

# THE IMPACT OF THE USED CLOTHING TRADE FROM SINGAPORE ON THE ECONOMY AND LAW IN INDONESIA

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## ABSTRACT

Export and Import is one of international relations in the field of trade. Various export and import commodities have been regulated in clear regulations. However, there are still commodities that have actually been banned from being imported but are still being carried out. One of the Minister of Trade of the Republic of Indonesia Number 51/M-DAG/PER/7/2015 concerning Prohibition of importing Used Clothing. The domino effect is that the more people buy used clothes, the local fashion industry will be shaken. As one of the Government Agencies participating in the effort to eradicate the smuggling of used clothing and the public should not be easily placed by the import price of used clothing which is cheaper than local clothing, because the level of health is not necessarily guaranteed.

**Keywords** : Impact, Import, Use clothes

## A. INTRODUCTION

Indonesia is a large country, which has high business economic potential, and is noticed by the international community from year to year. Indonesia is the largest economy in Southeast Asia and one of the world's emerging market economies. The country is also a member of the G-20 major economies and is classified as a newly industrialized country. It is the sixteenth largest economy in the world by nominal GDP and is the eighth largest in terms of GDP (PPP). Abundant and diverse resource strength, large population, relatively secure and controlled political stability, sound fiscal management, close proximity to countries that have rapidly developing economies, namely China and India, and low labor costs. an economic driver that makes Indonesia a producing country, not an importer, so that it can open business and work opportunities, and has the power to accelerate equitable development and national resilience. (Alvelva, 2020)

Along with the increasing need for clothing. Business and trade in the clothing industry are increasing, both domestically and abroad. International trade in the clothing industry continues to grow. Trade itself is the process of exchanging goods and services from one region to another. And trade can be defined as an economic activity that links sellers and buyers. As a distribution activity, trade guarantees the distribution, distribution and supply of goods through market mechanisms. Trade is a very important thing in the economic activities of a country, the active trading activities of a country are an indication of the level of prosperity of its people and a benchmark for the level of the country's economy itself. So that you can say that trade is the lifeblood of a country's economy, through trade a country can establish diplomatic relations with neighboring countries, for example Singapore, indirectly trade can also strengthen relations with the world of politics. One of the trades in Indonesia is

the trade in used clothing, but on the other hand many of them carry out this activity secretly or smuggle. (Agus, Anita, Reza, et al 2023)

Used clothes are clothes that have been worn before and are still fit for sale. In used clothing itself, the term thrifting is known, thrifting is an activity carried out to look for various used clothing items that they are eyeing or it can also be called thrift goods that are traded in a state that has been used but is still suitable for use. This condition is of good quality, not torn, not defective, may have slight stains but is still washed easily and cleanly, then the color of the garment has not faded and looks still bright. Used clothing is an item that is illegally traded in Indonesia. Especially now that there is a trend of thrift and the branded used clothing business continues from year to year. Thrift clothing is an alternative that is still preferred by young people and millennials. Until now, interest in thrifting clothes is increasing from year to year which then makes someone interested in opening this business, most of these businesses are carried out by young people, it is not uncommon for businesses to be carried out by parents who incidentally still keep up with current developments. With a business like this, people who initially don't know what business to do can open this business easily and with this business opens up a lot of job opportunities such as maintaining shops, and also transporting new imported goods to the shops to re-sort which clothes are still appropriate. traded at a certain price so that this business can reduce a little unemployment. (Azizan, Deya, Isnaini, Lauren, Delima, et al 2023)

One form of cooperation is cooperation in terms of work, where one of the types of work is trading or buying and selling. Buying and selling is something that is very important in the economic activities of a country and is an activity that is inherent in social life from ancient times to the present, trade or buying and selling is carried out to meet the needs of life which basically every human being has unlimited and various necessities of life. -type. In buying and selling must pay attention to supporting aspects of the economy. Economics according to Sadono Sukirno is a branch of science that studies the main activities of the economy in a comprehensive or comprehensive way on various problems of economic growth. Economics itself is divided into two, namely macro and micro economics. In managing the macro and micro economy, Indonesia must be successful in solving its own country's economic problems. Macroeconomics is the science that discusses the national economy as a whole, while microeconomics refers more to small parts of the overall economic activity. Therefore, the program for increasing the use of domestic products (P3DN) is one of the government's efforts to encourage people to use domestic products more than imported products. P3DN needs to be constantly encouraged in the context of national economic recovery. Along with the development of economic activity, the practice of buying and selling used clothes can not only be done by meeting in person but can also be done online in various E-Commerce. Online buying and selling, namely transactions carried out by sellers and buyers without having to meet in person but by utilizing social media and shopping applications, buying and selling online is currently in great demand by many people. There are lots of sellers who implement an online system in their strategy for selling goods, including the Shopee application, Tik Tok Shop, Facebook and many more..(Fredy, 2020)

In this case the government took firm action by issuing government regulation 29 of 2018 concerning Industrial Empowerment which regulates policies on the Domestic Component Level (TKDN). Legal Basis for Imported Used Clothing. In Indonesia, the import of used clothing is prohibited based on the Regulation of the Minister of Trade of the Republic of Indonesia Number 75/M-DAG/PER/10/2015 concerning Import Control of Certain Used Goods. The aim is to protect domestic producers and prevent used goods from entering Indonesia. Then it is also contained in the law, namely: Article 62 in law number 8 of 1999

concerning Consumer Protection states that business actors who violate certain provisions in Article 8, Article 9, Article 10, Article 13 paragraph (2), Article 15, Article 17 paragraph (1) letter a, letter b, letter c, letter e, paragraph (2) and Article 18 will be subject to imprisonment for a maximum of 5 years or a fine of Rp. 2 billion. Law number 7 of 2014 stipulates in articles 111 and 112 that violations against the import of non-new goods or prohibited goods can be subject to imprisonment for a maximum of 5 years and/or a fine of IDR 5 billion. E-commerce is regulated in government regulation Number 80 of 2019 article 35 and minister of trade regulation number 50 of 2020. In Permendag Number 40 of 2022 which is a change from Minister of Trade Regulation Number 18 of 2021 concerning Export Prohibited Goods and Import Prohibited Goods, there are prohibitions to import used clothes and other used goods. Article 46 paragraph 15 in the Government Regulation in lieu of the Job Creation Law states that every importer must import goods in new condition. However, under certain conditions. The central government can stipulate that imported goods are not new. Further regulations regarding the determination of goods imported in a new condition are regulated in Government Regulations. Appendix II FROM IV of the regulation of the minister of trade number 40 of 2022 explains that goods that are prohibited from importing include types of used bags, used sacks, and used clothing. Article 62 in law number 8 of 1999 concerning Consumer Protection states that business actors who violate certain provisions in Article 8, Article 9, Article 10, Article 13 paragraph (2), Article 15, Article 17 paragraph (1) letter a, letter b, letter c, letter e, paragraph (2), and Article 18 will be subject to imprisonment for a maximum of 5 years or a fine of Rp. 2 billion. (Made, Ayu Putu, Nyoman, et al 2020)

Many brands whose products have expanded to other countries, including Indonesia. Many Indonesian brands have gone global, and many foreign brands have entered and traded in Indonesia. These brands are classified as having a lot of enthusiasts and selling prices are higher in Indonesia. Therefore, recently, the issue of imported used clothing trade has emerged, known as "Thrifting" which is not only famous in Indonesia, but throughout the world. Used clothing is clothing that has been used or worn by other people for a certain period of time (Ahmad Munif, 2021). The characteristics of used clothing are as follows:

1. Thin material
2. There are color spots
3. A little dirty and dull

A thrift shop is a trade or business that has recently been on the rise. The meaning of a thrift shop is a shop that sells used goods. The used goods business has existed in society for a very long time. Recently, many thrift shop businesses have started in Indonesia, which is growing rapidly, one of which is imported used clothing. Trade of imported used goods in Indonesia is mostly from Singapore, these clothes are not only imported from Singapore but from European countries and parts of Asia. The existence of a growing trend in today's society is inseparable from the role of communication as a means of conveying messages. Each communication process creates a motive that underlies the phenomenon of each message to create a trend. The phenomenon of the thrifting fashion trend was also the beginning of the emergence of the thrift trend marked by the existence of mass production of clothing (early production of clothing) which occurred in the early 19th century. (Utomo, 2021)

Imported used clothing originating from Singapore are usually imported from Japan because Japan has a lot of used clothing originating from its people who are no longer suitable for use. Second-hand goods from Singapore, such as clothing, shoes and accessories, are types of goods that are in great demand by the sellers and many people in Indonesia. This phenomenon not only affects consumer shopping styles, but also has an impact on the law and economy in Indonesia. Singapore is known as a country that has a fast-growing fashion

industry in Asia and even the world and produces a variety of quality products. On the other hand, Indonesia has a large and dynamic population, with consumers increasingly aware of the importance of eco-friendly and affordable shopping styles. This makes the Singapore thrifting trade an attractive option for Indonesian consumers. (Aris, Widi, Rima, et al. 2023)

In addition, the used clothing trade from Singapore has become a new phenomenon in international trade, which is increasingly popular among Indonesians. Thrift shopping Singapore allows buyers to buy used branded goods at very affordable prices. Currently used clothing is not only a commodity that is looked down upon, but has its own value for the connoisseur. Used clothes have unique models, affordable prices, good quality, have well-known brands and have a sustainable living concept, trade in imported used clothes or thrifting that enters Indonesia at cheap prices causes people to be more interested and switch to imported used clothes rather than buying new clothes at brands. local. Especially Indonesian people are more interested in foreign brands such as Dickies, Thrasher, GAP, Champion, and other well-known brands. Fashion branded preloved is a branded product that has been used by someone and is resold at a lower price but still has value given the condition of the product. which is still decent and almost the same as a new product. The existence of used clothing has actually been around for a long time, but only increased in 2020. 2020 was the beginning of Covid-19 which made all activities shifted online, this affected consumer behavior in meeting needs. (Akbar, 2023)

However, apart from having a positive impact on providing new business opportunities for the community, there is a negative impact arising from the buying and selling of imported used clothing, where the trade of imported used clothing that enters Indonesia at low prices causes people to be more interested and switch to imported used clothing rather than buying new clothes. on local brands. Chairman of the Indonesian Chamber of Commerce and Industry (Kadin) Arsjad Rasjid, said that although thrifting is seen as an environmentally friendly form of consumption, thrifting has a negative impact on health, the environment and the economy. Sometimes, people buy used goods just to fulfill their desires without considering their needs. This causes more waste to be processed, consuming unnecessary resources. In addition, thrifting can affect the sustainability of the clothing industry. Buying used goods can reduce the demand for domestic clothing manufacturers and brands, thereby reducing the income of domestic clothing manufacturers and brands. In addition, many local industries have suffered from the impact of this thrifting transaction, including factories, retail shops, and also workers throughout the supply chain in the clothing industry. (Gitania, Lucky, and Danny,2021)

Apart from that, the increasing number of new entrepreneurs, celebgrams, tiktokers and even artists who are thrifting sellers has caused the thrifting sales business to mushroom in Indonesia. 51 paragraph 2 of law number 7 of 2014 concerning trade, namely "Importers are prohibited from importing goods that are designated as goods that are prohibited from being imported". himself stipulates in Article 2 paragraph 1, namely stipulating that goods are prohibited from being imported for national interests with the following reasons:

1. To protect national security or public interest including social, cultural, and public morals
2. to protect intellectual property rights
3. to protect the health and safety of living things.

Imported used clothes also have the potential to cause communicable diseases (communicable diseases) that can be transmitted from person to person, and used clothes are also a big problem for the clothing industry (MSMEs) in Indonesia based on the explanation of the ministerial regulations above, it is clear that there are legal problems and conflicts law.

regarding the ban on the import of used clothing, expressly prohibiting the import of used clothing. Chairperson of the Indonesian Filament Fiber and Yarn Association (APSYFI), Redma Gita Wirawasta said, "The distribution of used clothing products has been very massive, even to certain areas". This is because used clothing products are relatively affordable, therefore residents of remote areas choose to buy used clothing at affordable prices and with quality that is still usable. In fact, said Plt. The Directorate General of Foreign Trade, Veri Anggrijono, said that the use of used clothing has the potential to cause disease. <https://www.cnbc.indonesia.com/news/20221019160851-4-380982/seram-baju-bekas-import-membanjiri-ri-waspadai-malam-ini>, accessed on 30 June 2023 at 20:40 WIB ). Based on the description above, the authors are interested in taking the title "The Impact of Singapore Thrifting Trade on the Economy and Law in Indonesia". This study aims to analyze the impact of Singapore's thrift shopping trade on the economy and law in Indonesia. The identification of the problems to be studied are as follows:

1. What are the legal rules for trade in used clothes in Indonesia from Singapore?
2. What is the impact of the used clothing trade from Singapore on the economy and local clothing sales in Indonesia?
3. What is the solution to solving the problem of Singapore's thrifting trade against the law and economy in Indonesia?

In addition, the impact of this trade on law and the economy in Indonesia has not been studied much. Therefore, the authors are interested in taking up research entitled The Impact of Singapore's Thrifting Trade on Law and the Economy in Indonesia. This study aims to analyze the impact of Singapore's thrift shopping trade on the economy and law in Indonesia. Various aspects will be discussed, starting from the impact on the domestic market, export opportunities, to the legal implications related to this type of international trade. This research was conducted using qualitative and quantitative approaches. Data obtained through normative,. Data analysis was carried out by describing, classifying, and presenting data in a systematic and structured manner. It is hoped that with this research, Indonesian people can better understand the impact of Singapore's thrift shopping trade on law and the economy in Indonesia. In addition, it is hoped that the results of the research will contribute to society and improve international trade policies in Indonesia.

## **B. DISCUSSION**

### **1. Legal Rules for Trade in Used Clothing in Indonesia from Singapore**

International Trade is an exchange process based on the voluntary will of each country. The motive is to obtain trade benefits or gains off trade. Trade is a very important economic activity at this time, so there are no countries in the world that are not involved in trade, whether trade between regions, between regions, or between countries. The definition of international trade is the relationship of economic activity between countries which is realized by the process of exchanging goods or services on a voluntary and mutually beneficial basis. There are various motives or reasons why countries or legal subjects (actors in trade) carry out international trade transactions. The fact that is currently happening is that international trade has become the backbone for countries to become prosperous, prosperous and strong. This has been widely proven in the history of world development. Although developments in the field of law are progressing rapidly, it turns out that there is still no agreement on the definition for the field of international trade law. Until now there are various definitions that are different from each other. Free trade is a policy that does not restrict export or import trade. The import of used clothing is a trade that is quite popular, importing used clothes from abroad into the country. These used clothes have a much cheaper

price. Especially now that there is a trend of thrift and the branded used clothing business continues from year to year. Thrift clothing is an alternative that is still preferred by youth and millennials. (Dewa Gede, et al 2022)

Smuggling of used clothing is an act against criminal law, in accordance with law number 10 of 2005 which was amended into law number 17 of 2006 concerning customs and Ministerial Decree No. 229/MPP/Kep/7/2007 concerning general provisions in the field of import . The crime of smuggling used imported clothes is a transnational crime and currently this crime often occurs in border areas that are directly with neighboring countries. This is also marked by the large number of used clothing sales and arrests made by customs and excise officials. Cooperation between Indonesia and Singapore in terms of used clothing does not achieve mutual benefits. In the theory of international cooperation, it is stated that the reciprocal of a cooperation is mutual gain or absolute gain. For the possibility of cooperating on the basis of the subject of smuggling used clothing ball presses, there has not been an absolute gain that has led the two countries to discuss the smuggling of used clothing ball presses seriously. Based on law number 10 of 1995 which has been amended by law number 17 of 2006 concerning customs crime, more precisely in chapter 14 of article 102 to article 111, it has been regulated regarding the types of sanctions that can be imposed by perpetrators of importing used clothing. Whereas in law number 11 of 1995 concerning excise which has been amended by law number 39 of 2007 in chapter 12, articles 50 to article 62. Based on these two laws, it is not specifically regulated regarding criminal sanctions. In contrast to criminal sanctions, administrative sanctions are more complex. Administrative sanctions are also divided into two types, namely administrative sanctions in the form of fines and administration funds in the form of fines. The fine administrative sanction can take the form of blocking, freezing, license revocation or other sanctions in that form. The administrative sanctions themselves are in the form of fines or other than fines, and are still divided into administrative witnesses in the customs sector and administrative sanctions in the excise sector. (Azizan Fatah, et al, 2022).

In Indonesia, the import of used clothing is prohibited based on the Regulation of the Minister of Trade of the Republic of Indonesia Number 75/M-DAG/PER/10/2015 concerning Import Control of Certain Used Goods. The goal is to protect domestic producers and prevent unfit used goods from entering Indonesia. Then it is also contained in the law, namely:

- a. Article 62 in Law Number 8 of 1999 concerning Consumer Protection states that business actors who violate certain provisions in Article 8, Article 9, Article 10, Article 13 paragraph (2), Article 15, Article 17 paragraph (1) letter a, letter b, letter c, letter e, paragraph (2), and Article 18 will be subject to imprisonment for a maximum of 5 years or a fine of Rp. 2 billion
- b. Law Number 7 of 2014 stipulates in articles 111 and 112 that violations against the import of goods that are not new or prohibited goods can be subject to imprisonment for a maximum of 5 years and/or a fine of Rp. 5 billion
- c. E-commerce is regulated in PP Number 80 of 2019 article 35 and Permendag 50 of 2020. In Permendag Number 40 of 2022 which is a change from Minister of Trade Regulation Number 18 of 2021 concerning Export Prohibited Goods and Import Prohibited Goods, there is a prohibition on importing used clothing and other used goods . This prohibition is stated in part IV with postarif or HS 6309.00.00 and covers the types of used bags, used sacks, and used clothes.
- d. Article 46 paragraph 15 of the Government Regulation in Lieu of the Job Creation Law states that every importer must import goods in new condition. However, under certain conditions, the Central Government may determine that the imported goods are not new.

Further regulations regarding the determination of imported goods in non-new conditions are regulated in a Government Regulation.

- e. Appendix II OF IV of the Minister of Trade Regulation Number 40 of 2022 explains that goods that are prohibited from importing include types of used bags, used sacks, and used clothes.
  - a. Public demand for imported used clothes is driven by various reasons, including the need for cheap clothes, the desire to buy goods with foreign brands (import minded) or for fashion reasons (imported used clothes provide a wide selection of styles for popular clothes). The existence of public demand accompanied by potential profits in buying and selling has encouraged the formation of a market for imported used clothing, both traditional markets and markets that use information and technology facilities (online trading). In Indonesia, the trade of imported used clothing has been going on for decades and has become a culture for the people, so it seems that people are not aware that there are rules that have been violated or that other people have been harmed by this trade. Used clothes are not only used by themselves, but also widely traded in Indonesia. Not all goods can be imported and exported freely. Each country has its own policy to determine which goods can be imported or exported or not, this is done to protect its national interests, it is undeniable that the supervision and security carried out by the government are not fully optimal to minimize smuggling of used clothes import into Indonesia illegally. The import of used clothing in Indonesia has a significant impact, both economically, socially and environmentally. Some of its impacts include:
    - b. a. Lowering the competitiveness of domestic products Used clothing imports that enter Indonesia are usually sold at lower prices compared to domestic clothing products. According to Indonesian President Joko Widodo, this could disrupt the domestic textile industry and make it difficult for local products to compete, perhaps even leading to the bankruptcy of local producers.
    - c. b. Reducing employment. The import of used clothing also has the potential to reduce employment in the textile and clothing industry in Indonesia. In the long run, this could threaten the sustainability of the domestic industry and cause social and economic problems.
    - d. Increasing textile waste, used clothing usually cannot be recycled effectively and much of it ends up in landfills. This can increase the waste problem in Indonesia and damage the environment
    - e. Potentially carrying disease, imported clothing that has been worn by other people has the potential to carry disease, especially if the clothing is not washed properly before being resold. This is because used clothes can contain germs, bacteria, viruses, fungi, or even fleas and mites. If not paid attention to, this could endanger the health of consumers who wear these clothes. In Indonesia, used clothes that enter Indonesian territory are marketed in very dirty and dusty conditions from the results of a laboratory examination by the Ministry of Trade on 25 samples of used clothes that were tested using the number testing method. total plate (ATL) showed at least 216,000 microcolonies of fungal bodies 36,000 colonies. The contents of the micro-bodies of this fungus are harmful bacteria that can cause digestive disorders, itching, and infections of the genital tract (Ministry of Trade, 2015)
    - f. Impact on international trade, imports of used clothing also have an impact on international trade. Some of the imported clothing producing countries may feel disadvantaged because there is unhealthy competition from the imported used

goods. In addition, imports of used clothing can also reduce the competitiveness of domestic products in the international market because these used goods can be sold at lower prices compared to new products produced domestically.

Of these several things, it can hinder the growth of local industries and have an impact on people's welfare, therefore, the government needs to consider appropriate policies in regulating the import of used clothing so that it does not harm any party and can provide optimal benefits for society as a whole. (Arkia Putri, 2022).

## **2. What is the impact of the used clothing trade from Singapore on the economy and local clothing sales in Indonesia? a. Dampak Negatif:**

### **1) Against State Income**

The activity of importing and trading used clothes has a very bad impact on the Indonesian economy and will ultimately hinder development and make it difficult for the people to prosper and prosper. Smuggling of used clothes in general, administrative smuggling in particular can result in losses in State revenues from import duties and other levies. Administrative smuggling under invoicing, namely reporting that the price of imported goods is lower than the price they are acquired abroad, which results in reducing the imposition of import duties and taxes in the framework of import (PDRI). Carrying out the development requires enormous costs and is a continuous effort starting from the first stage to the last stage, if at this last stage the development can be carried out without any obstacles. This is based on work and high discipline by government officials and citizens. Where the costs required to carry out the development are obtained from within and from abroad, which include various kinds of taxes and duties on exports and imports.

### **2) Against the State Economy**

The import of used clothing to Indonesia from a development perspective is an obstacle, it can even destroy economic growth in society, because smuggling, besides reducing State revenues, can also kill domestic industries, and in the end will disrupt the people's economy and national stability. Smuggling, as described above, not only reduces state revenue from import duties and other levies on the entry and exit of goods, but can also cause chaos in the economy of the state and society. This is evident from the influx of smuggled goods, which makes domestically produced goods unable to compete. The booming trade of used clothes in the market at very low prices threatens the business continuity of small and medium scale traders who sell new clothes from local products in retail.

### **3) Against the Development of Domestic Industry**

In the implementation of national development, Indonesia's natural resources must be explored and used rationally, which means that development in Indonesia must be able to bring about fundamental changes in the structure of the economy, and national production originating from sectors other than agriculture will constitute a significant part of the economy. the bigger the role. So for that, the domestic industry is the backbone of the nation's economy, where currently the population living from non-agricultural sectors is increasing and the composition of exports will change, so it is expected that Indonesia's exports will increase in the form of materials that have been processed into finished goods.

### **4) Employment Opportunities and Labor**

The recent surge in imports of used clothing is quite troubling because it has accelerated the bankruptcy of domestic producers. It is certain that the import of used clothes will be more widespread, when there is full liberalization of the TPT trade. The TPT sector, as a labor-intensive sector, must be recognized as having been able to

reduce the unemployment rate. As is well known, the booming trade of used clothes in the market at very low prices threatens the viability of small and medium scale merchants who sell new clothes from local products in retail. And it has a negative impact on the national economy because it disrupts the productivity of the domestic textile and textile product (TPT) industry, which is a labor-intensive company. So that the TPT industry may experience a reduction in production which is feared there will be a decrease in employee income and termination of employment (PHK). In accordance with experience and general knowledge that lives in our society tends towards a prestige society, which prioritizes goods produced abroad, regardless of whether these goods are imported into Indonesia illegally or legally. What's more, the quality and price of ex-imports is better and cheaper than domestically produced goods.

From the several negative impacts on the import of used clothing in Indonesia that have been described above, it is undeniable that on the other hand there are also positive impacts from the import of used clothing, especially for the lower and middle class. The import of used clothing is very helpful for middle and lower class people, both as traders and consumers or buyers. Because underprivileged people can have goods or clothing made from abroad at very low prices and the quality of the used clothing is quite good and still suitable for use, therefore there are a lot of enthusiasts from the Indonesian people to trade and use these used clothes. imported from abroad. (Robert Tambunan, 2019)

In the 4.0 era as it is now, the acceleration of technology is both a support and an obstacle for the Indonesian state. The era of globalization has made people, especially in Indonesia, human beings who are thirsty for information and developments in existing trends. The influx of foreign cultures such as the Korean Wave has increasingly made Indonesian people curious and want to imitate it. Positive and negative impacts were scattered in the onslaught of foreign cultures that entered the country. The positive impact that can be felt is that people's thinking and mindset are becoming more modern, besides that, the entry of foreign culture also has a negative impact, namely the loss of interest in domestic products and often more loving the culture of other nations. As an example and a phenomenon that the author wants to raise is how Indonesian people love to buy foreign branded clothes which are in fact quite expensive compared to local products. This makes our society willing to buy it in used condition and this phenomenon is commonly called thrifting. (Rinandita, et al 2023)

Table 1. Annual Amount of Thrifting Imports Year Import Value Import Weight

2020	\$494
2019	\$6.08
2018	\$1.79
2017	\$1.02

Source: Central Bureau of Statistics, 2021

It can be seen from the data above, 2019 was the highest year for thrifting. In 2019, due to the Covid-19 pandemic, it began to touch Indonesian society, from teenagers to adults who are enthusiastic about this culture, the tourism sector, the music industry and fashion. According to Dwiyantoro, the lifestyle of modern society is a result of an individual's social interaction process with his environment. Fashion is very attached to everyday life, this can be seen every day we wear clothes and want to look stylish. This makes thrifting like a normal thing to do, seeing the benefits that can be obtained by these activities such as getting clothes and other accessories at cheap prices but branded and fashionable. The goods offered are still in good condition and suitable for use so that they are increasingly attractive to buyers. This has

made many sellers flock to offer their wares by opening offline shops, through online shops, e-Commerce, and so on. Areas such as Pasar Senen, Pasar Baru, Gedebage Bandung, and Pasar Santa are now centers for used clothes in Indonesia which are frequently visited all the time. However, in 2021, Indonesia's import figures for goods with HS Code 3609 will drop drastically because many people are aware that the impact of these activities is not good. The negative impacts caused by thrifting activities include consumptive attitudes, unhygienic clothing, accumulating a lot of garbage and spending relatively much time and energy. Although the campaign against thrifting has been initiated and the government has taken firm action against importers, as stated in the Minister of Trade Regulation Number 51/M-DAG/PER/7/2015 concerning the Prohibition of Importing Used Clothing and Law no. 7 of 2014 concerning Trade, there are still many people who escape this regulation. (Febrianti, 2021)

However, in relation to the issue of imported used clothing, the government through Law Number 7 of 2014 concerning Trade (Trade Law), states explicitly in Article 47 that: "importers are required to import goods in new condition". In addition, the government reaffirmed this by issuing Minister of Trade Regulation (Permendag) No. 40 of 2022 concerning changes to Permendag No. 18 of 2021 concerning Export Prohibited and Import Prohibited Goods. In Article 2 paragraph (3) it is stated that goods are prohibited from being imported, including used bags, used sacks, and used clothes. This means that current regulations in Indonesia prohibit import activities related to used goods. The basic principle underlying the business climate in relation to export-import is the licensing instrument. On that basis, not all business actors or consumers are free to carry out buying and selling activities. Even though the imported used clothing business has been declared illegal by the government, the Central Bureau of Statistics (BPS) always officially records the income of imported used clothing. In the data collection process, BPS records it using the harmonized system code (HS) 63090000 for used clothes and other used goods. Goods included in the HS code can be in the form of individual or personal belongings such as clothes, shoes, to books belonging to Indonesian citizens (WNI) who will return home or foreign citizens (WNA) who will live in Indonesia. In other words, imported used clothing that enters Indonesia and is recorded by BPS are goods brought by individuals, not by business entities. Quoting BPS data, throughout 2022 the total volume of imports of used clothing and other used goods was US\$272.14 thousand with a volume of 26.2 tons. This import has increased significantly from 2021 which was valued at US\$44.1 thousand with a volume of 7.9 tons. Meanwhile, specifically for the January 2023 period, BPS noted that the import value had only reached US\$1,965 with a total of 147 kilograms. The data from BPS does not include illegal goods recorded at Customs and Excise. ( Raudhea et al 2023)

If it is related to marketing management theory, namely 4P: Product, Price, Place, Promotion, then the price side is the most dominant in influencing audience action. From the product side, even though it is used, the attached brand can be seen from the "classy" used ones, meaning used goods purchased at a capital price or branded. As for the matter of place, these used goods are very close to consumers, because the outlets used are small outlets that have marketing penetration that is very close to settlements. As for the promotion side, always include a relatively very cheap sale price. Although it is undeniable that many are still new, it is possible that leftovers from warehousing have not yet been sold, or are remnants of the traditions of people from developed countries who adhere to a system of duration of use without considering whether they are still suitable for use or not. Of course, this is very different from the tradition of Indonesian people who wear clothes to the point of saturation, or don't throw them away. That is, a lot of clothes that are actually fit to wear but are still being worn. These second hand goods are not like that. Step by step waves of second-hand

goods kept arriving, increasingly varied, giving the impression that they were not "used" anymore, but more accepted as "imported goods". Of course this is a crisis medicine that is very meaningful for some people. The brands listed are indeed very promising. Lots of scattered brands that so far can only be seen from Indian films or brands that are widely used by artists. This means that these used goods are not only considered as imported goods but have become branded goods. At this point, these used imported goods are increasingly being hunted. Businesses develop in various ways. The point is these goods are in great demand, especially by young people, so that in the end these goods become more and more expensive. (Taufik, 2020)

This also has something to do with the problem of risk management. Business risk management refers to the results of field observations, which are known as "head items", "neck items", "body items", "foot items" and "sole of the feet". This division needs to be understood. "Head goods" are goods which are in prime condition in one 100 kg bale, of which there are not many, only around 15 to 20 percent. "Neck goods" quality and condition below head goods, the number is around 15 to 20 percent, which can be sold at a standard price, but it is difficult to become a mainstay for closing capital, because the selling process takes a relatively long time. Furthermore, "corporate goods" is the dominant condition both quantitatively and qualitatively. Many of these items are found with defects, minor damage, dirty, faded, and other things that usually require more effort to sell. If this is not the case, then the sizes are many that are disproportionate for Indonesian society, for example: responsibilities, neither adults nor children, or unusual sleeves, or if it is pants, the waist circumference is disproportionate. As for "leg goods" it is actually difficult to say that they are suitable for use, because the condition is quite major or the principal element of damage. However, goods in this condition are usually still needed by workers who need a change of rough clothes, because very dominantly their work requires physical movement which makes it very easy to cause damage to the clothes worn, so this "leg item" can be used as a backup. used only a few times or even one time use. Looking at this from a functional point of view, this type of goods is highly unlikely to be a mainstay commodity, even though for example in quantitative terms it only requires Rp. 10.000,- per object. By looking at these problems, the price per bale is now so expensive, around 6 to 8 million, according to the servant, has a high risk of failing to sell, if you don't have an adequate selling link or break the supply chain, so you get a more competitive price. This means that used imported goods do not have to be treated paradically in the context of brand, differentiation, unique, trendy, slang or branded, but have the risk of "not selling" which has the potential to cause losses. In the past context, from 1998 to 2000, used imported goods were still very attractive because people had not yet opened a business en masse, but now the goods in question have flooded, so that users are no longer greeted with a "thumbs up" but are very commonly known from the brand. nor the model, however have made a second-hand purchase. That is, used imported goods are far from cool, as they first appeared. (Suryadi, 2023)

There are also many, students who are also santri, buy several items and then arrange them and pack them in such a way that it is enough to get a feel for the used goods, accompanied by brand socialization, then upload them on the digital market. This kind of strategy is what servants mean by rebranding. Thus, "rebranding" can be said as an effort to get rid of the impression of being used/secondary with various packages, followed by advertising messages. Thus, goods are offered as "import" only by showing the brand and accompanying characters. Compared to buying a wholesale system, this buying system with the intention of rebranding still fulfills an anticipatory element. In practice, a student or santri only buys 10 or usually 20 jacket items, which of course have been selected in such a way as to be sure that the item chosen does not have a principal, major or minor defect. The results of the selection

in question are then resold with a mark up of 25 percent. According to some of the perpetrators (students/students) in one month they are able to sell 20 items of similar goods. Unfortunately, many are constrained by goods that sometimes don't exist or are late, there are also those who order with a similar brand but don't get them for weeks, especially if there is an order for goods that are exactly what was being sold at that time. Once again, used imported goods are closely related to gambling issues, it is not certain what kind, type, and condition will be received, unless it is only the type of parent, for example: t-shirts, jackets, shirts, pants, and so on. (Misnan, Prisilia Damayanti, 2022)

### **3. Problem Solving Solutions for Singapore's Thrifting Trade Against Law and Economy in Indonesia.**

To deal with this used clothing at the ASEAN (Association of Southeast Asian Nations) regional level, Indonesia agreed to the ASEAN Agreement on Customs (ASEAN Agreement on Customs) number 137 of 2014, on March 30, 2012 in Phnom Penh, Cambodia. Where this agreement is used in order to harmonize, simplify, and modernize procedures, as well as control of goods and means of transport in the ASEAN region. In the last decade, free trade has increased, this is due to efforts to coordinate internationally through the Customs and Trade Agreement or the General Agreement on Tariffs and Trade (GATT) as well as the World Trade Organization (WTO). However, with the enactment of these 2 free markets it creates problems such as the smuggling of goods. Smuggling of illegally imported goods has many problems, such as the import of illegal used clothing. Imported used clothing belongs to the category of waste, but in Indonesia used clothing is very popular because it has several advantages which are said to be more efficient according to some consumers because the advantages derived from used clothing are such as the price is much cheaper, clothes that are still good to last and cool when worn used because most used clothes are branded and classy items such as Columbia, Crocodile, Stone Island, Uniqlo and many more. Illegal routes or hundreds of rat ports are entry points for imported goods of used clothing. As in Sumatra there are 133 ports and Batam there are 33 ports. Supervision is difficult because importers anchor large ships in the middle of the sea before arriving at official ports, then illegal used clothes are transported by small ships, then when they arrive at ports they are transported by land transportation which is then distributed to several cities in Indonesia. The location of Batam's strategy which is close to Singapore means that many imported used clothes are sold to Batam. Even in Batam itself there is a famous market that sells used goods, which is called Pasar Aviari in the Batu Aji area. Thrifting has become a new trend in selling goods. For sellers, thrifting can be categorized as an art. This is because they have to be smart in choosing clothes that are still suitable for use, it is not even rare to find clothes that still have price tags obtained from the results of warehouse clearance. These used clothes are then conjured by the sellers into new clothes. The advantage that you get from used clothes is like clothes that are still good so that they are durable and cool when used because most of the 3 used clothes are branded and classy goods. (Alfianto, 2020)

In the Palembang area, used clothing can be found at the BJ Lemabang market which is open only on Sundays from 06.00-12.00, the 16 ilir market which is open every day from 13.00-18.00 (Anggraini, 2019). These used clothes are obtained not only from one person, but there are many parties who are suppliers of these used goods. At the beginning of the pandemic, used clothing was difficult to obtain because of the implementation of policies from each country, namely imposing a lockdown. But now used clothes are starting to be easy to get back and the distribution of used clothes is starting to return to normal. The sellers of used clothes realized that these clothes were contraband and did not have a permit from the government. These used clothes can be easily obtained by sellers by contacting the suppliers

of these used clothes only and usually every week these used clothes go to the seller. The used clothes provided by the suppliers are also of various types ranging from socks, children's clothes, women's clothes, men's clothes and even underwear, according to the wishes of the used clothing seller. The weight of the used clothing received by the seller is 100 kg/balan. The condition of used clothes received from the supplier by the seller is still in an unclean condition and must be washed again by the consumer. It is in these used clothes that there are usually many viruses attached because many clothes are piled up and not clean, especially now that there are dangerous viruses such as Covid-19. People can easily get and buy these illegally imported used clothes because they are marketed in wholesale markets, shops, even through sales. by online. According to statistical data, Singapore exports used clothes to Indonesia by 19.6%, while imports of used rags (used clothes that have holes and have defects) in Singapore are 3.2%. Judging from the large demand for used goods, this has had an impact on the national clothing industry due to a decrease in purchasing power and national garment productivity which has resulted in entrepreneurs engaged in clothing experiencing setbacks in their business (trade, 2015). Apart from the economic field, the impact of these used clothes is that consumers can easily contract diseases originating from parasites or bacteria attached to the used clothes even though the used clothes have been cleaned beforehand. Types of diseases that are often found from used clothing are fungal skin diseases, allergic skin diseases, chickenpox body lice, syphilis, gonorrhea, as well as hepatitis, A, B, C, D and D (Larassaty, 2020).

Used clothing that enters Indonesia is not only in the form of clothes or pants, but also in the form of undershirts, underwear, even socks. One example is like now where we are in the midst of the Covid-19 pandemic, which is very susceptible to infection even with physical touch. Based on Adam Smith's view, free trade gives the general public the freedom to buy and sell as much as they want. In addition, the free market is also able to open markets abroad and encourage broader economic competition where everyone prefers goods at lower prices without any government interference. The government will not take discriminatory actions or impede the trade process, particularly the import and export of goods. 42 Economic cooperation can take the form of cooperation or regional economic integration. Some examples of these regional agreements include cooperation with GATT, WTO, NAFTA, EEC, and AFTA. The existence of the agreements above encourages free trade, both on a global or regional scale. The existence of the WTO is expected to be able to carry out all the provisions that have been determined, namely to adhere to the realization of honest, open and fair free trade. (Anmadea, 2023)

The criminal act of smuggling is not regulated in the Criminal Code, but is specifically regulated with criminal provisions formulated in Law No. 10 of 1995 concerning Customs which has been amended by Law no. 17 of 2006 concerning changes to the customs law. Smuggling can be divided into two types, namely physical smuggling and administrative smuggling. Physical smuggling is as stipulated in article 26b paragraph 1 of the customs ordinance which reads: "anyone who imports or exports goods without observing the provisions of this ordinance and from the regulations attached to it or who transports or stores goods contrary to with a provision of a prohibition determined based on the second paragraph of article 3. (Flavia, 2022)

Administrative smuggling is smuggling that is carried out as if the goods are protected by the necessary documents, so documents are used that do not match the goods protected or use fake documents. This smuggling gives wrong information about the amount, type or goods in the import notification, delivery into or out of the customs area, unloading or in a notification does not mention the goods packed with goods, this is in accordance with Article 25

paragraph ( 2 c) customs ordinances (RO). As in one case handled by the Direskrim Polda Sumut on February 2 2018, the North Sumatra Regional Police thwarted the smuggling of 226 sacks of used foreign clothing worth billions of rupiah. Seven importers who carried out the smuggling along with 226 sacks of used clothing as evidence. Importers who violate the provisions prohibiting the import of used clothing are subject to administrative sanctions and criminal sanctions in accordance with the provisions of Law Number 7 of 2014 concerning trade in article 47 stipulates that importers are required to import goods in new conditions, unless otherwise determined by the minister of trade which is more further regarding the stipulation of imported goods in non-new condition, more clearly stipulated in the regulation of the minister of trade. In this law, the criminal provisions are regulated in Article 112 which states that "every importer who imports goods in a non-new condition as referred to in Article 47 paragraph (1) shall be subject to imprisonment for a maximum of 5 (five) years and/or a maximum fine of Rp. 5,000,000,000.- (five billion rupiah). (Sidik, 2023)

One of the objective elements of a crime is against the law. In this case the principle of legality is explained in article 1 paragraph (1) of the Criminal Code which reads "no act can be punished except for the strength of criminal rules in the legislation that existed before the act was committed". Based on the formulation of Article 1 paragraph (1) of the Criminal Code, which action can result in a crime is of course not the act that is punished, but the person who committed the act, namely:

- a. The act must be determined by criminal laws and regulations as an act whose perpetrators can be subject to criminal penalties.
- b. The criminal law must have existed before the act was committed.

Based on the explanation above, it is not permissible for an act that was not previously implemented that the perpetrator could be punished, because the authorities felt it was very detrimental, then regulations were made and the perpetrators could be charged with these regulations, even though their actions were has passed, or it may be said that criminal law cannot be retroactive. Acts that may be punished, the legislators make unlawful behavior a written element, without this element the formulation of the law will be too broad, besides that it can be included in the formulation of the offense, namely the culpa offense, in the formation of the aw makers - legislators will forge elements of guilt, dolus and culpa, solely as a psychological condition shown in actions. If the perpetrator wants the action, then it is said to be intentional (dolus), if the perpetrator does not want the action but still does it even though the unwanted consequences of the legislators can be predicted by previous calculations and therefore can be easily avoided, then it is said to be negligence ( culpa).(Tri Nova,2022)

## **C. Closing**

### **1. Conclusion**

Free trade is a policy that does not restrict export or import trade. The import of used clothing is a trade that is quite popular, importing used clothes from abroad into the country. Smuggling of used clothing is an act against criminal law, in accordance with law number 10 of 2005 which was amended into law number 17 of 2006 concerning customs and Ministerial Decree No. 229/MPP/Kep/7/2007 concerning general provisions in the field of imports. This is because they have to be smart in choosing clothes that are still suitable for use, it is not even rare to find clothes that still have price tags obtained from the results of warehouse clearance. The advantage that you get from used clothes is like clothes that are still good so that they are durable and cool when used because most of the 3 used clothes are branded and classy goods. These used clothes can be easily obtained by sellers by contacting the suppliers

of these used clothes only and usually every week these used clothes go to the seller. It is in these used clothes that there are usually many viruses attached because many clothes are piled up and not clean, especially now that there are dangerous viruses such as Covid-19. People can easily get and buy these illegally imported used clothes because they are marketed in wholesale markets, shops, even through sales. by online.

Apart from the economic field, the impact of these used clothes is that consumers can easily contract diseases originating from parasites or bacteria attached to the used clothes even though the used clothes have been cleaned beforehand. Used clothing that enters Indonesia is not only in the form of clothes or pants, but also in the form of undershirts, underwear, even socks. Physical smuggling is as stipulated in article 26b paragraph 1 of the customs ordinance which reads: "anyone who imports or exports goods without observing the provisions of this ordinance and from the regulations attached to it or who transports or stores goods contrary to with a prohibition stipulated under paragraph two of Article 3. Administrative smuggling is smuggling that is carried out as if the goods are protected by the necessary documents, so documents are used that do not match the goods protected or use fake documents.

This smuggling gives wrong information about the amount, type or goods in the import notification, delivery into or out of the customs area, unloading or in a notification does not mention the goods packed with goods, this is in accordance with Article 25 paragraph ( 2 c) customs ordinance (RO) Importers who violate the provisions prohibiting the import of used clothing are subject to administrative sanctions and criminal sanctions in accordance with the provisions of Law Number 7 of 2014 concerning trade in article 47 stipulates that importers are required to import goods in new conditions, unless otherwise determined by the minister of trade which is more further regarding the stipulation of imported goods in non-new condition, more clearly stipulated in the regulation of the minister of trade. Based on the formulation of Article 1 paragraph (1) of the Criminal Code, which action can result in a crime is of course not the act that is punished, but the person who committed the act, namely: a. The act must be determined by criminal laws and regulations as an act whose perpetrators can be subject to criminal penalties. Acts that may be punished, legislators make unlawful nature a written element, without this element the formulation of the law will be too broad, besides that it can be included in the formulation of the offense, namely culpa offense, in the formation of the law the legislator will place elements of guilt, dolus and culpa, solely as a psychological condition shown in actions.

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