation' in the 2011 regulation into an enforceable obligation, mirrors the monitoring duty that Article 95A now imposes on statutes, and reflects the evidence that review only happens when it is scheduled and resourced.[64] Under this design the export door is neither opened nor closed by political decision. It widens when domestic absorption is low and supply abundant, and narrows when domestic demand rises, because industry's needs are always met first. A binary policy becomes a filter.

Two complementary measures are needed. The first is clarity on legal status: cane from cultivated gardens should be recognised as a smallholder plantation product rather than a forest product subject to forestry licensing, which would remove a source of legal risk and bring rattan growers within the protection strategies of the Farmers' Protection Law. The second concerns the downstream side. Indonesia's weakness lies less in the availability of cane than in design, branding and market intelligence. Revenue from the export duty can be earmarked for design training, promotion and technology for processors, so that the export of surplus helps to finance downstreaming rather than replacing it.

The model has risks, and they should be stated plainly. Indonesia's commodity balance-sheet approach, which Patunru discusses as one face of its recent trade policy, shows how quantity-based trade management concentrates discretion in the bureaucracy,[65] and quota allocation invites rent-seeking. These risks argue for publishing the agency's methodology and data, preferring duties to quotas wherever possible, allocating any quota transparently, and applying an enforcement pyramid that begins with persuasion and warnings and escalates to licence revocation only for persistent violators.[66] Buffer stocks are costly, so the agency should be financed in part from duty revenue and kept lean, as Timmer's assessment of Bulog suggests.[67]

Judged against legal certainty, the model improves on the status quo. Certainty in Radbruch's sense is not merely the stability of a rule but its reliability as a guide to conduct; a rule that collides with the protective promises of another statute weakens that reliability.[68] The present regime sets the export ban against the Farmers' Protection Law with nothing to reconcile them. A published surplus figure, calculated by a defined method and reviewed every year, supplies the missing link. Judged against justice, the

[64] McCray dkk., "Planned Adaptation in Risk Regulation."; Ranchordás, "Sunset Clauses and Experimental Regulations.".
[65] Patunru, "Trade Policy in Indonesia.".
[66] Ayres dan Braithwaite, *Responsive Regulation*..
[67] Timmer, "Does Bulog Stabilise Rice Prices.".
[68] Radbruch, "Statutory Lawlessness.".

model spreads the cost of adjustment: industry's needs are met first, and growers retain a lawful outlet for what industry does not buy. Here certainty and justice reinforce one another, because a reliable surplus figure is what makes a fair division possible. Judged against sustainability, a floor price and a lawful export outlet keep rattan gardens economically viable, which in turn keeps forest cover on the land.[69]

The contribution of the model to Indonesian trade law lies in this change of logic. For four decades rattan law has worked by prohibition, casting the state as a gatekeeper. The proposed model works by management, casting the state as the steward of a balance between producers, processors and the forest. That shift is the concrete form of legal development offered here, and it may serve as a template for other non-timber forest products that face similar structural surpluses.

IV. Conclusion

The rattan export prohibition, carried today by Minister of Trade Regulation Number 22 of 2023 as last amended in 2026, does not meet the demands of sustainable legal development. It uses prohibition, an instrument the Trade Law reserves for security, intellectual property, health and environmental grounds, to pursue an industrial-supply objective that the same statute assigns to restriction. It prohibits without any duty to absorb surplus, any reference price or any review clause, and has therefore failed the statutory test of effectiveness and placed the cost of adjustment on collectors and growers. In so far as it closes the market for surplus production without offering producers an alternative, it is potentially inconsistent with the spirit of Article 33(3) and (4) of the 1945 Constitution. Comparative experience, at home and abroad, confirms that blanket bans rarely deliver downstream gains without committed investment, and that they carry significant exposure under Article XI of the GATT.

The direction proposed is a move from rigid prohibition to controlled and adaptive export. Rattan should be transferred from the prohibited to the restricted category under Article 54(2) of the Trade Law, with surplus exports subject to licensing and to a graduated export duty under Article 2A of the Customs Law. This should be anchored by a Rattan Buffer Agency established by Presidential Regulation, with a tripartite board and powers to buy at a floor price, calculate domestic needs, determine the exportable surplus, manage buffer stocks through the warehouse receipt system and recommend export licences, all subject to an annual published review and a sunset clause. Complementary steps are to clarify the legal status of cultivated rattan and to channel duty revenue into design and market development for processors. Further empirical work is needed to estimate

[69] Putro dan Bedner, "Ecological Sustainability."; Belcher dkk., "Rattan, Rubber, or Oil Palm.".

sustainable-harvest volumes by region and to test the price effects of a duty-based regime before it is introduced.

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