

The Phenomenon of Thrift Shop Indonesia's Prohibition and Sanctions for the Views of Business Users

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Abstrak

Bisnis *thrifting* merupakan jenis bisnis dalam kegiatan perdagangan barang berupa pakaian bekas yang menawarkan pakaian dengan merek dengan harga yang relatif murah. Hal ini yang menyebabkan tingginya peminat *user bussines* dalam menggeluti bisnis tersebut. Bisnis *thifting* tidak dilarang di Indonesia. Namun, Pemerintah Indonesia melarang impor barang bekas, karena dapat merugikan industri dalam negeri yang berdampak pada pengusaha tekstil berbasis usaha mikro kecil dan menengah (UMKM) di Indonesia. Sebagai kegiatan perdagangan, maka pelaku bisnis ini harus mematuhi perintah larangan yang telah diatur dalam Undang-Undang Nomor 7 Tahun 2014 tentang Perdagangan Hal ini dikarenakan masih minimnya penerapan dalam penjatuhan pidana atau sanksi administrasi, penegak hukum yang masih belum tegas, letak geografis Indonesia juga sangat berpengaruh kepada pendistribusian barang-barang bekas. Sehingga pemerintah menindak tegas penyeludupan impor pakaian bekas dengan sanksi administratif dan pemusnahaan pakaian bekas impor. Pemerintah telah mengatur dalam undang undang perdagangan Nomor 7 Tahun 2014 tentang Perdagangan dan sudah jelas dituangkan bahwasanya importir harus mengimpor barang dalam keadaan baru

Kata Kunci: Fenomena, pelarangan dan sanksi, *thrift Shop*, *user bussines*

Abstrak

A thrifting business is a type of business in goods trading activities in the form of used clothing that offers branded clothing at relatively low prices. This is what causes the high interest in business users in the business. Thrifting business is not prohibited in Indonesia. However, the Government of Indonesia prohibits the import of used goods, because it can harm the domestic industry which has an impact on textile entrepreneurs based on micro, small, and medium enterprises. in Indonesia. As a trading activity, these business actors must comply with the prohibition orders stipulated in Law Number 7 of 2014 concerning Trade. effect on the distribution of used goods. So that the government takes firm action against the smuggling of used clothing imports with administrative sanctions and the destruction of imported used clothing. The government has regulated trade law No. 7 of 2014 concerning trade and it is clearly stated that importers must import goods in new conditions.

Keywords: Phenomenon, prohibition and sanctions, *thrift shop*, *user business*

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INTRODUCTION

The impact of the increasingly rapid development of globalization has led to the growing influence of technology and information, and rational thinking. As well as the desires of each individual to try to fulfill their basic desires and needs. An example is

thrifting which is no longer a shameful thing. In recent times, the habit of hunting for used goods has become a popular phenomenon among all groups, including teenagers and housewives (Khurin, 2021). Just as people prefer to buy used clothes (thrifts) because they are tempted by branded brands at affordable prices. Especially in the middle economic class, apart from the needs of the community, they also think that using foreign brands will increase their social status.

This can encourage traders to sell used clothing (thrifts) with foreign brands at affordable prices. The demand for used clothes is increasing, causing imported used clothes to continue to flood the domestic market. Thus this thrift still invites pros and cons, because business people and consumers are greatly helped by the thrift shop. However, on the other hand, there are rules regarding the prohibition of importing used goods, especially used clothing, regulated in the Minister of Trade Regulation (Permendag) Number 40 of 2022 concerning Amendments to the Minister of Trade Regulation Number 18 of 2021 concerning Export Prohibited Goods and Import Prohibited Goods and the law is Law Number 7 of 2014 concerning Trade.

In the regulation, used clothes and other used goods are included in goods that are prohibited from importing with tariff headings or HS 63090000 with a description of used clothes and other used goods and listed in part IV Types of used bags, used sacks, and used clothes. Thrifting is the activity of shopping for used goods such as clothes, glassware, and furniture to get cheaper prices. Therefore, from the description above, this study aims to find out how User Business views the policies on prohibitions and sanctions used in thrifting activities.

THEORY

Legal basis:

1. Law Number 7 of 2014 concerning Trade
2. Regulation of the Minister of Finance Number 178/PMK.04/2019 of 2019 concerning settlement of goods declared not controlled, goods controlled by the State, and goods belonging to the State
3. Regulation of the Minister of Trade (Permendag) Number 40 of 2022 concerning Amendments to Regulation of the Minister of Trade Number 18 of 2021 concerning Export Prohibited Goods and Import Prohibited Goods
4. Government Regulation instead of Law Number 2 of 2022 concerning Job Creation which has been stipulated as a Law through Law Number 6 of 2023

Phenomenon

According to the Big Indonesian Dictionary, phenomena are things that are witnessed with the five senses and can be explained and assessed scientifically, are facts and reality. (Waters, 1994:30) the flow of phenomena was born as a reaction to the positivistic methodology introduced by Comte. The positivist approach always relies on a set of objective social facts, on visible phenomena.

Penalty

According to the Big Indonesian Dictionary, sanctions are acts of punishment to force someone to obey the rules or comply with the law. Sanctions come from the Dutch Indonesian *Sanctie*, which means the threat of punishment, a means of coercion to comply with the provisions of the law (J.C. T Simongkir, et al).

Thrift Shop

Thrift means an activity that minimizes or reduces waste or financial savings. A thrift shop is a shop or special seller of used goods that have been packaged in such a way as to be worth selling. These thrift items are usually branded items and are still very usable.

RESEARCH METHODS

Design or Research Design

The research method used in this study is to use the method of literature study or literature study. Literature study is a form of research by collecting literature sources from library data such as reading and recording and managing research objectively. The difference between this research method and other research methods lies in the method of obtaining data. This study seeks data and information by taking library data, reading, recording, and managing reference research materials including via the internet, electronic media, books, scientific papers, as well as several types of notes related to the desired topic according to the research material.

Data Types and Sources

Sources of data in research using the literature study method are secondary data derived from scientific papers and journals. The sources of literature in this study were traced through Google Scholar, the website of the Ministry of Trade, Law Number 7 of 2014 concerning Trade, Minister of Finance Regulation Number 178/PMK.04/2019 of 2019, Minister of Trade Regulation (Permendag) Number 40 of 2022 and Government Regulation instead of Law Number 2 of 2022

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concerning Job creation which has been stipulated as a Law through Law Number 6 of 2023. The selected data is then analyzed and recorded to obtain the required information. In this case, it is "The Phenomenon of Prohibition and Sanctions for Thrift Shop Indonesia: User Business Views".

Population and Sample

The population is a subject that has met the criteria set by the researcher. The population of this study is journals related to the Thrift Shop Indonesia Prohibition and Sanctions Phenomenon.

The sample is part of the population that can be used as a subject in research through sampling. The sample is also part of the characteristics of the population. In this study, the samples used were 10 journals related to the phenomenon of thrifting in Indonesia and 1 website of the Ministry of Trade relating to imported used goods entering Indonesia.

Data analysis method

Data analysis is a step in finding and organizing systematic data. The data that has been collected from the results of conducting interviews, recording field conditions, and documentation is then grouped into several categories, describing, synthesizing data, and compiling data with patterns to then conclude.

The method used to analyze the data in this study is to use qualitative methods. The way this method works is to analyze the facts that occur in the field based on the results of research and data collection and then arrange them in systematic sentences to make them easy to understand.

The stages in analyzing the data in this study are as follows: (Literature Study)

1. Data reduction

At this stage, it is done by choosing the main and important things that are following the theme.

2. Presenting Data

After carrying out data reduction, the data is presented in sentences that are easy to understand.

3. Draw conclusions

After presenting the data, the next step is to verify it by matching unclear data to make it clearer and easier to understand.

RESULT

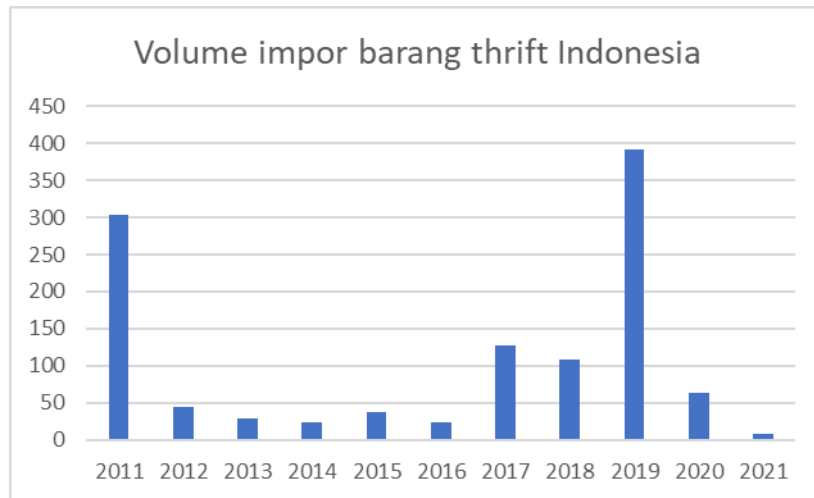


Table 1. Volume Impor goods Thrift Indonesia

Source: Central Bureau of Statistics, 2022

From data from the Central Statistics Agency (BPS) in the 2017-2021 period the volume of imported used clothing goods was in 2017 the volume was 128 Tons. Then in 2018, the import of used goods decreased by 108 tons. Then in 2019, there was a significant increase in imports of used goods, namely 392 tons. And in 2020 it turned out to have decreased by almost 88%, namely as much as 64 tons. In 2020 it was also followed by a decline in imports of used goods to only 8 tons. So it can be concluded that in 2019 the volume of imports of Indonesian used goods was the highest while the lowest was with a volume of 8 Tons, namely in 2021. This data was only taken for the last 5 years (2017-2021). Dampak larangan dan sanksi thrift shop Indonesia

Because there are still many enthusiasts of thrift goods at this time so it doesn't have a significant effect. This is due to the lack of implementation in criminal imposition or administrative sanctions, law enforcers who are still not firm, Indonesia's geographical location also greatly influences the distribution of used goods. There are many illegal routes used to import thrift goods such as by sea, namely small ports that are rarely known. Because the reach of technology and information is very broad, business thrift users can market through platforms and social media easily.

The marketing of thrift goods now also varies to make it more attractive to consumers, such as discounts, attractive packaging, a wide range, stalls, and a non-slum arrangement. This makes consumers always comfortable and interested in quality goods at affordable prices. With a business like this, the competitiveness of business people increases a lot because of market reach, as well as not too much capital with a large number of consumers.

Faktor Factors affecting thrifting demand

With easy access to obtain thrifting goods and low prices, these used goods are favored by many groups. This has also resulted in high demand for thrifts online. Several factors contributed to the increase in thrifting demand, namely:

1. Lifestyle

Lifestyle is considered to be a factor in the increase in demand for online thrifting due to the demand to meet one's lifestyle needs, especially in big cities. The growth of the fashion industry at this time makes a person's demand always appear updated with trending clothes. The emergence of the phenomenon of thrifting goods with foreign brands makes fashion lovers even more active in shopping because they can buy foreign-brand goods at a lower price than the original selling price.

2. Shopping as a lifestyle

Shopping is an attempt to meet the needs of each individual. The needs of each individual are relatively different so sometimes these needs become difficult to limit. Shopping is very closely related to society, especially for a teenager. Teenagers tend to be easily influenced by the environment around them. The existence of a thrifting market trend makes teenagers shop for thrifting clothes

3. Cheap shopping lifestyle

4. Some people are interested in shopping at low prices. Thrifting is an alternative way for individuals to meet their shopping needs. A study proves that the sale of used clothes creates a new cultural pattern. This of course brings a dynamic change in society, especially in adolescents. Teenagers realize that following the development of fashion trends requires a lot of capital. Thus, many teenagers take shortcuts by shopping for foreign brand goods through thrift shopping.

5. The relationship between trade law and the theory of legal action with the import of used clothes

The government has regulated trade laws and importers must import goods in new conditions. Referring to the case of imported used clothes and then connected with the applicable legal theory, this action is included in a criminal act. The act of importing used clothes has indicated a form of criminal activity due to several elements contained in the case. These elements include:

1. Active and passive actions
2. Importers importing used clothing into Indonesia is an active form of misuse of trade laws and indirectly mobilizing people to participate in the distribution and transportation can be categorized as a passive crime.
3. The emergence of consequences

4. The loss of interest in MSMEs and textile factories in Indonesia is a result of the entry of used clothing into Indonesia. The impact that can be felt directly by SMEs and textile factories is the decrease in the number of profits.
5. The import of used clothing is contrary to Article 47 Paragraph (1) of the Trade Law.

Even though there are laws that regulate trade, the enforcement of the law has not been realized perfectly. This statement is supported by the many forms of thrifting businesses in the community. In big cities, the thrifting business can grow and organize a thrifting festival with the concept of creating a thrifting market and attracting teenagers as the target market. This can certainly threaten domestic MSME and textile businesses because consumers will tend to prefer shopping for used goods with foreign brands whose prices are relatively cheap. This phenomenon occurs of course due to the lack of firm action by the police to eradicate forms of violations of trade laws so that people are not afraid to sell and buy used clothes. Kendala Pemerintah dalam Menegakan Aturan terkait *Thrifting*

Obstacles faced by the government regarding the ban on imports of used goods are:

1. Efforts made by several city governments are only preventive or at the socialization level for traders of used imported clothing without any follow-up. These socialization efforts are in the form of data collection and outreach, and some have not yet passed the confiscation and imposition of sanctions stages. According to Soerjono Soekanto, socialization is a mechanism in the process of social control. Therefore, this socialization needs to be carried out to support the function of law as social control so that the law can control patterns of human behavior, and public awareness of the rule of law. But on the other hand, socialization without further action can make traders remain consistent with the distribution of thrift. So it is necessary to apply sanctions. The Ministry of Trade has collaborated with the Criminal Investigation Police on increasing law enforcement in the field of consumer protection and illegal metrology.
2. The regulations that have been issued by the central government as an effort to prevent trade in imported used clothing have yet to be realized in the form of regional regulations. Many regions have not socialized and even implemented sanctions against thrift business actors. So that the knowledge and awareness of the surrounding community very lacking about the harmful effects of using these thrift goods.
3. Difficult job opportunities are a motivation for traders to easily trade imported used clothing. Likewise, for lovers of used imported clothes, the sale of used imported clothes is relatively easy and can be reached by all groups. So many people take advantage of business opportunities as thrift business actors.
4. The geographical location of Indonesia is also a major obstacle for the government. Because goods that can be imported through small ports on several islands are categorized as illegal and difficult to reach. This has caused several business actors to take advantage of this route with small boats so that officers do not check the transportation of goods.
5. The lack of human resources, namely guarding port posts causes inaccuracy with illegal goods. As well as the smartness of the business actors to trick the officers so

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they don't do tracking of goods. So, it has become natural that a rule that is not following the norms in society will be rejected. There are not a few business actors who are not in line with the regulations for the prohibition of used goods.

CONCLUSION

From the results and discussion above, several conclusions can be made, namely the activity of selling imported used clothing is an activity that is prohibited by the Government. The regulation of this prohibition is contained in Law Number 7 of 2014 concerning Trade, in Article 47 paragraph (1) which states that every importer is obliged to import goods in new condition. Based on these provisions, imported used clothing can be said to be illegal goods in Indonesia. Some of the influencing factors are Indonesia's geographical location, lack of strict sanctions and law enforcement, and people who are less aware of the harmful effects of thrifting.

THANK YOU NOTE

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REFERENCE

Arifah, R. N. (2015). Kendala-kendala pencegahan perdagangan pakaian bekas impor di Kota Malang.

Dandi Fadillah, N. A. (2021). Kiat sukses bisnis thrifting online via instagram.

Fatah, A., Sari, D. A. P., Irwanda, I. S., Kolen, L. I., dan Agnesia, P. G. D. (2023). Pengaruh larangan impor pakaian bekas terhadap pengusaha thriftt. *jurnal economina*.

<https://insw.go.id/intr>

Ningsih, K. D. A. L., Ardhya, S. N., dan Setianto, M. J. (2021). Implementasi peraturan menteri perdagangan Republik Indonesia nomor 12 tahun 2020 tentang barang dilarang impor (studi kasus peredaran pakaian impor bekas di Kota Singaraja).

Sari, D. A. P. L. (2022). Thriftt fashion dalam perubahan paradigm pandemi; dilarang tapi digemari?. *Dasa citta desain: e-book chapter desain*, 130-145.

Sutedjo, V. (2023) Impor pakaian bekas di Indonesia bagaimana legalitasnya?

Wijaya, M. W. A., & Andriasari, D. (2022). Bisnis pakaian impor bekas (*thrifting*) sebagai tindak pidana ditinjau dari Undang-Undang Nomor 7 tahun 2014 tentang perdagangan.