



IMPLEMENTATION OF ARTICLE 2 PARAGRAPH (3) LETTER D OF MINISTER OF TRADE REGULATION NUMBER 18 OF 2021 ON THE PROHIBITION OF USED CLOTHING IMPORTS: A FIQH SIYASAH PERSPECTIVE

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Abstract

The trade in imported used clothing continues to occur in various regions of Indonesia despite being prohibited under the Regulation of the Minister of Trade of the Republic of Indonesia Number 18 of 2021 concerning Prohibited Export and Import Goods. Tanjung Balai City, a coastal area located along the international shipping route of the Malacca Strait, is particularly vulnerable to the illegal entry of imported used clothing through unofficial routes. This study aims to analyze the implementation of Article 2 paragraph (3) letter (d) of the Minister of Trade Regulation Number 18 of 2021 regarding the trade of imported used clothing in Tanjung Balai City, identify the factors contributing to the persistence of this practice, and examine it from the perspective of Fiqh Siyāsah. This research employs an empirical legal method with a qualitative approach. Primary data were collected through observation and semi-structured interviews with officials of the Teluk Nibung Customs Office, used clothing traders, and consumers, while secondary data were obtained from legislation, books, scholarly journals, and supporting documents. Data were analyzed using the Miles, Huberman, and Saldaña interactive model and interpreted through the theories of policy implementation, Lawrence M. Friedman's legal system theory, and the concept of Siyāsah Tanfidziyyah. The findings indicate that the implementation of the prohibition policy has not been fully effective due to limited policy dissemination, inadequate supervision, high consumer demand, and traders' economic dependence on the business. From the perspective of Fiqh Siyāsah, the policy is consistent with the principles of Siyāsah Tanfidziyyah and *maslahah*; however, its implementation requires stronger supervision, economic empowerment, and greater public legal awareness to achieve the intended public welfare.

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1. INTRODUCTION

International trade is an important economic activity that contributes to meeting market demand, expanding economic relations between countries, and promoting national economic growth. Through export and import activities, a country can obtain goods that are not sufficiently available domestically while simultaneously strengthening its trade competitiveness. However, import activities cannot be separated from legal regulation because they are directly related to the protection of national interests, public health, the stability of domestic industries, and orderly trade practices. In the Indonesian context, the state has the authority to regulate the movement of exported and imported



goods through trade-law instruments, as stipulated in Law Number 7 of 2014 concerning Trade. Import policy should therefore be understood not merely as an economic policy, but also as a legal instrument used by the state to control goods that may cause social, economic, and health-related harm to society (Rafi et al., 2023; Rahmasuciana & Rofii, 2024).

One imported commodity that has attracted considerable government attention is imported second-hand clothing, commonly associated with thrifting. Imported second-hand clothing refers to garments previously used abroad and subsequently brought into Indonesia in compressed bales, commonly known as ballpress, for resale at relatively low prices. The high level of public interest in imported second-hand clothing is influenced by several factors, including affordability, the perceived usability and quality of the products, product variety, and the availability of well-known brands that may be financially inaccessible when purchased new. Nevertheless, the trade in imported second-hand clothing raises complex concerns because it may endanger public health, weaken the competitiveness of the national textile industry, and encourage illegal trading practices through unofficial entry routes. On this basis, the government enacted Regulation of the Minister of Trade of the Republic of Indonesia Number 18 of 2021 concerning Goods Prohibited from Export and Goods Prohibited from Import. Article 2 paragraph (3) letter d of the regulation explicitly classifies used bags, used sacks, and used clothing as goods prohibited from importation (Ashar et al., 2023; Amrullah et al., 2024; Misbahun Nidhom, 2024). This study specifically examines the implementation of Article 2 paragraph (3) letter d of Minister of Trade Regulation Number 18 of 2021 concerning the prohibition on importing used clothing from the perspective of Fiqh Siyashah.

Although the prohibition on importing used clothing has been formally established through regulation, the trade in imported second-hand clothing continues in various regions, including Tanjung Balai City. Tanjung Balai has distinctive geographical characteristics because it is located on the eastern coast of Sumatra and lies close to the international shipping route of the Strait of Malacca. This geographical position makes the area particularly vulnerable to the entry of imported goods through both official ports and unofficial routes, commonly referred to as smuggling routes. Field research findings indicate that imported second-hand clothing continues to be openly traded at Veteran Market in Tanjung Balai City. The products sold include T-shirts, shirts, jackets, trousers, bags, and shoes, all of which are offered at relatively affordable prices. Preliminary findings from interviews with traders and consumers indicate that economic considerations are the primary reason this practice persists. Traders continue the business because it constitutes a major source of income, while consumers continue to purchase the products because of their low prices, perceived quality, and wide variety. This situation demonstrates a clear gap between the legal norm prohibiting the importation of used clothing and the social reality in which such products remain embedded in the community's everyday economic activities. The data presented in this study further demonstrate that Tanjung Balai, as a coastal area bordering the Strait of Malacca, is particularly vulnerable to the entry of imported second-hand clothing through unofficial routes.

Interviews with officials from the Teluk Nibung Customs and Excise Office revealed that the supervision of imported second-hand clothing continues to face several challenges, including the extensive maritime area, the large number of unofficial entry routes, limited personnel, and inadequate patrol facilities. Although enforcement operations have been conducted periodically, smuggling practices continue to occur due to high market demand and the substantial economic profits obtained by business actors. This indicates that policy implementation is determined not only by the existence of regulations, but also by the effectiveness of policy communication, the availability of resources, interagency coordination, and the legal culture of society. According to George C. Edward III's theory of policy implementation, implementation success is influenced by communication, resources, the disposition of implementers, and bureaucratic structure (Edward III, 1980). Meanwhile, Lawrence M. Friedman's legal system theory emphasizes that legal effectiveness is determined by legal substance, legal structure, and the legal culture of society (Friedman, 1975). Accordingly, the continuing trade in imported second-hand clothing in Tanjung Balai may be understood as a policy implementation problem involving interconnected legal, social, economic, and institutional factors. Statements from Customs and Excise officials also confirm that supervision is constrained by the extensive maritime territory, numerous unofficial routes, limited personnel, and inadequate patrol facilities.

Table 1. Enforcement Data on Imported Second-Hand Clothing by the Teluk Nibung Customs and Excise Office, Tanjung Balai, 2023–2025

No.	Year	Number of Enforcement Actions	Estimated Volume (Bales)	Remarks
1	2023	18 cases	Approximately 1,250 bales	Illegal maritime routes
2	2024	23 cases	Approximately 1,780 bales	Increased smuggling activity
3	2025	27 cases	Approximately 2,150 bales	Unofficial ports

Source: Data obtained from preliminary research interviews and documentation conducted with the Teluk Nibung Customs and Excise Office, Tanjung Balai, on March 13, 2026.

The data presented in the table indicate a year-on-year increase in the number of enforcement actions. In 2023, 18 cases were recorded, involving an estimated volume of approximately 1,250 bales. This figure increased to 23 cases involving approximately 1,780 bales in 2024 and rose further to 27 cases involving approximately 2,150 bales in 2025. This upward trend demonstrates that the smuggling of imported second-hand clothing continues despite the existence of an explicit legal prohibition. From a policy implementation perspective, an increase in enforcement actions does not necessarily indicate the complete success of the policy. Instead, it may also suggest that violations continue because of high market demand, considerable economic profits, and the limited effectiveness of preventive measures in the field. The table therefore illustrates a gap between *das sollen*, namely the prohibition on importing used clothing under Minister of Trade Regulation Number 18 of 2021, and *das sein*, namely the continuing trade in imported second-hand clothing in Tanjung Balai City. The findings further confirm that the increasing number of enforcement actions reflects a continuing disparity between legal norms and social realities, indicating that policy implementation has not yet been optimal.

From the perspective of *Fiqh Siyasah*, the government has the authority to regulate the economic activities of society, provided that such policies are directed toward the public interest and do not conflict with the principles of Islamic law. This authority is associated with the concept of *Siyāsah Tanfidhiyyah*, which refers to the government's authority to implement laws and public policies in order to protect societal interests. The policy prohibiting the importation of used clothing may therefore be understood as a form of state intervention intended to protect public health, safeguard the domestic textile industry, prevent illegal trade, and maintain economic order. This principle is consistent with the Islamic legal maxim:

تَصَرُّفُ الْإِمَامِ عَلَى الرَّعِيَّةِ مَنْوُطٌ بِالْمَصْلَاحَةِ

Means, "The policies of a leader concerning the people must be based on the public interest" (Djazuli, 2023).

This maxim emphasizes that public policy must be directed toward securing benefits and preventing harm. Accordingly, the prohibition on importing used clothing is not only grounded in positive law but may also be legitimized within *Fiqh Siyasah*, provided that its implementation genuinely aims to protect the interests of society at large. This study similarly positions the prohibition on importing used clothing as a form of governmental intervention in trade intended to protect public health, maintain national economic stability, and safeguard the domestic textile industry.

Allah the Almighty states in Q.S. An-Nisā' verse 59:

يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولَى الْأَمْرِ مِنْكُمْ

Meaning: "O you who believe, obey Allah and obey the Messenger (Muhammad), and those in authority among you"

The passage indicates that Muslims are required to obey the government as long as the policies it establishes do not conflict with Islamic law and are directed toward the public interest. In the context of this study, Regulation of the Minister of Trade of the Republic of Indonesia Number 18 of 2021 may be understood as a policy enacted by *ulil amri*, or legitimate authorities, to promote public welfare by protecting public health, strengthening the national textile industry, and preventing illegal trade. Nevertheless, policy effectiveness depends not only on normative legitimacy but also on the government's capacity to disseminate, supervise, and enforce the regulation fairly. Previous studies have generally examined the prohibition on importing used clothing from the perspectives of positive law, legality, Islamic business principles, and economic impacts. This study offers novelty by empirically

examining the implementation of Article 2 paragraph (3) letter d of Minister of Trade Regulation Number 18 of 2021 in Tanjung Balai City, a coastal area vulnerable to illegal trade routes, while simultaneously analyzing it through the perspective of Fiqh Siyasah, particularly the concepts of Siyāsah Tanfidhiyyah, maṣlaḥah, and obedience to ulil amri. The study is therefore expected to provide a theoretical contribution to the fields of Islamic constitutional law and trade law, as well as a practical contribution to strengthening regulatory supervision, legal dissemination, and the economic empowerment of affected communities. The novelty of this study is further reflected in its focus on Tanjung Balai as a coastal area bordering the Strait of Malacca, its integration of policy implementation theory with Fiqh Siyasah, and its use of primary data obtained from traders, consumers, and officials of the Teluk Nibung Customs and Excise Office.

2. RESEARCH METHOD

This study employed empirical legal research using a qualitative approach. Empirical legal research was selected because the study did not merely examine the normative provisions contained in Regulation of the Minister of Trade of the Republic of Indonesia Number 18 of 2021 concerning Goods Prohibited from Export and Goods Prohibited from Import, but also analyzed how Article 2 paragraph (3) letter d was implemented in the trade of imported second-hand clothing in Tanjung Balai City. The qualitative approach was used to obtain an in-depth understanding of social realities, public perceptions, legal compliance, and the obstacles encountered by traders, consumers, and supervisory authorities in implementing the policy. Accordingly, this study connected the applicable legal norms with empirical evidence concerning the continuing trade in imported second-hand clothing in a coastal region vulnerable to unofficial trade routes. Empirical legal research was therefore relevant because law was understood not merely as a body of written regulations, but also as a social practice influenced by institutional structures, legal culture, and the economic conditions of society (Muhaimin, 2020).

The study was conducted at Veteran Market and the Teluk Nibung Customs and Excise Supervision and Service Office, Type C Intermediate Customs, in Tanjung Balai City from June 20 to 28, 2026. These locations were selected purposively because Veteran Market is one of the commercial centers in which imported second-hand clothing remains actively traded, while the Teluk Nibung Customs and Excise Office is the institution authorized to supervise the entry of imported goods into the region. The research data consisted of primary and secondary data. Primary data were obtained through field observations and semi-structured interviews with Customs and Excise officials, 10 traders of imported second-hand clothing, and 10 consumers. Secondary data were obtained from laws and regulations, books, scholarly journal articles, supporting documents, and enforcement data concerning imported second-hand clothing provided by the Teluk Nibung Customs and Excise Office. Informants were selected based on their direct involvement in the trade, consumption, and supervision of imported second-hand clothing, thereby enabling the data to provide a comprehensive account of policy implementation.

Data were collected through observation, semi-structured interviews, and document analysis. Observation was conducted to examine directly the trade in imported second-hand clothing at Veteran Market. Semi-structured interviews were used to explore the informants' understanding of the prohibition on importing used clothing, the economic considerations underlying the practice, and the supervisory constraints encountered by enforcement authorities. Document analysis was conducted by examining regulations, enforcement records, and supporting documents relevant to policy implementation. The collected data were analyzed using the interactive model developed by Miles, Huberman, and Saldaña, which comprises data condensation, data display, and conclusion drawing (Miles et al., 2014). Data validity was established through source triangulation by comparing information obtained from traders, consumers, Customs and Excise officials, and supporting documents. The findings were subsequently analyzed using policy implementation theory, Lawrence M. Friedman's legal system theory, and the perspective of Fiqh Siyasah through the concepts of Siyāsah Tanfidhiyyah, maṣlaḥah, and obedience to ulil amri.

3. RESULT AND ANALYSIS

Implementation of the Policy Prohibiting the Importation of Used Clothing in Tanjung Balai City

The findings demonstrate that the implementation of Regulation of the Minister of Trade of the Republic of Indonesia Number 18 of 2021 concerning Goods Prohibited from Export and Goods Prohibited from Import has not been optimal in Tanjung Balai City. Based on field observations conducted from June 20 to 28, 2026, imported second-hand clothing continued to be openly traded at Veteran Market in Tanjung Balai City. Various products, including T-shirts, shirts, jackets, trousers, bags, and shoes, were sold at relatively affordable prices and remained popular among consumers. This situation reveals a gap between the legal norm prohibiting the importation of used clothing, as stipulated in Article 2 paragraph (3) letter d of Minister of Trade Regulation Number 18 of 2021, and the social reality in which such trading activities continue openly. The prohibition on importing used clothing has therefore not been fully internalized in the commercial practices of the Tanjung Balai community.

Interviews with traders of imported second-hand clothing revealed that most informants were aware of the prohibition. However, they generally obtained this information from mass media, social media, and the internet rather than through direct government outreach. Consequently, the traders' understanding of the substance of the regulation remained limited, particularly regarding its policy objectives, legal consequences, and the effects of imported second-hand clothing on public health and the domestic textile industry. The traders also stated that imported second-hand clothing remained readily available through local distributors, while consumer demand continued to be high. Furthermore, the trade had become the primary source of income for some traders. Consequently, the implementation of the prohibition without alternative livelihood opportunities, financial assistance, or vocational training was perceived as potentially threatening their household economies. These findings indicate that policy implementation involves not only questions of legal compliance but also the economic needs of small-scale business actors.

Interviews with consumers demonstrated that purchasing decisions were primarily influenced by economic considerations. Consumers continued to purchase imported second-hand clothing because it was less expensive than new clothing, was perceived to be of acceptable quality, and offered a wide selection of well-known brands. Although some consumers were aware of the prohibition, they did not fully understand the substance and objectives of the policy. As long as the products remained readily available in the market, consumer demand was likely to remain high. Meanwhile, officials from the Teluk Nibung Customs and Excise Office explained that supervision had been conducted through maritime patrols, enforcement operations, and controls over the entry of imported goods. Nevertheless, the effectiveness of these measures was constrained by the extensive maritime territory, numerous unofficial entry routes, limited personnel, inadequate patrol facilities, and persistently high market demand. The implementation of the prohibition therefore faced simultaneous obstacles arising from limited public legal awareness and insufficient state supervisory capacity.

Analytically, these findings can be understood through George C. Edward III's policy implementation theory, which emphasizes that successful implementation is influenced by communication, resources, implementers' disposition, and bureaucratic structure (Edward III, 1980). In the context of this study, policy communication was not yet optimal because government outreach had not directly reached traders and consumers. Consequently, the prohibition was generally known, but it was not fully understood as a policy intended to protect public health, the national economy, and legal certainty. In terms of resources, limited personnel and patrol facilities prevented comprehensive supervision of the maritime territory surrounding Tanjung Balai. Regarding bureaucratic structure, interagency coordination had been established, but its effectiveness continued to be challenged by the geographical characteristics of Tanjung Balai, particularly the presence of numerous unofficial maritime routes. The weakness of policy implementation therefore resulted not only from public non-compliance, but also from ineffective policy communication and limited institutional resources.

From the perspective of Lawrence M. Friedman's legal system theory, the implementation of the prohibition on importing used clothing can also be examined through three elements: legal substance, legal structure, and legal culture (Friedman, 1975). Regarding legal substance, the prohibition has a clear normative basis in Minister of Trade Regulation Number 18 of 2021. However, in terms of legal structure, supervision has not been fully effective because of limited enforcement personnel and supporting facilities. From the perspective of legal culture, members of the community continue to perceive imported second-hand clothing as economically beneficial to both traders and consumers. This demonstrates that the existence of a regulation alone is insufficient to eliminate the practice when it is not accompanied by changes in legal awareness and the provision of economic alternatives for affected

communities. These findings are consistent with the studies of Misbahun Nidhom (2024), Batubara and Ginting (2026), and Amrullah et al. (2024), which emphasize that the effectiveness of the prohibition on importing used clothing requires synergy among law enforcement, continuous supervision, intensive public dissemination, and community economic empowerment. A repressive approach based on enforcement actions should therefore be complemented by preventive and empowerment-oriented measures so that the substantive objectives of the policy can be achieved.

Factors Contributing to the Continued Trade in Imported Second-Hand Clothing in Tanjung Balai City

The findings indicate that the trade in imported second-hand clothing continues in Tanjung Balai City despite the government's prohibition under Regulation of the Minister of Trade of the Republic of Indonesia Number 18 of 2021. Field evidence shows that the persistence of this practice is influenced by several major factors, including traders' economic interests, high public demand, easy access to goods through distributor networks, and limited supervision in coastal areas. Interviews with traders, consumers, and Customs and Excise officials revealed that the legal prohibition has not been fully effective in terminating the trade because the practice has created a mutually beneficial economic relationship between traders and consumers. Traders generate income from the sale of imported second-hand clothing, while consumers gain access to affordable products that are still perceived to be of acceptable quality. Accordingly, the trade in imported second-hand clothing in Tanjung Balai should not be understood solely as a legal violation, but also as a socio-economic phenomenon sustained by market demand and the economic dependence of local communities.

Economic considerations constitute the most dominant factor encouraging traders to continue selling imported second-hand clothing. The interviews revealed that most traders rely on this business as their household's primary source of income. Consequently, the import prohibition, when implemented without alternative business opportunities, financial assistance, vocational training, or an economic transition scheme, is perceived as potentially threatening the economic sustainability of traders' households. Interpretatively, this condition suggests that legal compliance is determined not only by knowledge of the law, but also by the community's capacity to adapt to the economic consequences of the regulation. From the perspective of rational choice theory, individuals tend to select actions that offer the greatest perceived benefits while involving risks they consider tolerable (Becker, 1976). For traders, as long as market demand remains high and access to goods remains available, the economic benefits of selling imported second-hand clothing are considered more immediate and tangible than legal sanctions that have not been directly experienced. These findings demonstrate that a legal prohibition is unlikely to be effective unless it is accompanied by economic empowerment policies for affected groups.

From the consumer perspective, the continuation of the trade is influenced by strong public demand for affordable, good-quality, and branded products. Interviews indicated that consumers continue to purchase imported second-hand clothing because it is less expensive than new clothing, is still considered fit for use, and offers a wider variety of brands and styles. Although some consumers are aware of the prohibition, such knowledge has not been sufficient to change their consumption behavior as long as the products remain available in the market. This phenomenon demonstrates that consumer culture does not always develop in accordance with formal legal norms. From the perspective of Lawrence M. Friedman's concept of legal culture, legal effectiveness is strongly influenced by the extent to which society accepts, understands, and adopts the law as a guide for conduct (Friedman, 1975). In the context of Tanjung Balai, legal culture remains relatively weak because economic considerations are more influential than compliance with import regulations. Consequently, the prohibition has not yet created a collective awareness that purchasing imported second-hand clothing is also associated with public health concerns, the protection of domestic industry, and illegal trade.

Geographical and institutional factors also play an important role in the persistence of the imported second-hand clothing trade in Tanjung Balai City. As a coastal area located close to the international shipping routes of the Strait of Malacca, Tanjung Balai contains numerous vulnerable entry points through which goods may be brought in via unofficial routes. Interviews with officials from the Teluk Nibung Customs and Excise Office revealed that supervision continues to be constrained by the extensive maritime territory, the large number of smuggling routes, limited personnel, and inadequate patrol facilities. This condition demonstrates that the success of the import prohibition depends not only on the substance of the regulation, but also on the state's capacity to supervise border areas and commodity distribution networks. In Friedman's legal system theory, legal structure encompasses the

institutions, enforcement authorities, and facilities responsible for implementing the law (Friedman, 1975). When the supervisory structure remains weak, even clearly formulated legal norms are difficult to implement effectively. The continued circulation of imported second-hand clothing in Tanjung Balai therefore reflects a gap between the strength of the legal norm and institutional capacity to control smuggling practices.

Overall, the findings demonstrate that the trade in imported second-hand clothing in Tanjung Balai City persists because of a combination of economic interests, market demand, easy access to distribution networks, limited supervision, and the underdevelopment of public legal culture. This reinforces the view that the problem cannot be addressed solely through a repressive approach based on law enforcement. Enforcement remains important, but it is unlikely to be effective unless accompanied by sustained public outreach, consumer education, stronger supervision of coastal areas, the disruption of illegal distribution networks, and economic empowerment programs for traders. These findings are consistent with Amrullah et al. (2024), Faliqin (2024), and Rafi et al. (2023), who emphasize that the effectiveness of foreign trade policy is influenced by regulatory supervision, public compliance, the socio-economic conditions of business actors, and coordinated law enforcement in border regions. The trade in imported second-hand clothing in Tanjung Balai is therefore a multidimensional policy implementation problem that requires an integrated legal, economic, social, and institutional response.

A Fiqh Siyasa Review of the Implementation of the Policy Prohibiting the Importation of Used Clothing

The findings indicate that the implementation of the policy prohibiting the importation of used clothing in Tanjung Balai City has not yet been optimal. Traders generally acknowledged that they were aware of the prohibition, yet they continued their commercial activities because the business constituted their households' primary source of income. Consumers also continued to purchase imported second-hand clothing because of its affordability, perceived quality, and wide variety of brands. Meanwhile, the Teluk Nibung Customs and Excise Office had conducted supervision through maritime patrols and enforcement actions against smuggling. However, the effectiveness of these measures remained constrained by the extensive maritime territory, numerous unofficial routes, limited personnel, and persistently high market demand. These findings demonstrate that the problem of policy implementation is not confined to legal factors, but is also closely related to the socio-economic realities of the community and the institutional capacity of the state to conduct effective supervision (Edward III, 1980; Friedman, 1975).

From the perspective of Fiqh Siyasa, the policy prohibiting the importation of used clothing may be understood as part of Siyāsah Tanfidhiyyah, namely the government's authority to implement laws and public policies in order to realize the welfare of society. The government has the authority to regulate commercial activities when such policies are intended to protect the public interest, prevent harm, safeguard public health, and promote justice within the economic system. In this context, Minister of Trade Regulation Number 18 of 2021 is not merely an administrative instrument governing trade, but also a manifestation of the state's responsibility to protect society from the health risks associated with imported second-hand clothing, preserve the sustainability of the domestic textile industry, and prevent state losses resulting from smuggling. This principle is consistent with the following maxim of Fiqh Siyasa:

تَصَرُّفُ الْإِمَامِ عَلَى الرَّعِيَّةِ مُنَوِّطٌ بِالْمَصْلَحَةِ

Meaning: "A leader's policy toward the people must be based on the public interest" (Djazuli, 2023).

Accordingly, from a normative standpoint, the prohibition on importing used clothing possesses Islamic legal legitimacy because it is directed toward protecting the interests of society at large. The principle of public welfare is also closely related to the obligation to uphold justice in governance. Allah the Almighty states in Q.S. Al-Mā'idah verse 8:

يَا أَيُّهَا الَّذِينَ آمَنُوا كُونُوا قَوَّامِينَ لِلَّهِ شُهَدَاءَ بِالْقِسْطِ

Meaning: "O you who believe! Be steadfast in upholding justice for the sake of Allah..." (Q.S. Al-Mā'idah [5]: 8).

This verse emphasizes that public policy must be founded on justice rather than solely on administrative or economic considerations. In this study, the justice underlying the prohibition on

importing used clothing is reflected in its objectives of protecting public health, safeguarding the domestic textile industry, and preventing illegal trade. Interpretatively, however, the fairness of the policy cannot be assessed solely on the basis of its normative objectives, but must also be evaluated through the manner in which it is implemented. When the prohibition is enforced without adequate public dissemination, viable economic alternatives for small-scale traders, and consistent supervision of illegal distribution channels, the intended public benefit may instead be obstructed by the emergence of new social problems.

In addition to the Qur'anic foundation, the normative basis for preventive policy can also be found in the following hadith of the Prophet Muhammad:

لَا ضَرَرَ وَلَا ضِرَارَ

Meaning: "There should be neither harm nor reciprocation of harm" (Narrated by Ibn Mājah, Hadith No. 2341).

This hadith provides an important basis for the government's authority to establish policies aimed at preventing harm before more serious damage occurs. The prohibition on importing used clothing may be understood as a preventive policy because it seeks to minimize health risks arising from garments that do not meet sanitation standards, while simultaneously preventing economic losses caused by the circulation of illegally imported goods. Within the framework of *jalb al-maṣāliḥ wa dar' al-mafāsid*, the policy seeks to secure benefits while preventing harm (Djazuli, 2023). Nevertheless, the findings demonstrate that this principle has not been fully realized in practice because imported second-hand clothing remains readily available in the market. This indicates that weaknesses in policy implementation may reduce the effectiveness of the objectives of Islamic law that the policy is intended to achieve.

From the perspective of *maqāṣid al-syarī'ah*, the policy prohibiting the importation of used clothing is relevant to the protection of life (*ḥifẓ al-naḥs*) and the protection of property (*ḥifẓ al-māl*). The protection of life is reflected in the policy's objective of safeguarding the public from diseases or health problems associated with imported second-hand clothing whose cleanliness cannot be guaranteed. The protection of property is reflected in efforts to preserve the sustainability of the national textile industry, protect domestic business actors, and reduce state losses caused by smuggling. Normatively, therefore, the policy is consistent with the principles of *Fiqh Siyasah* because it is oriented toward the public interest. Empirically, however, the intended public benefit has not been fully achieved because implementation continues to be hindered by limited supervision, insufficient policy dissemination, high public demand, and traders' economic dependence on the business. The implementation of the prohibition should therefore be strengthened through effective supervision, sustained legal dissemination, interagency coordination, and economic empowerment programs for traders. These measures are necessary to ensure that *Siyāsah Tanfidhiyyah* does not remain merely a source of normative legitimacy, but generates tangible benefits for society (Hendra Yasin, 2024; Yola et al., 2025).

4. CONCLUSION

This study concludes that the implementation of Article 2 paragraph (3) letter d of Regulation of the Minister of Trade of the Republic of Indonesia Number 18 of 2021 concerning the prohibition on importing used clothing has not yet been optimal in Tanjung Balai City. This is evidenced by the continued open trade in imported second-hand clothing at Veteran Market, strong consumer demand driven by affordability and perceived product quality, and traders' economic dependence on the business. Policy implementation has also been hindered by limited direct dissemination to traders and consumers, insufficient supervisory personnel and facilities, the extensive maritime territory, numerous unofficial entry routes, and the absence of a sufficiently developed legal culture that supports compliance with the import prohibition. From the perspective of *Fiqh Siyasah*, the prohibition on importing used clothing is fundamentally consistent with the principles of *Siyāsah Tanfidhiyyah*, *maṣlaḥah*, obedience to *ulil amri*, and the objectives of *maqāṣid al-syarī'ah*, particularly the protection of life and property. However, these public-interest objectives have not been fully realized because policy implementation continues to face social, economic, and institutional constraints. Therefore, stronger supervision, sustained legal dissemination, enhanced interagency coordination, enforcement

against illegal distribution networks, and economic empowerment programs for traders are required. These measures are necessary to ensure that the prohibition on importing used clothing possesses not only legal and Islamic legitimacy, but is also implemented effectively and fairly and generates tangible benefits for society.

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