

BETWEEN SUSTAINABILITY AND REGULATION: LEGAL PERSPECTIVES ON THE IMPORT AND SALE OF SECOND-HAND CLOTHING IN INDONESIA

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Abstract

This article explored the legal challenges surrounding the import and sale of second-hand clothing in Indonesia, focusing on the intersection between sustainability goals and regulatory frameworks. The research aimed to analyze the tension between the environmental benefits of reuse practices and the strict prohibition stipulated in Indonesian trade regulations, particularly Article 47 paragraph (1) of Regulation of the Minister of Trade No. 40 of 2022. Employing normative juridical methods supported by statute and conceptual approaches, the study investigated both domestic and international legal norms, including WTO principles and sustainable development goals (SDGs). The findings revealed a legal paradox: while importing second-hand clothing supported circular economy practices and reduced textile waste, it was simultaneously deemed illegal under the prevailing laws, creating regulatory inconsistency. The article argued for a more balanced legal reform that aligned trade policy with sustainability imperatives, promoting legal certainty and environmental responsibility. This research contributed to the broader discourse on green lawmaking in developing countries and underscored the importance of harmonizing domestic regulations with global sustainability commitments.

Keywords: Circular economy, Environmental law, Second-hand clothing, Sustainability, Trade regulation

INTRODUCTION

The phenomenon of importing and selling second-hand clothing in Indonesia is not new. However, now, this issue has resurfaced along with increasing global awareness of environmental sustainability and the circular economy. On the one hand, the trade in second-hand clothing is considered an effort to reduce textile waste and provide a more sustainable consumption alternative (Bick, R., Halse, A., & Ekenga, C. C, 2018). On the other hand, this practice is often considered to be in violation of the provisions of national law, especially related to consumer protection, public health, and the protection of the domestic textile industry (Djarmika, I. G. N., & Suryanegara, M, 2023). Thus, there is a tension between sustainability and regulatory aspects that demand a more in-depth legal study (Mc. Kinney, L, 2022).

In the context of Indonesia's positive law, the ban on the import of used clothing is explicitly contained in the Regulation of the Minister of Trade No. 40 of 2022 concerning Amendments to the Regulation of the Minister of Trade No. 18 of 2021 concerning Goods Prohibited for Export and Import. Used clothes are categorized as items that are