

Implementation of Minister of Trade Regulation Number 40 of 2022 concerning Prohibition of Trade in Imported Used Clothing in the City of Surakarta

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Abstract

Fulfilling the need for decent clothing, the price and quality differ between used clothes and new clothes, so that business actors provide clothing needs with quality models but at affordable prices, so thrifting businesses emerge where this business sells used clothes. The development of the used clothing trade is clearly visible at the moment, one of the places selling used clothes in Surakarta that is well known to many people is the Tirtanadi Convention Hall. However, there is another side, business actors only prioritize profits, thereby ignoring public health problems. The problem in this research is the implementation of Minister of Trade Regulation Number 40 of 2022 concerning Trade in Imported Used Clothing in the City of Surakarta, whether it has been implemented well or not. This type of research is empirical research. Data collection techniques were carried out by interviews at the research location. The results of the research show that the implementation of Minister of Trade Regulation Number 40 of 2022 concerning Trade in Imported Used Clothing in the City of Surakarta has not run optimally due to lack of supervision and law enforcement, lack of education and outreach, economic dependence, availability and quality of local products, inadequate bureaucratic structure. efficient.

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1. INTRODUCTION

Background

The development of globalization and international trade at this time has seen many imported products coming into the country, for example clothing, clothing is an important need for society which is used to cover the body in carrying out daily activities. Seeing this intensity, it encourages trade activities. Trade defines trade as a sequence of activities related to transactions of goods and/or services within the country and beyond national borders with the aim of transferring rights to goods and/or services to obtain rewards or compensation. People still believe that clothing can improve social status and increase self-confidence, especially if you wear clothes from well-known brands. This paradigm shift certainly results in people becoming more consumptive in buying clothes.

Fulfilling the need for decent clothing, the price and quality differ between used clothes and new clothes, so that business actors provide clothing needs with quality models but at affordable prices, so thrifting businesses emerge where this business sells used clothes. This business is widely found in society and can be said to be a business that has quite a lot of enthusiasts, even millennials are involved in this business. Interest is not only from people with a middle to lower economic level, but also people with a high economic level who are not spared from being met as consumers. The large number of used clothing imports into Indonesia whose sales have spread to small cities or districts, one of which is the city of Surakarta.

Based on Data released by the Central Statistics Agency (BPS) in the last five years has varied in the number of clothing imports in Indonesia.



Source: medcom.id

Based on data, the highest number was in 2019 with 392 tonnes, this figure increased threefold from the previous year 2018, namely 108 tonnes. Meanwhile, in 2020 it was recorded at 66 tonnes, in 2021 it was recorded at 8 tonnes, and in 2022 it will again increase to 26 tonnes. The Ministry of Cooperatives and SMEs said that the import of second-hand clothes is prohibited stated in the Minister of Trade Regulation (PERMENDAG) Number 40 of 2022 concerning Amendments to the Regulation of the Minister of Trade Number 18 of 2021 concerning Export Prohibited Goods and Import Prohibited Goods (hereinafter referred to as Trade Minister Regulation Number 40 of 2022) in Appendix II states that used clothes and other used goods with Tariff post/HS 6309.00.00 is goods prohibited from import. Even though in 2022 the number of second-hand clothing imports will be below that of 2018 and 2019, these figures still show that second-hand clothing import activities are still occurring in Indonesia and are legally prohibited, but in reality, second-hand clothing businesses are still circulating in various markets in Indonesia. In fact, this business is starting to expand into the online market.

Indonesia itself has several places that are famous for buying and selling used clothes. The development of the used clothing trade is clearly visible at the moment, one of the places selling used clothes in Surakarta that is well known to many people is the Tirtonadi Convention Hall. There are various types of clothing that are traded here, starting from shirts, trousers, bags, jackets, shoes, sandals. However, there is another side that business actors ignore, business actors only prioritize profits from trading activities, but ignore public health problems.

The driving factor for the development of the thrifting business in Indonesia is that business actors can reap quite large profits. The increasing number of thrifting businesses actually threatens the productivity of MSMEs. Even though the State Constitution Republic Indonesia in 1945 mandated that the national economy be run based on economic democracy with the principles of togetherness, efficiency, justice, sustainability, environmental insight, independence, and by maintaining a balance of progress and national economic unity.

Regulation of the Minister of Trade Number 18 of 2021 concerning Goods Prohibited from Export and Goods Prohibited from Import in Article 2 paragraph (3) letter d states that Import prohibited goods as intended in paragraph (1) include prohibited import goods in the form of used bags, used sacks and used clothes. However, there are exceptions determined by the Minister of Trade in certain cases which determine that the goods to be imported are used, namely as stated in Article 47 paragraph (2) of Law Number 7 of 2014 concerning Trade which states that "In certain cases the Minister can determine that the goods imported are not in new condition." What is meant by "in certain cases" are goods as

business capital or to produce something that is still suitable for use and can be reused for reconditioning, remanufacturing, and is not scrap (waste). Examples include clothes that are still in good condition and can be worn again after being reconditioned or repaired or trousers that can still be worn after being reconditioned or repaired, but are no longer suitable for direct wear.

The issue of imported used clothing that is unfit for use needs to be taken into account in its distribution, because it concerns the protection of the health of the wider community. Therefore, it is very necessary for the local government of Surakarta City to handle the used clothing trade, because recently it has been quite disturbing. The prohibition on buying and selling used clothing has been regulated in the Minister of Trade Regulation Number 40 of 2022 concerning the prohibition on trade in imported used clothing and there will be sanctions if this is violated, but in reality, currently many traders, both online and offline, are still buying and selling used clothing of this brand openly. Obviously, the used imported clothing business is increasing because this business is used by some people as a means of livelihood because it generates quite a large income, so it cannot be denied that currently many millennials are also involved in this business, until now it seems that implementation The ban on imports of used clothing is not yet comprehensive in Indonesia.

Currently law enforcement plays a role in the functioning of the law. If the regulations are good but the quality of law enforcement is low then there will be problems. Likewise, if the regulations are bad while the quality of law enforcement is good, problems may also arise. Law enforcement problems in Indonesia can be seen from the law enforcement against criminal acts of smuggling imported goods in Indonesia is still a challenge. Coordination between law enforcers plays an important role in the law enforcement process against the criminal act of smuggling imported goods, but internal and external obstacles such as lack of knowledge of members regarding checking company legality permits and import documents, as well as lack of knowledge of members regarding access to legal enforcement in procedures for imported goods, is still an obstacle.

In this way, law enforcers have an influence in upholding legal rules. The more professional law enforcers are in their duties, the easier it is for these rules to be enforced. For this reason, in order to maintain the health of the Indonesian people, and in order to carry out law enforcement based on predetermined regulations, with the existing problems the researcher is interested in analyzing the implementation of existing Minister of Trade regulations with conditions in the field so the researcher raises the title "Implementation of PERMENDAG Number 40 of 2022 concerning Prohibitions Imported Used Clothing Trading in Surakarta City"

Formulation of the problem

Based on the background description above, a formulation can be drawn which is the problem in this research. The problem formulation in this research is as follows:

1. How is the implementation of Minister of Trade Regulation Number 40 of 2022 concerning Trade in Imported Used Clothing in the City of Surakarta?
2. What are the obstacles and solutions for the Trade Department in enforcing regulations regarding the trade in imported used clothing in the city of Surakarta?

2. RESEARCH METHOD (12 Pt)

Research methods What the author uses is empirical research. Empirical research is research that uses a field approach by observing, seeing and identifying a problem that occurs in the field. Thus, this research uses a field approach by comparing it with literature studies related to the problem through observations and interviews. In this research, the approach method used is policy and sociological. The sociological approach is directed at explaining the prevailing positive law (meaning its content and form which change

according to time and place) with the help of societal factors. This research was carried out by looking at propositions regarding several aspects of the relationship between objectives in policy actions as well as explaining and criticizing the laws that apply in society. Researchers conducted interviews with the Surakarta City Trade Department, imported used clothing businesses and consumers in Surakarta City.

3. RESEARCH RESULTS AND DISCUSSION

Implementation of Minister of Trade Regulation Number 40 of 2022 concerning Trade in Imported Used Clothing in the City of Surakarta.

Minister of Trade Regulation (Permendag) No. 40 of 2022 concerning amendments to Minister of Trade Regulation No. 18 of 2021 concerning Export Prohibited and Import Prohibited Goods. Especially in Part IV with tariff heading HS 6309.00.00, which includes used bags, used sacks and used clothes. Used goods are prohibited from being imported because they have a bad impact on the domestic economy, especially MSMEs and are bad for the health of the users. As a policy that supports local industry or domestic MSMEs, the ban on imported goods must continue to be implemented strictly, however, there is still evidence of the circulation of imported-free clothing at the thrifting Convention Hall Tirtonadi Surakarta, which shows that there are gaps in the implementation of this policy. The existence of the circulation of used clothing is in line with the results of observations made by researchers at the Tirtonadi thrifting Convention Hall in Surakarta City.

Interviews were conducted with several imported used clothing businesses at the Tirtonadi Convention Hall which are described as follows:

a. First business actor respondent

Based on an interview with the first respondent, namely Sis Tiara, she said that she had been managing a used clothing business for around 3 years. Sis Tiara sells various kinds of used clothing ranging from t-shirts, trousers, skirts, shirts, jackets. The collection of used clothes is taken from seller to seller, which is taken on a large scale. Regarding the existence of regulations regarding the import ban, Sis Tiara said that she was aware of the regulations that had been set by the government regarding the ban on imported second-hand clothes, however, the big eo eo held a thrift event calmly and safely, but there were only a few bluffs from the government. If big eo companies are brave and can hold thrift events that are always visited by people, then small traders like us must also continue to sell thrift clothing.

b. The second business actor respondent

Based on an interview with the second respondent, namely Ms. Caca, she said that she had been in the imported clothing business for 5 years. The reason for doing this business was because the capital for the imported used clothing business was small so it was very adaptable to the economic conditions at that time. The collection of used clothes was taken from Medan and sent via expedition, which initially was still on a small scale but is now in the form of balls. Regarding the regulations regarding import prohibitions, Sis Caca is already aware of the prohibition policy but demand from consumers continues to increase, therefore this business is profitable and makes Sis Caca continue to continue this thrif business. Apart from that, consumers can also see for themselves the quality and there are many local sellers of goods, so according to Sis Caca it comes down to the choice of each consumer.

Interviews were also conducted with consumers of imported used clothing at the Tirtonadi Surakarta Convention Hall, the results of which were described as follows:

a. First consumer responder

The first consumer was Kak Rahma, she said that since 2022 she admitted that she had been a consumer of imported second-hand clothes. Sis Rahma usually tends

to buy clothes and trousers, the reason why Sis Rahma chooses thrifting is because the prices are cheap and she can get good quality goods, besides that there are many models on offer so it is interesting to buy. Regarding the government's ban on importing second-hand clothes, Sis Rahma already knows about the ban, but she is tempted by the good clothing models and cheap prices, sometimes there are branded or branded clothes that she is looking for.

b. Second consumer respondent

The second consumer is Sis Rita, she said she has been a consumer of imported used clothes for about 2 years. The clothes he usually chooses and buys vary from skirts, trousers, t-shirts, jackets, sweaters, and so on. the reason he chooses used clothes is because the prices tend to be cheap and also there is only one model being sold, thereby reducing the possibility of someone else wearing the same clothes. Regarding the government's ban on importing used clothes, Sis Rita is aware of the ban on importing used clothes and according to her; while using these clothes, she has never had any complaints or experienced skin diseases caused by imported used clothes and claims to be safe while wearing them. Therefore, this does not make him stop buying second-hand clothes because to meet his clothing needs, he has limited economic capacity, so he chooses to buy second-hand clothes.

Based on the results of interviews with business actors and consumers, it can be seen that the implementation of Minister of Trade Regulation Number 40 of 2022 concerning Goods Prohibited from Export and Goods Prohibited from Import is not running optimally. The factors that support the trading activity of imported second-hand clothing are:

- a. There are still many people interested in thrifting clothes, which is the reason why import used clothing businesses are still slow
- b. The government's actions are less firm in responding to the presence of imported second-hand clothing that is sold freely and lacks outreach to the public about the dangers posed by the use of imported second-hand clothing.
- c. People's economic conditions are poor and their living needs are many, so people or consumers tend to choose imported second-hand clothes. According to them, the condition of used clothes which are not as good as new clothes is not too much of a problem because it can be avoided by washing them thoroughly as long as the clothes are still fit for use.

It can be concluded that the implementation of Minister of Trade Regulation Number 40 of 2022 concerning Trade in Imported Used Clothing in the City of Surakarta has not been carried out well and optimally due to the number of business actors who are still running the imported used clothing business and the number of consumers who continue to increase. The existence of appeals and education to the public by the Surakarta City Trade Office is also not optimal because there are still many thrifting trades.

Obstacles and solutions for the Trade Department in enforcing regulations regarding the trade in imported used clothing in the city of Surakarta.

Implementation of Minister of Trade Regulation Number 40 of 2022 concerning Trade in Imported Used Clothing in the City of Surakarta faces various obstacles which cause a mismatch between policies and conditions in the field. The following are some of the main obstacles that may be faced, namely:

a. **Lack of Supervision and Law Enforcement:**

- 1) **Resource Limitations:** Effective supervision and law enforcement require adequate human and financial resources. If the supervisory and law enforcement officers in Surakarta City are insufficient or not equipped with

adequate equipment, monitoring the illegal import of used clothing will become difficult.

- 2) **Corruption and Collusion:** The existence of corrupt practices or collusion between imported used clothing traders and supervisory authorities can weaken law enforcement. This makes it difficult to implement policies consistently.
- b. **Lack of Education and Socialization:**
- 1) **Public Ignorance:** Many business actors and consumers may not fully understand the contents and objectives of Minister of Trade Regulation Number 40 of 2022. The lack of effective socialization means they continue to operate without knowing that they are breaking the rules.
 - 2) **Resistance Attitude:** Without adequate education, businesses and consumers may show resistance to this policy. They may find these policies detrimental and not see the long-term benefits.
- c. **Economic Dependency:**
- 1) **Main Source of Income:** For many small traders, trading in imported second-hand clothing may be the main source of income. This prohibition can have a significant impact on their economy, so they continue to run this business even though they violate the rules.
 - 2) **Consumer Purchasing Power:** Consumers with low purchasing power may prefer imported second-hand clothing because it is cheaper. Restrictive policies can make it difficult for them to find affordable alternatives.
- d. **Availability and Quality of Local Products:**
- 1) **Lack of Alternatives:** If there is not enough local product available to meet demand or the quality is not comparable to imported used clothing, consumers and traders may be reluctant to switch. Local businesses may also not be ready to meet increased demand.
 - 2) **Local Product Prices:** Local products that are more expensive than imported used clothing can reduce consumers' interest in switching, so that traders continue to sell illegally imported products.
- e. **Inefficient Bureaucratic Structure:**
- 1) **Slow Bureaucracy:** Slow bureaucratic processes in issuing permits and supervision can hinder the implementation of this policy. Businesses looking to move into the new clothing trade may experience difficulties in obtaining the necessary permits or assistance.
 - 2) **Lack of Coordination:** Lack of coordination between various government agencies involved in implementing this policy can cause the policy to not work effectively. For example, there is a lack of coordination between the Ministry of Trade, customs and law enforcement officials at the local level.
- To overcome these obstacles, collaborative efforts are needed from various parties, including central and regional governments, law enforcement officials, business actors and the community. More intensive outreach, increasing supervisory capacity, providing economic alternatives for traders, and strengthening coordination between institutions are some of the steps that can be taken to improve the implementation of this policy in the City of Surakarta.

4. CONCLUSION

Based on the data that has been found then The implementation of Regulation of the Minister of Trade Number 40 of 2022 concerning Trade in Imported Used Clothing in the City of Surakarta has not been implemented well and optimally due to the number of

business actors who are still running the imported used clothing business and the number of consumers who continue to increase. The existence of appeals and education to the public by the Surakarta City Trade Office is also not optimal because there are still many thrifting trades. There are several obstacles that cause Minister of Trade Regulation Number 40 of 2022 to be not optimal, namely lack of supervision and law enforcement, lack of education and outreach, economic dependence, availability and quality of local products, inefficient bureaucratic structures. To overcome these obstacles, collaborative efforts are needed from various parties, including central and regional governments, law enforcement officials, business actors and the community. More intensive outreach, increasing supervisory capacity, providing economic alternatives for traders, and strengthening coordination between institutions are some of the steps that can be taken to improve the implementation of this policy in the City of Surakarta.

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Wawancara dengan Kak Tiara, Pelaku Usaha Pakaian Bekas Impor di Convention Hall Tirtonadi Kota

Surakarta, 5 Mei 2024 pukul 13.00

Wawancara dengan Kak Caca, Pelaku Usaha Pakaian Bekas Impor di Convention Hall Tirtonadi Kota

Surakarta, 5 Mei 2024 pukul 13.24

Wawancara dengan Kak Rahma, Konsumen Usaha Pakaian Bekas Impor di Convention Hall Tirtonadi

Kota Surakarta, 5 Mei 2024 pukul 14.30

Wawancara dengan Kak Rita, Konsumen Usaha Pakaian Bekas Impor di Convention Hall Tirtonadi

Kota Surakarta, 5 Mei 2024 pukul 14.30