Implementation of the Import Ban of Used Clothes Based on Law Number 7 of 2014 Concerning Trade in Respect of Law Number 8 of 1999 Concerning Consumer Protection in the Tolitoli District

Warda Said
Faculty of Law Legal Studies Program, Madako Tolitoli University

Corresponding Author: Warda said Swarda27@yahoo.co.id

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Abstract

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The purpose of writing this thesis is to find out the application of government regulations regarding the ban on the import of used clothing and legal protection for consumers of used clothing in Tolitoli district. The problem in implementing the ban on used clothing imports is about how the ban on used clothing imports is implemented based on trade laws and consumer protection laws in Tolitoli district? and how about legal protection for consumers in buying and selling used clothes in Tolitoli district? In writing this thesis, the author uses the research method of empirical juridical writing methods. The empirical juridical method in this study directed researchers to use primary data and legal prevention as patterns and behavior, where the location is intended to obtain information, explanations and data about the implementation of the ban on the import of used clothing in Tolitoli district.
INTRODUCTION

The very rapid economic development has created various types of goods and/or services with the help of information technology, expansion of the circulation and flow of transactions of goods and/or services that have crossed national borders, of course consumers can easily enjoy a wide selection of goods and/or services that can be provided in a different way than before. Clothing is one of the goods that is influenced by very rapid economic and technological developments. This can be seen from the very fast dissemination of information at this time, when information about fashion or dress styles is now spreading very quickly to society, this is of course very helpful for manufacturers, and business actors today with the convenience of buying and selling transactions that can be done online. Clothing or clothing is one of the basic human needs, therefore clothing is something that is always attached to our bodies. Clothing is a means of covering the body that can provide comfort, appropriateness and safety in everyday life. Aside from being a body cover, from an economic and social perspective, clothing also has other functions that can show one's identity or status.

In Law Number 7 of 2014 concerning Trade and Regulation of the Minister of Trade Number 18 of 2021 concerning imported prohibited goods and prohibited export goods, it has prohibited the import of used clothing into the territory of Indonesia, but the facts on the ground are that imported used clothing is still widely circulating and can be traded at low prices. easy. In terms of the application of the prohibition on the import of used clothes, especially in Tolitoli Regency, it has not gone well or has not been efficient because the officials have not been able to reach everything from shipping, distribution and circulation of imported used clothes in Tolitoli district, this has happened due to a lack of coordination from the local government, customs, the trade service and other agencies that have authority in eradicating and supervising the circulation of used clothing entering Tolitoli district. If the customs officers, the port security monitoring unit (KP3), and the navy have prevented the shipment of imported used clothing by sea, then the local government, especially the trade service, must supervise and eradicate the circulation of used imported clothing if it is already circulating in the market because sometimes customs officers and the navy still misses the point in supervising the entry or exit of goods from Indonesian territory, including used clothes imported from abroad.

Imported used clothing can have an impact on consumer health if consumers are not careful in using the used clothing. The used clothing trade can also reduce people's purchasing power for domestically produced clothing, resulting in a slowdown in the traffic of trade in textile products (especially clothing) which can gradually kill the textile industry, especially small companies. Apart from the two things above, this also degrades the dignity of Indonesian people in the eyes of the world because Indonesia is the largest textile producer in Central Asia because, but there are still many people who buy used clothes from abroad, to be honest, this is an embarrassment for Indonesia, which is the largest textile producer in Southeast Asia.
Today some people think that certain clothes can show the social status of the wearer. Currently the style of dress or fashion is growing rapidly, this is what drives some people to make ideology that it is an obligation to have something that shows self-identity. Currently, the world's apparel industry continues to grow, followed by the development of international trade and digital technology which is very significant for marketing these products. In recent years the circulation of used clothes originating from abroad can usually be in the form of gifts or grants for victims of natural disasters or for ordinary trade. The trade in imported used clothes in Indonesia, especially in Tolitoli district, is already a frequent occurrence and this tends to be allowed to circulate by the authorities because apart from their limited space for movement there is also miscommunication between trade service officials and officials from customs so that used imported clothes are scattered a lot and can be traded easily

LITERATURE REVIEW

Definition of Used Clothing

Clothing in the Big Indonesian Dictionary (KBBI) is what items are worn (clothes, pants and so on). Clothing is a textile material and fiber used to cover the body. In looking at an implementation process, of course we see and find the obstacles that arise. In seeing the problems that arise, of course the parties involved fix deficiencies in the implementation process. To discuss the implementation of the ban on used clothing imports, the author will use GrindleSubarsono's theory (2012: 93) where in the implementation process there are two indicators, namely:

1. Government Policies Include:
   a. Influenced interests
      Based on observations in the field, it is known that the government's current concern with the existence of a law prohibiting the import of used clothing is to stop the import of used clothing, in order to prevent or protect the public from viruses, bacteria and fungi which are usually found in used clothing which can of course cause health hazards and improve the quality of domestic textile industry products.
   b. Benefit type
      In accordance with the Regulation of the Ministry of Trade concerning the Prohibition of Import of Used Clothing, it is stated that imported used clothing has the potential to endanger public health so that it is not safe to be utilized and used by the public.
   c. The location of the decision/position of the decision maker
      The Head of the Trade Service and the Tolitoli district government have great authority in making a decision through deliberation. Where in the implementation of the ban on the import of used clothing in Tolitoli district, the Department of Trade is one of the parties that has responsibility in this regard.
d. The appointed program implementer (capacity to manage the program)
From the results of field observations it is known that the customs officers and the port security monitoring unit (KP3) are the parties that have the responsibility to oversee the entry and exit of goods from the customs area by sea. While the trade service, the police and the government of Tolitoli district Tolitoli Regency are the parties that have responsibility for supervising the circulation of imported used clothes that are already circulating in the market.

e. Data source provided
Based on the results of field observations above, it is known that the human resource factor is one of the key factors in implementing the for the government, in this case, the agencies related to the Ministry of Trade Regulation concerning the Prohibition of Import of Used Clothing to pay attention to the quantity and quality of human resources through education and training in an effort to improve the quality of implementers in the policy of prohibiting the import of used clothing.

2. The Implementation of the Ban on the Import of Used Clothes is Seen From:

a. The powers, interests and strategies of the parties involved
The Trade Service, the Navy, the Port Security Monitoring Unit (KP3), and Customs in carrying out their duties to prevent imported used clothes from entering Tolitoli Regency are still not optimal because they cannot cover everything from the entry of imported used clothes, their distribution, delivery and others.

b. Characteristics of ruling institutions and regimes
From the results of the author's observations in the field it is known that the customs officer is an agency that is responsible for overseeing the entry of used clothes from other countries into Indonesia. However, if used clothing is traded on the market, the agency responsible for supervising it is the trade service. This confirms that the characteristics of customs clearly specifically deal with the problem of controlling the entry of used clothes.

c. Level of compliance and responsiveness
From the results of the author's observations in the field, it is known that those who do not comply with the regulations of the Ministry of Trade regarding the ban on the import of used clothing are generally smugglers or unscrupulous business actors. From the results of observations and based on observations and results of interviews with business actors of imported used clothing, it is stated that the public's knowledge, especially business actors of imported used clothing and smugglers, is quite good regarding the existence of a Ministry of Trade Regulation concerning the
3. **Government Supervision in the Trade Sector**

The government and regional governments have the authority to carry out supervision in the trade sector, this is based on Article 98 paragraphs (1) and (2), Article 99 paragraphs (1) and (2) of Law Number 7 of 2014 Concerning Trade which states that:

1. Article 98 paragraph (1) states that: The Government and Regional Governments have the authority to supervise trading activities.
2. Article 98 paragraph (2) In carrying out the supervision as referred to in paragraph (1) the Government determines the supervision policy in the trade sector.
3. Article 99 paragraph (1) Supervision by the Government as referred to in Article 98 is carried out by the Minister.
4. Article 99 paragraph (2) states that: the Minister in conducting supervision as referred to in paragraph (1) has the authority to carry out:
   1) Prohibition from distributing temporarily and/or orders to withdraw Goods from Distribution or stop Service activities being traded not in accordance with the provisions of laws and regulations in the trade sector; and/or
   2) Revocation of permits in the trading sector.

In carrying out supervision in the trade sector, the minister appoints supervisory officers in the trade sector based on Article 100 paragraphs (1), (2), (3), (4), (5) and (6) of Law Number 7 of 2014 concerning Trade which states that:

a. Article 100 paragraph (1): In carrying out the supervision as referred to in Article 99 paragraph (1), the Minister appoints a supervisory officer in the trade sector.

b. Article 100 paragraph (2): Supervisory officers in the trade sector must carry valid and official assignment letters in carrying out supervision.

c. Article 100 paragraph (3) In exercising their authority, the Supervisory Officer as referred to in paragraph (2) at least supervises:
   1. Licensing in the trading sector;
   2. Trade in goods that is controlled, prohibited, and/or regulated;
   3. Distribution of Goods and/or Services;
   4. Product Goods Registration Domestic and Import origin related to security, safety, health and environment;
   5. Compulsory enforcement of SNI, technical requirements or qualifications;
   6. Warehouse Registration; And
   7. Storage of staple goods and/or important goods.
d. Article 100 paragraph (4) The Supervisory Officer as referred to in paragraph (3) in the case of discovering an alleged violation of trading activities may:

1. Recommend the withdrawal of Goods from Distribution and/or destruction of Goods;
2. Recommend the termination of trading business activities; or
3. Recommend revocation of licenses in the trade sector.

e. Article 100 paragraph (5) In the case of carrying out the supervision as referred to in paragraph (3) initial evidence of alleged criminal acts in the trade sector is found, the supervisory officer reports this to the investigator for follow-up.

f. Article 100 paragraph (5) The Supervisory Officer as referred to in paragraph (1) in carrying out their authority can coordinate with related agencies.

In Tolitoli district, supervision in the field of trade is generally carried out by the regional government assisted by the trade service. This is based on Tolitoli Regent Regulation Number 62 of 2016 concerning Position, Organizational Structure, Duties and Functions and Work Procedures of the Tolitoli Regency Trade Service Article 4 which reads "The Trade Service has the task of assist the district head in carrying out Government Affairs in the Trade sector which is the authority of the Region and the Co-Administration Tasks given to the district” based on the provisions of article 5 the tasks of the trade service in Tolitoli district are:

1. Formulation of policies in the field of trading business, consumer protection and orderly trade and market management;
2. Implementation of evaluation and reporting in the field of trading business, consumer protection and orderly trade and market management;
3. Implementation of official administration in the field of trading business, consumer protection and orderly trade and market management;
4. Implementation of uptd and functional positions; And
5. Implementation of other functions given by the regent in accordance with his duties and functions.
Buy and Sell Used Clothes

The principle of freedom of contract is a principle that states that everyone can basically make a contract (agreement) of any kind and content as long as it does not conflict with the law, morality and public order. The basis of freedom of contract was laid down by the law makers in article 1338 paragraph (1) of the Civil Law Code. However, freedom of contract does not mean that you can make contracts (agreements) freely, but contracts (agreements) must still be made by paying attention to the conditions - conditions for the validity of agreements, both general conditions as mentioned in article 1320 of the Civil Code as well as specific conditions for certain agreements.

In the Civil Code, the principle of freedom of contract that is adhered to in Book III of the Civil Code is an open (material) system as opposed to the closed (material) system that is adhered to in Book II of the Civil Code (Substantive Law).

Purchase

Based on the Civil Code or the Civil Code (hereinafter referred to as the Civil Code or KUHS) in article 1457 defines Sale and Purchase as an agreement whereby one party binds himself to hand over goods, and the other party to pay the promised price. Kotler formulated five requirements for buying and selling to occur, namely:

1. There are at least two parties.
2. Each party has something of value to the other party.
3. Each party can communicate and send a product to the other party.
4. Each party is free to accept or reject the offer.
5. Each party believes that it is right or necessary to communicate with the other party.

While from a legal point of view, buying and selling is part of the law of alliances which is regulated in book III of the Civil Code regarding the law of alliances as for the conditions for the validity of the agreement contained in the provisions of Article 1320 of the Civil Law Code, conditions have been formulated for the sale and purchase to take place, are as follows:

1. Agreement of the parties
2. The ability of the parties basically everyone can speak in making an agreement, unless determined not to speak according to the law.
3. About a certain matter
4. Halal reasons
Buying and Selling Used Imported Clothing in Indonesia

Along with the development of the economy in Indonesia, buying and selling is not carried out by meeting in person but by buying and selling online, namely by utilizing social media, especially during the current Covid-19 virus season which is currently developing with all the new rules, namely prohibiting crowds and being vigilant. distance, with this many people use social media to market or promote their wares, one of which is buying and selling used clothes. In Indonesia, the buying and selling of used clothes is in an uproar because it is caused by several factors, one of which is the very weak economy so that it is very difficult to support his family, let alone to buy new clothes, besides that because of the very cheap price and still good quality.

Producers/Business Actors

Producers or business actors are individuals or business entities that are established and domiciled or carry out activities within the jurisdiction of the Republic of Indonesia, either individually or jointly through agreements to carry out business activities in various economic activities.

Definition of Consumer

Consumers are end users of a product, namely every user of goods and/or services available in society, both for their own interests, for their families, for other people, and for other living things and not for trading. The definition of a consumer according to the Consumer Protection Act (UUPK) is that a consumer is any user of goods and/or services available in the community, both for the self-interest of his family or other people, as well as living things and not for trading.

Consumer Rights

“Article 4 of the Consumer Protection Act (UUPK) regulates consumer rights, including:

1. The right to comfort, security and safety in consuming goods and or services.
2. The right to choose and obtain goods and or services in accordance with the exchange rate and the conditions and guarantees promised.
3. The right to information that is correct, clear and honest regarding the conditions and warranties of goods and or services.
4. The right to hear opinions and complaints about the goods and or services used.
5. The right to obtain advocacy, protection and efforts to resolve consumer protection disputes properly.
6. The right to consumer development and education.
7. The right to be treated or served properly, honestly and not discriminatory.
8. The right to receive compensation, compensation and or reimbursement if the goods and or services received are not in accordance with the agreement or not as they should be.
9. The rights regulated in the provisions of other laws and regulations.
10. Taking into account the rights mentioned above, in total there are 10 (ten) types of consumer rights”.

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Legal Protection
Definition of Legal Protection

In terms of terminology, legal protection can be interpreted from a combination of two definitions, namely "protection" and "law". KBBI defines protection as a thing or action that protects. Then, the law can be interpreted as regulations or customs that are officially considered binding, which are confirmed by the authorities or the government. Referring to this definition, legal protection can be interpreted as an effort to protect what is done by the government or authorities with a number of existing regulations. In short, legal protection is a function of the law itself; provide protection. According to experts, Mochtar Kusumaatmadja said that law without power is wishful thinking, but power without law is anarchy. Law and power are the two main variables that have determined the vision, direction and goals of the Indonesian nation for independence and as a state since 1945. Law has core principles, norms, institutions and processes that can realize the law into the reality of society, while power is the authority mandated by the constitution and/or law to implement the law to become a reality in the life of the nation and state.

Principles and Objectives of Consumer Protection

“Consumer protection is organized as a business based on 5 (five principles) that are relevant to national development, namely:

1. The principle of benefit is intended to mandate that all efforts in the implementation of consumer protection must provide maximum benefit for the interests of consumers and business actors as a whole.

2. The principle of justice is intended so that the participation of all people can be maximized and provide opportunities for consumers and business actors to obtain their rights and carry out their obligations in a fair manner.

3. The principle of balance is intended to provide a balance between the interests of consumers, business actors and the government in the material and spiritual sense.

4. The principle of consumer security and safety is intended to provide guarantees for the security and safety of consumers in the use, use and utilization of goods and/or services that are consumed or used.

5. The principle of legal certainty is intended so that business actors and consumers comply with the law and obtain justice in carrying out consumer protection, as well as ensuring legal certainty.
RESEARCH METHODS

The type of research used in this research is the empirical juridical writing method because what will be written in this research is related to the implementation of the ban on the import of used clothes in Tolitoli district where to get clear and satisfactory results, the writer will conduct research on the realization of the rules related to the ban on the import of used clothing, especially in the Tolitoli district, the role of the apparatus overseeing trade traffic and the circulation of goods leaving or entering the Tolitoli district based on Law Number 7 of 2014 concerning trade and Law Number 8 of 1999 and regulations other than field research and the author also takes data from books and journals related to the research title. Documentation studies or literature studies, namely, a series of efforts to obtain data by collecting data from references that support this research in the form of literature, journal documents, laws and regulations, as well as articles related to this problem. Interviews are an information and data collection technique that is carried out by asking directly the employees on duty at the Trade and Customs Office in Tolitoli district. The observation method in this study was used to obtain data related to the implementation of the ban on used clothing imports associated with consumer protection in Tolitoli district. In this writing the author uses qualitative data, namely in the form of data statements or explanations obtained in research related to the object discussed, namely the implementation of the prohibition on the import of used clothing based on Law Number 7 of 2014 concerning Trade in relation to Law Number 8 of 1999 About Consumer Protection. Source of data : a. The primary data used in this writing comes from the results of research directly in the field, which is carried out through interviews with several sources who have a relationship or are related to the object of research. b. The primary data used in this writing comes from: 1) Civil Code. 2) Law Number 8 of 1998 concerning Consumer Protection. 3) Law Number 14 of 2014 Concerning Trade. 4) Regulation of the Minister of Trade Number 18 of 2021 concerning Export Prohibited Goods and Import Prohibited Goods. 5) Rules that still have to do with research.

The data analysis presented in this thesis uses a qualitative descriptive analysis method, which describes in full the quality and characteristics of the data that has been collected and processed and then concluded. Qualitative descriptive is a research method that utilizes qualitative data and is described descriptively. The data obtained, both primary data and secondary data which became material in writing this thesis, were analyzed using analytical techniques and then described, namely by analyzing the data based on information obtained from interviews and observations made by the author.
RESEARCH RESULTS AND DISCUSSION

Implementation of the Import Ban of Used Clothes Based on Law Number 7 of 2014 Concerning Trade in Tolitoli District

The rise of used clothing imported into the territory of the Republic of Indonesia mostly comes from: Korea, China, Hong Kong and Singapore. This has become a separate business for some people who have enough capital to set up shops with various types of used clothes imported from abroad. This business is thriving in Indonesia, especially with the ease of accessing current information so that the used clothing trade is currently mushrooming throughout Indonesia, even according to some used clothing business actors, the used clothing trade is currently on the rise. These clothes are sold at prices that vary depending on the type of goods that are traded at very affordable prices and of course have good quality that is not inferior to clothes that are still new, this is the background for some people, especially people with low incomes or medium economic levels. down prefer to buy these clothes than new clothes.

It is known that used clothing from abroad which includes goods that are prohibited from being imported and Regulations regarding the Prohibition of Importing Used Clothing are regulated by the government 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," as well as Regulation of the Minister of Trade Number 18 of 2021 Concerning Import Prohibited Goods and Export Prohibited Goods article 2 paragraph (3) letter d which reads: "goods prohibited from importing in the form of used bags, used sacks, and used clothes". However, the fact is that imported used clothes, which are often called free claws, are traded in the Tolitoli district, while used clothes that enter Indonesian territory enter illegally or are smuggled and distributed throughout Indonesia by sea (inter-island transportation).

The central government and local governments have a role to control the availability of goods and their distribution throughout the territory of the Republic of Indonesia in the right quantity, good quality and reasonable prices. Import provisions are clearly regulated in Article 47 paragraph 1 of Law Number 7 of 2014 concerning Trade which states that:

1. Every importer is obliged to import goods in new condition.
2. In certain cases the Minister may determine the imported goods as referred to in paragraph (1) above.
3. The stipulation as referred to in paragraph (2) shall be submitted to the Minister administering government affairs in the financial sector.
4. Further provisions regarding the determination of imported goods in a non-new condition as referred to in paragraph (2) shall be regulated by a Ministerial regulation.
In terms of supervision, Law Number 10 of 1995 concerning customs as amended by Law Number 17 of 2006 concerning Customs has regulated that the Directorate General of Customs is to supervise the traffic of goods entering or leaving the customs area, however considering the geographical location Indonesia as an archipelagic country whose seas are directly adjacent to neighboring countries, for this reason it is necessary to supervise the transportation of goods transported by sea in the customs area to avoid smuggling by means of inter-island transportation, especially regarding certain goods. Certain goods are goods determined by the technical agency as goods whose transportation is supervised within the customs area. In accordance with the provisions of Article 1 paragraph (1) of Law Number 17 of 2006 concerning Customs: what is meant by customs is everything related to monitoring the traffic of goods entering or leaving the customs area and the collection of import duties and export duties.

Prohibited Goods Import and Export Prohibited Goods which reads: "import prohibited goods in the form of used bags, used sacks, and used clothes" imported used clothes located in Tolitoli regency are used clothes or used goods where the activity of importing these goods is prohibited by laws and regulations Article 47 paragraph (1) of Law Number 7 of 2014 concerning Trade in conjunction with Article 2 paragraph (3) letter d of Regulation of the Minister of Trade Number 18 of 2021 concerning Import Prohibited Goods and Export Prohibited Goods. This is due to the fact that the import of goods entering Indonesia can only be done in a new condition and the regulation of the minister of trade strictly prohibits the import of used clothes. Based on this description, the findings in the field also contradict Article 8 paragraph (2) of Law Number 8 of 1999 concerning Consumer Protection which states that business actors are prohibited from trading damaged, defective or used and tainted goods without providing correct and clear information on thing in question." In this case, most used clothing business actors assume that consumers already know that the goods being sold by business actors are used goods, so they (business actors) do not feel compelled to disclose the conditions and how to maintain the goods they sell. however, the used clothing purchased by business actors to distributors is purchased in sacks so that the business actor does not know specifically about the type and quality of the used clothing so that consumers of the used clothing have the possibility to experience losses in the future.
Factors Causing the Rise of Used Clothing Imports

Most of the circulation of used imported clothes circulating in Tolitoli district originates from Malaysia which is distributed through the Nunukan and Tarakan areas. First of all, the problem in this case is the customs officials who only have the authority to inspect exported and imported goods that enter or exit through ports in Indonesia. Tarakan, of course, the used clothes are imported in an unofficial way, this is what makes it difficult for the customs officials because the used clothes have previously been in the territory of the Indonesian state or customs territory. Not to mention that most of the general public and several district government agencies in Tolitoli district think that it was the customs and excise officers who gave the collectors permission to take the imported used clothes to the port of Dede Tolitoli. Officials from the trade service believed that the circulation of used clothes in Tolitoli Regency entered through the port of Dede and had been given permission by the customs officials, therefore the trade service tended to allow this. At present there have been no firm steps from the regional government, especially the trade service regarding the circulation of imported used clothing in Tolitoli district in the form of confiscation or revocation of business licenses for business actors who trade used imported clothing. If business actors for imported used clothes are determined to register a permit with officials from the trade agency to trade used imported clothes, they will definitely not get a permit because the goods being traded are illegal goods which are tax-free. The regional government and the trade office in Tolitoli district still tend to allow the circulation and trading of imported used clothing because the impact is yet to be seen.

The following will explain several factors that have led to the rise of used clothing imports:

1. **Geographical Factors**
   The vast archipelago of the archipelago consists of thousands of large and small islands, which are flanked by two large continents, namely Asia and Australia and are very close to countries that have progressed earlier. Indonesian waters are prone to smuggling. The flow of smuggling could originate from the Sumatra region to Malaysia or Singapore. Used clothing is often smuggled from Malaysia and Singapore to Indonesia via the Riau Islands and mainland Sumatra. Moreover, there are many small islands scattered throughout the island which can be used by smugglers to import illegal goods, one of which is used clothing.

2. **Domestic Industry Conditions**
   The condition of the domestic industry cannot be denied, that the condition of the domestic industry has also influenced the rise of used clothing imports in Indonesia, because as is known, the production of the domestic textile industry and textile products in general is still in its development stage. The high cost of production, namely relatively expensive raw materials, high labor wages and rising operating costs, such as basic electricity and fuel tariffs, makes production unable to compete with goods produced abroad. Added to this are the large number of illegal levies, the
high costs of transportation and the lack of means of transportation, causing obstacles in marketing distribution.

3. **Mentality**
   As we already know, Indonesia is quite rich in natural resources, as well as the skills of its people. However, what needs to be asked is: How far is the mentality of the officers in responding to the temptations and trials of elements who want to carry out smuggling? Several unscrupulous officers neglected their duties by engaging in the import of used clothing/smuggling of used clothing by cooperating with smugglers. This is even more so if there is involvement of the officials concerned, such as customs officials, police and the navy, who expedite the process of smuggling used clothes. The perpetrators of smuggling are generally not entrepreneurs with small capital, but those with large capital.

4. **Society**
   The rise of buying and selling activities of used clothes is inseparable from the interest of the people who prefer used clothes which are widely sold freely to new clothes. The rise of consumers who decide to buy used clothes for various reasons, including the price of used clothes which are very cheap and the quality is not inferior to new imported clothes. This situation can be seen and witnessed in traditional markets.

**The Positive Impact of Used Clothing**
   Among the negative impacts of used clothing, it is undeniable that on the other hand there are also positive impacts from the trade of imported used clothing, especially for the lower middle class. Imported used clothing trade is beneficial for the lower middle class, both traders and consumers. This happens because people who can't afford it can have clothes at very low prices and the quality of the clothes is quite good, and they are still fit to wear. Therefore many people are interested in trading and using these used clothes. Trading of imported used clothes is a quite promising business for several parties. The price is relatively cheap and the quality of the clothes is still good, making used clothes sell well in the market because there are quite a lot of enthusiasts. The profits from selling used clothes are quite large. In addition, if you see used clothing traders with good economic conditions.

**The Negative Impact of the Used Clothing Import Trade**
   As is well known, most used clothes are smuggled through unofficial and unsanitized ports, free of customs and excise taxes, and of course affect the country's economy, which will eventually hamper development and cause difficulties in achieving people's prosperity and welfare, in addition to damaging the image and power of law enforcement officials if handling is not carried out properly. Buying and selling used clothes is carried out by a group of irresponsible people, with the sole aim of making a profit, without thinking about the impact on the national economy and the impact on consumer health. To give an idea of the negative impact of used clothing, the author will describe it as follows:
1. **Economic Impact**
   The import and trading activities of used clothes have a very bad impact on the Indonesian economy and will ultimately hamper the country's development resulting in losses in state revenue from customs. In carrying out development, enormous costs are required, the increase in smuggling of used clothes is one of the obstacles that can hinder development. As it is known that the benchmark for assessing whether or not a nation is prosperous depends on its economic progress, therefore the economic sector is a sector that receives serious attention. The government is making every effort to maintain domestic economic stability despite facing various obstacles.

   From the results of surveys and observations conducted by the author in this study, it shows that people who have low incomes or those in the lower middle economic class are the people who buy and use the most used imported clothes, besides that a small proportion of people in the upper middle class or elite society is also a consumer.

2. **Social Impact**
   The trade in used clothing imported from abroad can weaken the country's economy, eventually hinder development, kill national industry, disrupt the economy and national stability, make it difficult for the economy and national stability, and make it difficult for people's prosperity and prosperity. This can be seen clearly from the influx of used clothing into Indonesia which caused the domestic textile industry, especially small and medium industries, to decline and even go bankrupt. Even if the upstream industry produces cloth, thread and thread, the impact can be felt. Moreover, the marketing of used clothes is not limited to big cities, but also to remote areas such as remote villages. Used clothing circulating at a much lower price will have a negative impact on the market for domestic industrial clothing products. The booming trade in imported used clothing can hamper the development of the domestic industry, especially the textile industry.

3. **Health Impact**
   Another impact that may occur is the health impact that is felt directly by the end consumer or by users of used clothing. This is because the disease is transmitted through old clothes. If they choose wisely, consumers will get branded clothing at very cheap prices, but if they are not careful, consumers will affect their health, because used clothing can be a carrier of disease from previous users. Buyers of used clothing are therefore prone to skin infections, urinary tract problems, digestion, and urinary tract infections.

   Director General of Standardization and Consumer Protection, Widodo. The contents of these microbes and fungi are dangerous bacteria that can cause digestive disorders, itching and infections of the genitals. Used clothes contain bacteria and fungi that are harmful to human health, such as E-coli bacteria which can cause digestive disorders (diarrhea), S. aureus bacteria which can cause boils, acne and infections of the human skin, and fungi such as Aspergillus spp and Candida spp which can hives, allergies and even infections in the genitals. Some of these bacteria and molds live in...
Said dust and can withstand boiling for as long as 30 minutes. In this case, it can be explained that trade activities for imported used clothing in Tolitoli district are prohibited, this is because apart from being detrimental to the country's economy, imported used clothing is also not guaranteed for its quality, which is based on the results of research conducted by the trade service for imported used clothing which has various kinds of bacteria and fungi that can interfere with the health of the human body, especially as consumers of used imported clothes themselves. Then, based on findings in the field by conducting interviews with business actors of used imported clothing in Tolitoli Regency, the business actor explained that they obtained imported used clothing from distributors in the Makassar area where all imported used clothing were usually imported from Korea, China, Singapore and etc. Based on the description above, the findings in the field are contrary to Article 47 paragraph (1) of the trade law which states that "every importer is obliged to import goods in a new condition," in conjunction with Article 2 paragraph (3) letter d of Regulation of the Minister of Trade Number 18 of 2021 Concerning Prohibited Goods Import and Export Prohibited Goods which reads: “prohibited goods the imports are in the form of used bags, used sacks, and used clothes”. Used clothing is clothing that has been consumed by people both abroad and within the country. In this case, it can be explained that used clothes that have been consumed by foreign people are prohibited from entering Indonesia on the grounds that used clothes are detrimental to the Indonesian economy and can endanger the health of consumers, so that the Indonesian state prohibits the import of used clothes into the territory of Indonesia.

Legal Protection for Consumers in Buying and Selling Used Clothing Based on Law Number 8 of 1999 Concerning Consumer Protection in Tolitoli District

Consumers of used clothing must also pay attention to their rights and carry out their obligations as referred to in Article 4 of the Consumer Protection Act which regulates consumer rights, while consumer rights include: Article 4 paragraph (1) The right to comfort, safety and safety in consuming goods and or services, Article 4 paragraph (2) The right to choose and obtain goods and or services according to the exchange rate and the conditions and guarantees promised, Article 4 paragraph (3) The right to correct, clear and honest information regarding conditions and guarantee of goods and or services, Article 4 paragraph (4) The right to be heard opinions and complaints about the goods and or services used, Article 4 paragraph (5) The right to obtain advocacy, protection and efforts to resolve consumer protection disputes properly, Article 4 paragraph (6) The right to consumer development and education. Article 5 of the Consumer Protection Act regulates consumer obligations, including: Article 5 paragraph (1) The right to comfort, security and safety implies that consumers have the right to obtain products that are comfortable, safe and provide safety and the consumer's obligation to follow instructions or information goods and or services for security and safety Read or follow the information instructions for the use of goods and/or services, for security and safety. It is undeniable that consumers often do not get the
maximum benefit, or are even harmed from consuming a good and/or service. However, after investigation, these losses occur because consumers do not follow the instructions for information and usage procedures followed by business actors, Article 5 paragraph (2) Having good intentions in making purchases of goods and/or services, it is not uncommon for consumers to have bad intentions in transacting or consuming goods. This is of course detrimental to the general public, and indirectly the consumer has usurped the rights of others, Article 5 paragraph (3) Pay according to the agreed exchange rate. This stipulation is clear that there is money, there are goods. Article 5 paragraph (4) Participate in proper legal settlement of consumer protection disputes. Therefore, consumers of used clothing must also be protected from the health hazards caused by wearing used clothing. Thus, every used clothing that is traded must be directed to enhance the sense of comfort, security and safety of its consumers. As for the imported used clothing business actors, they do not specifically explain the quality and/or risks of using used clothing. This occurs because the business actors assume that the goods purchased by consumers are not new items. is not the responsibility of the business actor. This is of course against the rules Article 7 paragraph (2) of the consumer protection law regarding the obligations of business actors states: "to provide clear, correct and honest information regarding the conditions and warranties of goods and/or services and provide explanations for use, repair and maintenance" in conjunction with article 8 paragraph (2) of the Consumer Protection Act regarding the prohibition of business actors' actions states "Business actors are prohibited from trading damaged, defective or used, and tainted goods without providing complete and correct information on the goods in question" indeed in this case consumers know what the risks are the use of these used clothes but in choosing the clothes to buy, consumers have the right to know the specifics of the products they will buy so that consumers do not suffer losses, whether it's disease or products that have hidden defects that can cause losses in the future, in this case, consumers have the right to get clarification regarding specifications regarding the goods they will buy in terms of quality, quantity and reasonable prices for these goods. So that this condition causes the position of business actors and consumers to become unbalanced and consumers are in a weak position.

Many business actors in imported used clothes in Tolitoli district do not have business licenses because they know that imported used clothes are smuggled goods which are actually prohibited from being traded. Most of the used imported clothing that is sold comes from South Korea which is smuggled through the city of Bandung and then sent to Makassar city and distributed there. Meanwhile, business actors trading imported used clothing buy imported used clothes in bales (used clothes still in sacks) in Makassar city. which then the used clothes are transported by road by car to the city of Tolitoli. The unit price of the used clothing ranges from Rp. 10,000 to Rp. 150,000 depending on the condition and brand of the textile product being traded. In conducting buying and selling transactions, most of the used clothing trading business actors do not first wash the used imported clothing before trading it. Business
actors know that used clothes can contain a lot of bacteria, but they think that consumers already know the dangers of used clothes themselves. They think that consumers don't need to be told anymore that these used clothes must be washed before wearing them because they already know the clothes being traded are used clothes so that if consumers of used clothes get sick it is the consumer's own fault. Most of the businessmen trading used clothing in the Tolitoli district generally do not have a trading business license which violates the provisions of Article 24 of the Trade Law paragraph (1) which reads "business actors conducting trading business activities are required to have a license in the trade sector regulated by minister" juncto article 106 of the Trade Law which reads “Business actors who carry out trading business activities do not have a permit in the field of trade granted by the minister as referred to in article 24 paragraph (1) shall be subject to imprisonment for a maximum of 5 years and/or a fine 50,000,000,000.00 (five billion rupiah) at most. Apart from being considered illegal goods, used clothes are also considered to be harmful to consumers because most of the used imported clothes are not of guaranteed quality and most of them contain bacteria.

Thus, the consumer's right to information has been fulfilled and the right to choose is in accordance with the provisions of Article 4 of the Consumer Protection Act concerning consumer rights. has a responsibility to the consumer if the consumer suffers a loss caused by imported used clothing in the future. As understood by law, the risk assumption is that consumers already know the consequences that can arise from using used imported clothes if consumers are still looking to buy these used clothes, then losses from using used clothes in the future will be the responsibility of consumers. it is the consumer's obligation to follow information instructions or procedures for using used clothing for security and safety, which is in accordance with the provisions of Article 5 of the Consumer Protection Act regarding consumer obligations. However, if the business actor does not provide clear and correct information, then the business actor as referred to in Article 7 paragraph (2) regarding the obligations of business actors juncto Article 8 paragraph (2) of the Consumer Protection Act regarding the prohibition of business actors' actions, the business actor must provide compensation as referred to in Article 19 of the Consumer Protection Law regarding the responsibilities of business actors: Article 19 paragraph (1) Business actors are responsible for providing compensation for damage, pollution and/or consumer losses as a result of consuming goods and/or services produced or traded, Article 19 paragraph (2) Compensation as referred to in paragraph (1) can be in the form of refund or replacement of goods and/or services of similar or equivalent value, or health care and/or compensation in accordance with the provisions of the applicable laws and regulations. However, in reality, used clothing entrepreneurs are not responsible for using used clothing because the majority of used clothing consumers do not complain about losses suffered from using used clothing because it is time consuming and expensive and the small community lacks knowledge about their rights as consumers.
It is known that most consumers of imported second-hand clothes feel indifferent to the problems arising from buying second-hand clothes. This is due to the hidden impact of second-hand clothes. Given that business actors are in a stronger position than consumers, consumers need to receive advocacy, protection, and appropriate efforts to resolve consumer disputes over their rights in accordance with the provisions in Article 4 of the Consumer Protection Act. Sumen on consumer rights. If used clothing consumers suffer losses as a result of using used clothing, consumers can claim compensation from business actors for losses suffered, used clothing consumers also have the right to receive advocacy, protection, and efforts to resolve consumer disputes properly. This must be done because apart from the impact the hidden consumers of used imported clothes are mostly from people with middle to lower economic status although there are also consumers of used clothes who come from people with middle to upper economic status.

The local government of the Tolitoli district and the trade service are currently not handling consumers who are affected by diseases caused by the use of used clothing. The form of protection for consumers from the regional government and the trade service is only in the form of prevention by carrying out inspections by revoking business licenses for industrial production clothing businesses. obtained by mixing domestically produced clothing with imported used clothing and closing the business and destroying used clothing if found and conducting outreach to the public about the impact of imported used clothing on the country’s economy and the dangers of using used clothing for health. In this case, consumers also have the right to receive guidance and education on how to consume or use appropriate goods and/or services so as not to cause impacts that may harm health as referred to in Article 4 of the Consumer Protection Act regarding consumer rights. It is the regional government that must play an active role in conducting guidance and education regarding the impact of the used clothing trade on the health and economy of the country, not to mention that the majority of used clothing consumers are people with weak economic conditions or underprivileged people who generally do not understand the impact of using used clothing to the health and economy of the country, consumers only know that used clothes are cheap and still fit for use, even though some of the consumers of used clothes are people with middle and upper economic conditions or elite society.
Dispute Resolution Process Between Consumers and Used Clothing Business Actors Based on Law Number 8 of 1999 concerning Consumer Protection

According to the Consumer Protection Act article 45 paragraph 1, every consumer who is harmed can sue business actors through an institution tasked with resolving disputes between consumers and business actors or through a court within the general court environment.

A lawsuit against the problem of violation of consumer rights needs to be carried out because the positions of consumers and business actors are equally balanced in the eyes of the law. There are 4 groups of plaintiffs who can sue for violations committed by business actors as follows:

1. A consumer who is harmed or the heir concerned.
2. A group of consumers who have the same interests.
3. Non-governmental consumer protection institutions that meet the requirements, namely in the form of legal entities or foundations, which in their statutes clearly state that the purpose of establishing such an organization is for the benefit of consumer protection and has carried out activities in accordance with its statutes.
4. The government and/or related agencies if the goods and/or services consumed or utilized result in large material losses and/or many victims.

Settlement of consumer disputes through the courts refers to general court provisions that apply in Indonesia. Meanwhile, out-of-court settlement of consumer disputes is held regarding the form and amount of compensation and/or regarding certain actions to ensure that the losses suffered by consumers will not recur. Settlement of disputes outside the court as referred to in Article 45 paragraph 2 of the Consumer Protection Act does not eliminate criminal responsibility as stipulated in the law. Based on the Protection Act Article 45 paragraph 4 of Consumers, “If it has efforts to resolve consumer disputes outside the court are chosen, lawsuits through courts can only be pursued if said efforts are declared unsuccessful by one of the parties or by the parties to the dispute.” Consumers who wish to resolve consumer disputes in a non-court manner can carry out alternative problem resolutions or alternative dispute resolutions (ADR) to the Consumer Dispute Resolution Agency (BPSK), the Non-Governmental Consumer Protection Agency (LPKSM), the Directorate of Consumer Protection under the Ministry of Trade or an institution -Other authorized institutions. According to the Consumer Protection Act article 1, paragraph 12, BPSK is "an agency tasked with handling and resolving disputes between business actors and consumers." consumers through this agency is very cheap, fast, simple and straightforward. The procedure for resolving disputes at BPSK is very easy. Consumers who have disputes with business actors can come directly to BPSK, namely by bringing a request for dispute resolution, filling out a complaint form, and submitting files (supporting documents). Then, BPSK will invite the disputing parties to conduct a pre-trial meeting. BPSK has the authority to conduct an examination of the truth of the reports and information complained by the parties to the dispute. In this meeting, the next steps will be determined, namely by peaceful means or other ways.
CONCLUSIONS AND RECOMMENDATIONS

1. Conclusion
   1. Implementation of Law Number 7 of 2014 concerning Trade in relation to Law Number 8 of 1999 concerning Consumer Protection in Tolitoli Regency is still not effective. This can be seen from the large number of imported used clothes that enter Tolitoli and the number of used clothing sellers (pags) in Tolitoli.
   2. Lack of awareness of consumers and business actors regarding the rights and obligations of legal protection as well as a weak level of education for both of them in buying and selling imported used clothing in Tolitoli City. There are several obstacles faced by consumers and business actors in buying and selling imported used goods. First, the low prices that business actors get to buy clothes from imported used clothing suppliers and the high interest of buyers in imported used clothing, and the quality of imported used clothing is still good and fit to wear at affordable prices. Second, the low average income level of the community is one of the factors why consumers prefer used clothing to buying new clothes.

2. Recommendation
   1. There needs to be special attention regarding the entry of imported used clothes easily and uncontrollably. This is a task that must be maximized by the Directorate General of Customs and Excise and the Department of Trade to work together to prevent imported used clothing from entering. And the government must take a firm stance on business actors of used clothing imports. Providing protection, rights and responsibilities to consumers and business actors or the public is a shared obligation, however, it is necessary to provide a specific legal basis, by establishing statutory regulations as guarantees for the implementation of laws governing imported used clothing and the penalty protection accompanied by with strict sanctions. The government and related parties must also push for increased supervision and enforcement of laws and regulations on consumer protection, particularly in relation to the buying and selling of imported used clothing, so that the risks that befall consumers can be prevented and mitigated.
   2. It is necessary to disseminate information to buyers and sellers of imported used clothing so that the public knows the impact of consuming imported used clothing, as well as guidance to sellers or supply agents to look for other types of business other than imported used clothing that has been traded so far. If necessary, buyers and sellers who violate laws and regulations are given strict sanctions and as a deterrent effect for violators.
   3. The government in conducting guidance should target not only consumers but also business actors. The government needs to increase supervision. Because it plays an important role in the circulation of imported used clothing without proper supervision, of course this will have an impact on the expansion of the circulation of imported used
clothing. And for consumers who are disadvantaged as a result of buying and selling used clothes, they must have the courage to report these problems to the authorized institutions or parties.

REFERENCES


