

The Policy of Banning Imports of Used Clothing to Protect Consumers as an Manifestation of the Principles of a Welfare State

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Article history

Submitted: 2026/04/01; Revised: 2026/05/11; Accepted: 2026/07/09

Abstract

The government has enacted a policy banning the import of used clothing, based on Law Number 7 of 2014, specifically Articles 111 and 112. This policy was followed by other technical regulations in Government Regulations, Ministerial Regulations, and Ministerial Decrees. This policy is intended to protect MSMEs in terms of business competition. The legal issue that then arose was that the government had enforced the law repressively in Indonesia, in taking action against those involved in the sale of used clothing, even though the preamble to the 1945 Constitution requires the state to ensure that the livelihood of many people is the creation of general welfare. The research method used in this research is socio-legal, which examines the law by contesting existing social facts, with a descriptive analytical nature and data collection carried out primarily in the form of interviews, observations and documentation of related legal documents. The results of this study conclude that the policy of banning imported clothing is ineffective in curbing the flow of illegal imported clothing shipments due to several factors: First, the quantity of human resources available for law enforcement. Second, the scarcity of jobs causes local residents to continue selling illegal imported clothing. Third, alternatives that are not repressive but persuasive, along with proportional law enforcement, are needed.

Keywords

Policy, Secondhand Clothing, Consumers, Welfare State



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INTRODUCTION

The regulation banning the import of used clothing, as internalized in the Minister of Trade Regulation Number 51/M-DAG/PER/7/2015, is a government policy instrument with a dual purpose: domestic economic protection and affirmative protection for Micro, Small, and Medium Enterprises (MSMEs) in the textile sector (Firdausy & Sudarwanto, 2022; Naldi et al., 2023; Salahuddin & NPM, 2017). This policy is fundamentally aimed at initiating the creation of an independent and resilient national economy. Philosophically and legally, this provision represents an implementation effort to realize social justice by providing more substantial

competitive opportunities for MSMEs. By eliminating the entry of used clothing commodities with predatory prices, the Government seeks to ensure the competitiveness of local products in the domestic market while encouraging an increase in quality standards produced by the national textile industry, so that this ban functions as a strategic protective regulatory instrument (Ghafur, 2019).

Fraudulent practices in the illegal imported secondhand clothing trade occur systematically and massively. This occurs due to economic pressures on the part of traders and the demand for style on the part of buyers (Caplovitz, 2025; Yue, 2022). A lack of confidence in using domestic products, coupled with a distrust of their quality, leads to fraudulent practices. This is due to the emergence of symbiosis and mutualism. Based on the author's observations, it can be found that the ban on imported secondhand clothing was not proposed by the general public, but by elite officials and official brand entrepreneurs. Therefore, the government took the initiative to implement the ban, meaning that the public itself generally did not complain much. The problem lies with the official brand entrepreneurs, who suffered serious economic losses and had several other consequences.

The consequences of this illegal practice are multi-sectoral. In addition to distorting market competition and harming local businesses, this smuggling also has a substantial negative fiscal impact on the national economy. The potential state revenue from import duties (BM) and import taxes lost due to this illegal scheme is estimated to reach trillions of rupiah per year. These lost funds, which should be allocated to finance national development programs, are instead absorbed by illegal mechanisms, thus benefiting only a handful of actors involved in the illicit trade network.

The persistence of used clothing smuggling is intrinsically linked to socio-economic determinants, particularly the price elasticity of demand among low-income segments of the population who prioritize affordability. This situation simultaneously exposes the low level of public awareness regarding the hazards and long-term implications of these commodities. Specifically, public health risks are a critical issue. Consumers often overlook the high potential for microbiological contamination by pathogenic bacteria and fungi. Empirical data published by the Directorate General of Standardization and Consumer Protection indicates that microbial levels in used clothing can reach densities of up to 216,000 colonies per gram, with a mold concentration of 36,000 colonies per gram (Murdana, 2021; Soga et al., 2024). The description of the impact of consumer losses stems from several health complaints filed by hospitals, claiming the origin of the illnesses was from used

clothing. This is where the government's maximum role is needed to provide protection.

The state is not only responsible for protecting health; it is also obligated to oversee the economy through national trade. This role is necessary to ensure the consistent reliability of the national trade system. The government is principally responsible for all economic activities, including buying and selling. The government must be protective and mitigate any potential for unfair business practices. This is why the government needs to regulate all buying and selling activities. Indonesia's position as a global maritime hub creates the appeal of making Indonesia a hub for ASEAN trade. This interest stems from the fact that shipping by sea offers the lowest shipping costs compared to flying, which is relatively expensive. The low cost is the reason why imported used clothing is more affordable than clothing from established brands. This is because the majority of established brands from abroad use aircraft. This fact demonstrates that the state is only capable of punishing, but neglects to implement policies that promote prosperity.

The problem that then arose was that imported used clothing was considered a boomerang or time bomb for the industrial world, because it did not provide tax revenue to the state and did not provide royalties for brand holders, on that basis the Indonesian Government through the formation of Law (UU) No. 7 of 2014 concerning Trade in Article 47 (Chandradewi et al., 2018). Provides the following affirmation: "importers are required to import goods in new condition". In addition, the government reaffirmed it by issuing Minister of Trade Regulation (Permendag) No. 40 of 2022 concerning amendments to Permendag No. 18 of 2021 concerning Goods Prohibited from Export and Prohibited from Import. Article 2 paragraph (3) states that goods prohibited from import include used bags, used sacks, and used clothing. This means that the regulations on used clothing in Indonesia do not allow the practice of sending used goods, including in this case, clothing, which is no longer permitted for any reason, so that the formation of the a quo norm eliminates the space for sending imported used clothing.

Empirical data issues show that, although the ban on imported used clothing in Indonesia is no longer permitted, data from the National Statistics Agency (BPS) reveals evidence of imported used goods entering Indonesia. For example, in 63090000, a BPS data code for imported goods, used clothing and other items were imported. BPS revealed that the shipments were carried out by consignment to Indonesian citizens (WNI) returning home or foreign nationals (WNA) residing in Indonesia. The actual consignment figures are unreasonable, with individuals

consigning goods weighing per ton. BPS even stated that if valued in monetary terms, the value of the incoming goods would be US\$44.1 thousand. This BPS data also refers to records of case handling carried out by Customs, meaning that the practice of illegal clothing shipments has become a major industry in Indonesia.

Referring to the BPS data above, the Indonesian government is faced with the public's desire to own luxury goods at affordable prices. Simultaneously, this creates job opportunities for sellers of used clothing imported from abroad, boosting the local economy. However, the Indonesian government must also protect the rights of brand owners, specifically manufacturers. Employment and economic growth are two undeniable reasons. The high rate of legal violations is ultimately due to these two factors. In this regard, law enforcement must wisely consider aspects that are within tolerance limits, as long as they do not pose a direct threat.

The negative impact of imports on thrifting has raised concerns about the future of the market industry, particularly for MSMEs, which are currently promoting local products. This has occurred in several countries, including Chile and Kenya, where imported used clothing has undermined the economic stability of the textile sector. These countries previously succeeded in establishing various clothing factories and exporting, with unemployment rates below a minimum, and even the government is paying attention because the textile and clothing sector contributes significantly to the state's tax base (Akbar & Prasetya, 2023). Indonesia itself has implemented various regulations to ban thrifting, ignoring the plight of Indonesians whose businesses rely on thrifting. The impact of these bans, regardless of employment opportunities and income, has been detrimental to secondhand clothing traders. The bans, implemented through laws and technical regulations, have failed to address public concerns.

The thrifting ban policy is strengthened by the Decree of the Director General of Customs and Excise Number KEP-07/BC/2003 concerning the Implementation Guidelines for Customs Administration in the Import Sector and the Decree of the Minister of Finance Number 453/KMK.04/2002 concerning Customs Administration in the Import Sector. However, the problem is whether the thrifting clothing ban policy is appropriate in three respects: First, the public's need for order. Second, thrifting damages the clothing buying and selling market. Third, the basis for the Government's study in implementing the ban has fulfilled the requirement of meaningful participation (genuine public involvement in policy-making). Based on the description above, in this case, the researcher is interested in examining more deeply the legality of buying and selling imported used clothing, and examining the

role of the government from a welfare state perspective in order to create a national trade climate that leads to social welfare.

METHODS

This research uses a socio-legal research approach, namely a research method that combines normative studies of statutory regulations with empirical analysis of the implementation of law in community life (Rosidi et al., 2026; Ruchban, nd). This approach was chosen because the research aims not only to examine the legal norms governing the ban on used clothing imports but also to understand how these policies are implemented, complied with, and influence consumer and business protection in practice. Thus, law is viewed as both a system of norms and a social institution that interacts with economic, cultural, and public policy factors (Coe et al., 2025; Walliman, 2021).

The research approaches used include a statutory approach, a conceptual approach, and a case approach. The statutory approach is carried out by examining various legal provisions related to the policy of banning the import of used clothing, consumer protection, international trade, customs, and provisions regarding public welfare. The conceptual approach is used to examine the concept of the welfare state, consumer protection, legal certainty, benefit, and justice as the basis for analyzing policies implemented by the government. Meanwhile, the case approach is used to analyze various law enforcement practices, government policies, and the phenomenon of the imported used clothing trade that is developing in Indonesia.

The data types used consist of primary and secondary data. Primary data were obtained through semi-structured interviews with purposively selected informants, namely parties directly related to policy implementation, such as government agency officials in charge of trade and customs, business actors, secondhand clothing traders, academics, and consumers. Interviews were conducted to obtain information on policy effectiveness, implementation obstacles, levels of public compliance, and the policy's impact on consumer protection and business sustainability. Secondary data were obtained through literature review, which included laws and regulations, court decisions where relevant, legal books, scientific journal articles, previous research results, government policy documents, official ministry reports, and various other literature related to the research object.

Data collection was conducted through three main techniques: document study, in-depth interviews, and limited observation of imported used clothing trade practices at the research sites. Document study was conducted to identify the substance of legal norms and developments in government policies. Interviews were

used to explore the experiences, perceptions, and views of informants regarding the implementation of the used clothing import ban policy. Meanwhile, observations were conducted as a complement to understanding the actual conditions on the ground, particularly regarding distribution mechanisms, trade transactions, and consumer behavior towards imported used clothing products.

Data analysis was conducted qualitatively using an interactive analysis model that includes a continuous process of data reduction, data presentation, and conclusion drawing. All data obtained were classified based on research themes, then analyzed by connecting applicable legal provisions with empirical facts found in the field. The results of the analysis were then interpreted using welfare state theory, consumer protection theory, and the principles of administrative law and public policy to assess the extent to which the policy of banning the import of used clothing has reflected the state's function in providing protection to the public. To ensure the validity of the research results, source triangulation and method triangulation were conducted by comparing information obtained from various informants, legal documents, and observation results to obtain comprehensive, objective, and academically accountable conclusions.

FINDINGS AND DISCUSSION

The Government's Regulatory Policy on Banning Imports of Used Clothing Uses a Repressive Approach

Legal regulations play a strategic role in controlling the practice of illegal secondhand clothing imports, which have the potential to negatively impact the public, businesses, and the national economy. Regulations not only provide legal certainty regarding prohibited goods but also serve as a state instrument to protect consumer interests, maintain market stability, and foster healthy business competition. Without clear regulations and consistent law enforcement, illegal secondhand clothing imports will become increasingly difficult to control and potentially harm various domestic economic sectors.

The government's commitment to limiting the circulation of imported used clothing is realized through criminal provisions regulated in Law Number 7 of 2014 concerning Trade. Article 111 stipulates that any importer who imports goods in a non-new condition as referred to in Article 47 paragraph (1) can be punished with a maximum imprisonment of five years and/or a maximum fine of IDR 5,000,000,000.00. This provision is strengthened by Article 112 paragraph (2) which provides the same criminal threat to importers who import goods that have been designated as goods prohibited for import. This regulation shows that the state uses

criminal law instruments as a form of protection for the public interest as well as an effort to create compliance with national trade policies.

The imposition of criminal sanctions is not merely intended as a form of punishment for perpetrators, but rather as a manifestation of the state's responsibility to ensure public welfare through an orderly, fair, and sustainable trade system (Habeahan et al., 2026; Putra et al., 2025). A repressive approach is chosen as a preventative measure to prevent businesses from engaging in trade practices that violate legal provisions. Consistent law enforcement is also expected to have a deterrent effect, thereby suppressing the circulation of imported used clothing through illegal channels. This orientation aligns with the considerations of Law Number 7 of 2014, which affirms that trade is a crucial instrument in driving national economic development. Trade is viewed not only as an economic activity but also as a means of improving public welfare by creating business opportunities, equalizing income, and strengthening national competitiveness. The state is obligated to ensure that trade activities are based on the principles of justice, legal certainty, and protection for all economic actors, particularly micro, small, and medium enterprises (MSMEs), which are the main pillars of the Indonesian economy.

The law's considerations also demonstrate a focus on people's economic development. The development of cooperatives and micro, small, and medium enterprises is part of the national strategy to strengthen the domestic economic structure. The uncontrolled circulation of imported used clothing has the potential to reduce the competitiveness of domestic products, as consumers tend to choose cheaper imported goods. This situation could reduce demand for national textile products, depress the income of local industry players, and hamper the growth of business sectors that have traditionally been absorbing labor. Protection of domestic industry is inextricably linked to national development goals. Economic development is fundamentally aimed at improving the quality of life through job creation, increased productivity, and equitable distribution of development outcomes. The level of public welfare is reflected, among other things, in a country's ability to reduce poverty and increase incomes. Therefore, trade policy must strike a balance between economic openness and protection of national interests.

An economic perspective also shows that the influx of imported used clothing can affect market mechanisms. In economic theory, market equilibrium is established through the interaction of supply and demand. The presence of illegally imported products at significantly lower prices causes market distortions because these products do not bear the burden of production costs, taxes, or legal obligations that

domestic products do. As a result, local producers struggle to compete, resulting in declining sales and weakening the competitiveness of the national textile industry. This situation can ultimately hinder investment, reduce employment opportunities, and slow national economic growth.

The urgency of trade regulation is also reflected in the need for harmonization of trade regulations. The dynamics of global trade demand adaptive, synchronized legal instruments capable of addressing the challenges of international economic development. Regulatory harmonization is necessary to ensure legal certainty for national trade policies and protect public interests without compromising Indonesia's commitment to international trade. Comprehensive regulations will facilitate inter-agency coordination in monitoring, enforcing, and preventing illegal import practices. The policy of banning the import of used clothing ultimately relates not only to trade law but also reflects the implementation of the principles of a welfare state. The state has a constitutional responsibility to protect the public, create economic justice, and ensure that trade activities provide the greatest possible benefit to the public's well-being. Law enforcement against illegal used clothing imports is one form of state intervention in maintaining a balance between the interests of consumers, businesses, and national economic development, thus ensuring the sustainable achievement of the goal of realizing public welfare.

The Relevance and Urgency of the Ban on Imports of Used Clothing from a Welfare State Perspective

The policy banning the import of used clothing demonstrates the dilemma between protecting domestic industries and the interests of communities whose livelihoods depend on the used clothing trade. On the one hand, the policy is intended to safeguard the sustainability of micro, small, and medium enterprises (MSMEs) in the textile sector and prevent unfair business competition. On the other hand, the used clothing trade in Indonesia is largely run by local traders who rely on it as their primary source of income. This situation demonstrates that the policy's implementation not only impacts importers but also impacts the social and economic aspects of communities that rely on this trade.

The ban on imports of used clothing is essentially a form of state protection for the national textile industry. The influx of used products from abroad at significantly lower prices creates unbalanced competition because these products are able to attract consumers without undergoing domestic production. This situation has the potential to reduce demand for the national textile industry's products, from upstream to downstream. The impact is felt not only by large companies but also by

MSMEs in the garment and garment industries, as well as home-based businesses producing ready-to-wear clothing. This decline in demand can ultimately reduce production capacity, suppress business profits, and reduce employment.

The resulting competition becomes increasingly complex as consumers tend to prioritize price over the origin and production process of goods. Imported secondhand clothing sold at very low prices creates market distortions, causing domestic textile products to lose their competitiveness (Christopher, 2022; Nagle et al., 2023). Consequently, local producers struggle to maintain market share despite offering new products with better quality. This situation demonstrates that market mechanisms are no longer operating in a balanced manner due to significant differences in cost structures between illegally imported products and those produced legally domestically.

The government's considerations in banning the import of used clothing relate not only to protecting the national industry but also to health, safety, and public interest. Used goods imported from abroad do not always meet acceptable sanitation and safety standards. Therefore, every importer is required to import goods in new condition, as stipulated in laws and regulations. This policy is a preventive measure by the government to protect the public from potential health risks while maintaining the quality of goods circulating in the domestic market. However, the implementation of this policy cannot be separated from various social consequences. Closing access to the imported used clothing trade has the potential to reduce the income of thousands of traders who have depended on this sector for years. Conversely, if the used clothing trade is allowed to continue to thrive without adequate oversight, the national textile industry will face increasing pressure. This dilemma demonstrates the need for the government to implement policies that are not only repressive through law enforcement but also provide economic solutions for directly affected communities.

The relationship between law and economic development is a crucial foundation for understanding this policy. Law serves to create certainty, justice, and order in economic activity, while economic development aims to improve public welfare through sustainable growth. These two aspects are inseparable because the success of economic development depends heavily on a legal system that creates a healthy business climate, provides protection for business actors, and guarantees consumer rights. The Constitution mandates the state to implement a just national economy, so every trade policy must be directed towards achieving broader public welfare.

Economic laws and regulations are also a crucial instrument for regulating the relationship between the government, businesses, and the public. These regulations provide certainty regarding the rights and obligations of economic actors, foster healthy business competition, and serve as a basis for the government to oversee trade activities. Law enforcement agencies, customs officials, and trade agencies play a crucial role in ensuring the effective implementation of import ban policies. Inter-agency coordination is crucial, given that used clothing smuggling is often conducted through unofficial channels that are difficult to monitor.

Data from the Central Statistics Agency (BPS) shows that the volume of imported used clothing has fluctuated significantly in recent years. In 2019, approximately 416 tons of imported used clothing entered Indonesia, with an economic value of approximately IDR 84.3 billion. After experiencing a decline, import volumes rebounded in 2022 to approximately 26.2 tons, representing a more than 227 percent increase compared to the previous year, with a value of approximately IDR 4.3 billion. Japan is listed as one of the largest importing countries. This data demonstrates that despite the government's ban on used clothing imports, the practice of importing used clothing continues, thus effectively enforcing the law and facing various challenges. This phenomenon highlights a gap between legal norms and their implementation on the ground. The continued discovery of imported used clothing in various regions indicates that oversight at official ports and smuggling routes is not yet optimal. Therefore, collaboration between the Ministry of Trade, the Ministry of Finance, the Ministry of Cooperatives and SMEs, the Directorate General of Customs and Excise, and law enforcement officials is crucial to strengthen oversight, shut down illegal distribution channels, and impose sanctions on perpetrators found violating the law.

From a macroeconomic perspective, the losses caused by illegal imports of used clothing are enormous. The Indonesian Fiber and Filament Yarn Producers Association (APSyFI) estimates state losses of approximately IDR 19 trillion due to lost potential tax revenue and disruption to the national textile industry. In addition to reducing state revenue, this practice also reduces demand for domestic textile products, resulting in reduced production capacity and employment opportunities. It is estimated that tens of thousands of workers could potentially lose their jobs, resulting in lost income reaching trillions of rupiah annually. The textile and textile product industry, which has long been a strategic sector contributing to gross domestic product, is also facing a decline in contribution due to reduced production activity.

However, the existence of thrift shops cannot be viewed entirely as a detrimental phenomenon. From a consumer perspective, secondhand clothing provides an alternative product at a more affordable price, especially during times of reduced purchasing power, such as during the Covid-19 pandemic. This activity also encourages more frugal consumption patterns and supports the reuse of textile products, thus contributing to waste reduction. Furthermore, the secondhand clothing trade has given rise to various small businesses, creating employment opportunities and encouraging the growth of entrepreneurship within the community.

These facts demonstrate that a policy banning the import of used clothing requires a balance between protecting the national industry, consumer protection, environmental sustainability, and social interests. Law enforcement remains necessary to prevent the illegal import of used clothing, but its implementation must be accompanied by transitional policies that provide alternative livelihoods for traders and strengthen the competitiveness of the national textile industry. An approach that combines legal, economic, and social aspects would better reflect the principles of a welfare state, which prioritizes the protection of all levels of society as a primary goal of public policy.

CONCLUSION

Based on the discussion above, the author concludes this research as follows: 1).The government's regulatory policy on import bans can be analyzed for its indiscretion. This is evident from the following: First, the government frequently applies Article 111 & Article 112 of Law Number 7 of 2014 concerning Trade, concerning criminal sanctions of imprisonment without first providing guidance or warnings. 2). The relevance and urgency of the ban on imports of used clothing from the perspective of a welfare state are as follows: First, the economic impact of the ban on used clothing is like a two-sided coin, namely providing benefits to brand holders or official producers and causing economic losses to the lower middle class who have long sold imported used clothing. Second, the alternative policy behind the ban on used clothing is through a persuasive legal approach. Third, responsive and innovative policies must be implemented by requiring foreign investors who have branded goods in Indonesia.

Based on the description of the conclusions above, the author provides suggestions as alternative concepts as follows: 1). The Central Government, in this case the DPR & the President, consists of two suggestions: First, to revise Article 111 and Article 112 of Law No. 7 of 2014 concerning Trade, adding a paragraph. That the

provisions of Article 111 and Article 112 can be applied if guidance has been carried out for 3 (three months), the perpetrators have not changed at all. Second, the need to revise the Job Creation Law regarding the obligation to establish factories for foreign investors whose clothing goods are circulated or have high consumers in Indonesia.

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