



Enforcement Law Enforcement of Thrifting Practices in Purwokerto

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ABSTRACT

This research aims to discuss the mechanism of thrifting in Purwokerto area, as well as to examine law enforcement against thrifting practices carried out in Purwokerto. The research method used in this research is normative juridical with a statue approach or statutory approach. This research uses data collection methods in the form of literature study and qualitative analysis methods. The results of this study are first, the thrifting mechanism through the Supplier Selection process, Sorting Process, Washing / Cleaning, Affixing Price Tags, Arranging Goods. Second, law enforcement as stipulated in Law Number 7 of 2014 concerning Trade (Trade Law), Regulation of the Minister of Trade Number 40 of 2022 concerning Amendments to Regulation of the Minister of Trade Number 18 of 2021 concerning Goods Prohibited from Export and Goods Prohibited from Import has actually prohibited the trade in second-hand goods. However, the implementation and enforcement of these regulations still face many obstacles, especially in terms of monitoring and supervision of buying and selling activities. More specific and clear regulations on the secondhand clothing trade are needed to address the complexities that exist in the practice of thrifting in Indonesia.

1. Introduction

Nowadays, buying and selling second-hand clothes is called "thrifting", and the stores that sell them are called "thrift shops". A thrift shop is a store that sells second-hand items at a low price, so that customers can buy these items at a lower price and avoid wasting money.¹ The implementation of thrifting can currently be done in two ways, namely by face-to-face (offline) or virtually (online).² The current thrifting practice is a challenge for local products with competition in terms of limited models and cheaper thrifting costs, which can result in a market climate with unfair competition.³ People often choose types of clothing that have well-known brands or unique style characteristics because of the development of fashion trends and lifestyles that are increasing with the times. Some people believe that the choice of clothes they wear shows their social status. People from the middle economic group tend to buy cheap clothes that use well-known brands at home and abroad as a way to show their self-identity.⁴

Under Article 47 of the Trade Law No. 7/2014, the government stipulates trade restrictions such as a ban on imported goods with the aim of protecting consumer harm and creating a healthy business climate. Another goal of the regulation is to increase national economic growth. One of the measures in the prohibition is to prohibit the trade of used goods.⁵ Legally, the act of trading used clothing is prohibited, as for criminal sanctions against business actors, criminal penalties can be imposed as

criminal sanctions contained in Article 62 Paragraph (1) of Law No. 8 of 1999 concerning Consumer Protection, namely "Business actors who violate the provisions referred to 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 shall be punished with a maximum imprisonment of 5 (five) years or a maximum fine of Rp. 2,000,000,000.00 (two billion rupiah).

Article 1320 of the Civil Code examines the validity of agreements, especially agreements to buy and sell imported used clothing made by thrift shop online stores with customers. In Article 1320 of the Civil Code, a valid agreement fulfills four conditions, namely agreement, capacity, certain matters, and a lawful clause.⁶ Article 1337 of the Civil Code states "A cause is forbidden, if the cause is prohibited by law or if the cause is contrary to decency or public order." The cause is in the form of a ban on the import of used goods from abroad mentioned in the Minister of Trade Regulation Number 40 of 2020 concerning Goods Prohibited from Export and Goods Prohibited from Import in appendix part IV which includes types of used bags, used sacks, and used clothing. So that the practice of thrifting is contrary to article 1337 of the Civil Code.

The type of research used in this research is normative juridical research. Normative legal research is a document study, which uses legal sources in the form of laws and regulations and previous research.⁷ The statute approach is carried out by examining all laws (statue approach) and

¹ Apri Naldi, Kastulani, and Nur Hidayat, "Studi Komparatif Peredaran Barang Impor Bekas Berdasarkan Peraturan Menteri Perdagangan Nomor: 51/M-DAG/PER/7/2015 Dengan Peraturan Menteri Keuangan Nomor: 6/PMK.010.2022," *Journal Of Sharia and Law* 2, no. 2 (2023): hlm 537.

² Annisa Karimah Balqies and Jupriani Jupriani, "Campaign 'Thrifting' Sebagai Solusi Limbah Fashion," *Dekave : Jurnal Desain Komunikasi Visual* 12, no. 2 (2022): 186.

³ Rinandita Wikansari et al., "Tindakan Pemerintah Dalam Mengurangi Aktivitas Impor Pakaian Bekas Ilegal Di Indonesia," *Bingkai Ekonomi* 8 (2023): 38–39.

⁴ Anmadea Tsaqif Jauza, "Praktik Thrifting Dalam Perspektif Hukum Di Indonesia" (April 2023): hlm 40.

⁵ Muhammad Wahyu Abdi Wijaya and Dian Andriasari, "Bisnis Pakaian Impor Bekas (Thrifting) Sebagai Tindak Pidana Ditinjau Dari Undang-Undang Nomor 7 Tahun 2014 Tentang Perdagangan," *Bandung Conference Series: Law Studies* 2, no. 2 (2022): 1119.

⁶ Raudhea Vara Yulfa Chairy and Elfrida Ratnawati Gultom, "Larangan Jual Beli Pakaian Bekas Impor (Thrift) Oleh Pemerintah Ditinjau Dari Perspektif Negara Kesejahteraan," *Indonesia Berdaya* 4, no. 3 (2023): 1140.

⁷ Bambang Waluyo, *Penelitian Hukum Dalam Praktek*, 2nd ed. (Jakarta : Sinar Grafika, 1996.)

regulations related to the legal issues being discussed (researched).⁸ The method of data collection in this research is the bibliography study method. The method of data analysis in the research used in this research is a qualitative analysis method, namely by interpreting the legal materials that have been processed.⁹

The practice of thrifting that is done individually can be found starting from children, adults, to the elderly. With the many thrifting practices at this time, it is the reason for this research with the formulation of the first problem of How is the mechanism of thrifting practice in Purwokerto? Second, How is the law enforcement that oversees the practice of thrifting in Indonesia at this time?

2. Results and Discussion

1) Mechanism of Thrifting Practice in Purwokerto

Thrifting has become a significant phenomenon in Indonesia. Thrift shop sellers usually get their goods from domestic and overseas suppliers who deliver used clothing in bulk. These clothes are then selected, cleaned, and placed in a display case in a shop. The mechanism of thrifting can be summarized as follows:

a. Supplier Selection

Suppliers are companies that provide goods that cannot be provided by the manufacturing company itself. In the supply chain, companies must be able to optimize the use of time, location, and quantity of goods. The criteria usually considered in the supplier selection process include quality, price, delivery, and service. Supplier selection is an important activity for company management, especially if the supplier will provide critical goods or be used in the long term as the main supplier. The

criteria used in supplier selection reflect the supply chain strategy as well as the characteristics of the goods to be supplied.¹⁰

Suppliers that are often targeted by thrift merchants are suppliers who have a consistent supply of goods, a variety of goods models and keep up with the times, as well as the costs that must be incurred by thrift merchants to buy supplies purchased from suppliers.

b. Sorting Process

Thrift shop sellers start the sorting process to select clothes that are still worth wearing and have a high selling value. This sorting process is very important because it determines the quality and selling price of the clothes that will be marketed to consumers. Sellers usually sort the clothes based on several key criteria, such as brand, physical condition, and suitability to the latest fashion trends. Clothes with well-known brands and good condition usually have a higher selling value and sell faster in the market.

c. Washing/Cleaning

Cleanliness is an important aspect considered by sellers to ensure that the clothes look attractive and are safe for use by consumers. Many sellers only use simple washing techniques that are not always adequate to remove all contaminants or disease seeds that may be present on used clothing. These simple washing techniques involve the use of ordinary detergents and water, without going through a more thorough sanitization process as done by professional garment factories. This limitation in laundering techniques raises several issues, especially regarding consumer health. Used clothing that is not thoroughly sanitized can be a medium for

⁸ Johnny Ibrahim, *Teori Dan Metode Penelitian Hukum Normatif* (Malang: Bayumedia Publishing, 2005, n.d.),

⁹ Muhaimin, *Metode Penelitian Hukum* (Mataram University Press, 2020).

¹⁰ Irnanda Pratiwi, Hermanto MZ, and Selvia Aprilyanti, "PEMILIHAN SUPPLIER TERBAIK

PENYEDIA BARANG CONSUMABLE MENGGUNAKAN METODE ANALYTICAL HIERARCHY PROCESS (Studi Kasus Di Departemen Pengadaan Barang PT. PUSRI)," *Jurnal Manajemen Industri dan Logistik* 2, no. 2 (2018): 147–158.

the spread of diseases or skin infections.¹¹

d. Price Tag Sticking

The cleaned items are then categorized by brand. Brands can affect the price that will be used by thrift merchants, the more famous a brand is, the more expensive the price set is than a less well-known brand. The price of goods starts from a range of Rp 20,000 to Rp 100,000 and above. Sellers set prices considering the environment and the quality of life of the community, taking into account that people from children to adults can buy thrift goods according to their financial capabilities.

e. Arrangement of Goods

The arrangement of goods carried out by thrift merchants separates the categories of goods. This is done to make it easier for consumers to choose the items they want to buy, such as the separation between short-sleeved shirts, long-sleeved shirts, pants made of cloth, pants made of jeans and various categories of goods available. Goods with high interest are usually placed in the main display case or in the section that customers first see when entering the store. An arrangement that prioritizes ongoing priorities or trends makes it quick for customers to find the items they want.

Manufacturers that rely on domestic sales must compete with imported second-hand clothing that is usually sold at a much lower price. This makes local products less competitive in the market. Many consumers prefer imported second-hand clothing due to more affordable prices and a wider variety of options, ruling out local products that may have better quality but higher prices.¹²

The mechanism is used by thrift stores in

Purwokerto by considering time, quality, price, and the latest model according to the needs of the community for an item. Thrift stores that have affordable prices even though the goods are second-hand, buyers put aside where the goods come from and all aspects that should be considered. Sellers often hold flash sales or massive discounts on certain days, such as national days, or the day the thrift store was founded. That is what attracts the attention of buyers to buy goods at thrift stores.

2) Law Enforcement Against Online Thrifting Practices in Indonesia

Existing regulations, such as those stipulated in Law No. 7/2014 on Trade, have actually banned the trade of imported second-hand goods to protect local industries and consumers. However, the implementation and enforcement of this regulation still faces many obstacles, especially in terms of monitoring and supervision of buying and selling activities.¹³ Consumer education and awareness also play an important role in this practice. Many consumers are unaware of the risks and impacts of buying second-hand clothing, both in terms of health and economy.¹⁴ Cooperation between the government and the community is needed, the government needs to increase supervision and take action against sellers who violate statutory provisions. At the same time, the community needs to be encouraged to support local products and understand the existing regulations.¹⁵

Law enforcement against thrifting is often hindered by the face-to-face nature of transactions across Indonesia's cities, resulting in a lack of government effectiveness in following up on thrift stores that violate laws and regulations. Businesses can easily operate anonymously, use names that do not include the word "thrift" in their stores, and change locations if detected by authorities. This

¹¹ Balqies and Jupriani, "Campaign 'Thrifting' Sebagai Solusi Limbah Fashion."

¹² Saputro, M. S. A., Santoso, A. P. A., Wardoyo, N. P., Sofiyana, N., & Ramadhani, S. P. D., "Dampak Penjualan Barang Thrifting Di Indonesia," *Perkara: Jurnal Ilmu Hukum Dan Politik* 2, no. 1 (2024): 280.

¹³ Wijaya, M. W. A., & Andriasari, D., "Bisnis Pakaian Impor Bekas (Thrifting) Sebagai Tindak Pidana Ditinjau Dari Undang-Undang Nomor 7 Tahun 2014 Tentang Perdagangan," *Bandung Conference Series: Law Studies* 2, no. 2 (2022): 1120.

¹⁴ *Ibid.*

¹⁵ *Ibid.*

makes it difficult to effectively enforce the law.

More specific and clear regulations on the second-hand clothing trade are needed to address the complexities of thrifting in Indonesia. While there are measures in place to ban the import of second-hand clothing, these measures are still ignored by thrift merchants and are still being practiced today. Existing regulations often only focus on prohibitions, without providing solutions or alternatives for businesses and consumers involved in this practice. This creates a legal loophole that can be utilized by businesses to continue running their business illegally. To create effective regulations, the government needs to consider the sustainability aspect of the fashion industry.

Today, consumers are turning to thrifting to support sustainable fashion. Thrifting helps extend the life cycle of clothing and reduces the need for new clothing production that negatively impacts the environment. This makes it imperative for existing regulations to accommodate this aspect of sustainability, while still protecting local industries from the negative impacts of second-hand clothing imports. In addition, the policies developed should be able to encourage sustainable practices that support local industries.

A more comprehensive and inclusive regulation should also involve various stakeholders, including businesses, consumers, and non-governmental organizations that focus on environmental issues and consumer rights so that it will be more realistic and acceptable to all parties involved. Moreover, this approach also helps to ensure that all aspects of thrifting practices, both positive and negative, are addressed in an effective and fair manner. Supported by good cooperation between the government, industry, and society, the new regulation will create a healthy and sustainable business climate.¹⁶

The government has made several efforts including confiscation and destruction of thrift goods with the aim of

protecting domestic traders in order to compete fairly with branded used goods at very cheap prices. However, thrifting activities that are still running today that ignore the prohibitions and government regulations that prohibit the practice of thrifting still need to be dealt with more firmly, because the more the times develop, the more ways that can be done to manipulate or cover up the violations committed. So that the practice of thrifting violates Regulation of the Minister of Trade 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.

3) Conclusion

The thrifting mechanism can be done through the stages of Supplier Selection, Sorting Process, Washing/Cleaning, Affixing Price Tags, and Arranging Goods. The mechanism is used by thrift stores in Purwokerto by considering time, quality, price, and the latest model according to the needs of the community for an item. Thrift stores that have affordable prices even though the goods are second-hand, buyers put aside where the goods come from and all aspects that should be considered. Sellers often hold flash sales or massive discounts on certain days, such as national days, or the day the thrift store was founded. This attracts the attention of buyers to buy thrift goods at thrift stores.

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¹⁶ Saputro, M. S. A., Santoso, A. P. A., Wardoyo, N. P., Sofiyana, N., & Ramadhani, S. P. D., 2024.

Dampak Penjualan Barang Thrifting Di Indonesia. Perkara: Jurnal Ilmu Hukum dan Politik, 2(1), hlm. 283.

often only focus on prohibition, without providing solutions or alternatives for businesses and consumers involved in this practice. This creates legal loopholes that can be utilized by businesses to continue running their business illegally.

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