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THE POLICY PROHIBITING THE SALE OF USED CLOTHING (THRIFTING) AND THE PROTECTION OF THE ECONOMIC RIGHTS OF SMALL-SCALE TRADERS: A PERSPECTIVE ON LAW AND SOCIAL JUSTICE

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Abstract: *This study examines Indonesia's policy prohibiting the importation of used clothing (thrifting) and its implications for the protection of small-scale traders' economic rights from the perspectives of law and social justice. The study employs normative legal research using statutory and conceptual approaches. Legal materials are collected through documentary research and analyzed qualitatively through legal interpretation and normative reasoning. The findings indicate that the prohibition on importing used clothing must be distinguished from the domestic resale of second-hand garments, as the legality of each activity depends on the applicable legal provisions and the circumstances of the transaction. Although the government has legitimate interests in protecting domestic industries, ensuring trade compliance, and safeguarding consumers, regulatory enforcement must also consider legal certainty, proportionality, and the socioeconomic circumstances of affected traders. The constitutional right to work and to a dignified livelihood does not create an unconditional entitlement to trade prohibited goods; however, it provides a normative foundation for assessing the fairness of regulatory implementation. This study proposes an integrated framework connecting trade regulation, economic rights, proportionality, and distributive justice. It argues that effective enforcement should be accompanied by transparent communication, access to lawful supply chains, and appropriate business transition support. The study contributes a rights-based perspective to the development of socially responsive trade governance in Indonesia.*
Keywords: *Economic Rights, Legal Protection, Social Justice, Small-Scale Traders, Thrifting Regulation*

Abstrak: Penelitian ini bertujuan untuk menganalisis kebijakan larangan impor pakaian bekas (*thrifting*) di Indonesia dan implikasinya terhadap perlindungan hak ekonomi pedagang kecil dalam perspektif hukum dan keadilan sosial. Penelitian ini menggunakan metode penelitian hukum normatif dengan pendekatan perundang-undangan dan konseptual. Bahan hukum dikumpulkan melalui studi dokumentasi dan dianalisis secara kualitatif menggunakan interpretasi hukum serta penalaran normatif. Hasil analisis menunjukkan bahwa larangan impor pakaian bekas perlu dibedakan dari aktivitas penjualan kembali pakaian bekas di dalam negeri karena legalitas setiap aktivitas bergantung pada ketentuan hukum yang berlaku dan keadaan transaksinya. Meskipun pemerintah memiliki kepentingan yang sah dalam melindungi industri domestik, memastikan kepatuhan perdagangan, dan melindungi konsumen, pelaksanaan kebijakan tetap perlu mempertimbangkan kepastian hukum, proporsionalitas, serta kondisi sosial-ekonomi pedagang yang terdampak. Hak konstitusional atas pekerjaan dan penghidupan yang layak tidak memberikan hak tanpa batas untuk memperdagangkan barang yang dilarang, tetapi menjadi landasan normatif untuk menilai keadilan pelaksanaan kebijakan. Penelitian ini menawarkan kerangka analisis yang mengintegrasikan regulasi perdagangan, hak ekonomi, proporsionalitas, dan keadilan distributif. Penelitian ini menegaskan bahwa penegakan hukum perlu disertai komunikasi regulasi yang transparan, akses terhadap rantai pasok yang sah, dan dukungan transisi usaha yang memadai.

Kata Kunci: Hak Ekonomi, Keadilan Sosial, Larangan Impor, Pedagang Kecil, *Thrifting*.

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INTRODUCTION

The global expansion of second-hand clothing markets has generated an increasingly complex debate concerning international trade regulation, economic inclusion, environmental sustainability, and the protection of domestic industries. The circulation of used clothing is not merely a commercial activity but also part of a transnational economic network connecting textile consumption, reuse, distribution, and livelihoods in importing countries (Brooks, 2015; Hansen, 2000). Recent research demonstrates that second-hand clothing markets can contribute to resource conservation and circular economic practices, although their environmental benefits depend on consumption patterns, product durability, and the extent to which reuse substitutes for the purchase of new clothing (Klooster et al., 2024). At the same time, the international second-hand clothing trade raises concerns regarding its effects on domestic textile production, waste management, and the distribution of economic benefits across global supply chains (United Nations Economic Commission for Europe [UNECE], 2024). Consequently, the regulation of used clothing requires a multidimensional policy approach that considers not only trade legality and industrial competitiveness but also the social and economic consequences for the individuals whose livelihoods depend on these markets.

The debate surrounding thrifting in Indonesia has become particularly significant because the government has sought to control the importation of used clothing while protecting domestic textile and garment industries. The legal framework includes Law No. 7 of 2014 concerning Trade and Minister of Trade Regulation No. 40 of 2022, which is cited by the Ministry of Trade in explaining the prohibition on importing used clothing. The government has maintained that the regulatory target is the importation of prohibited used clothing rather than the general activity of trading second-hand goods domestically (Ministry of Trade of the Republic of Indonesia, 2025). This distinction is fundamental to understanding the legal and economic dimensions of the policy. The prohibition on importing used clothing should not automatically be interpreted as a blanket prohibition on every domestic transaction involving second-hand garments. The applicable legal provisions, the origin of the merchandise, and the specific conduct of the trader must therefore be examined separately.

The Small-scale traders occupy a particularly important position in this debate because their businesses may depend on accessible merchandise, relatively low capital requirements, and established networks of suppliers and consumers. In Indonesia, micro, small, and medium-sized enterprises (MSMEs) constitute a substantial part of the national economy, accounting for approximately 99% of business units and absorbing nearly 97% of employment, according to figures reported by the Coordinating Ministry for Economic Affairs in 2024 (Coordinating Ministry for Economic Affairs of the Republic of Indonesia, 2024). Although these national figures do not establish how many traders depend specifically on imported second-hand clothing, they demonstrate why regulatory interventions affecting small enterprises deserve careful socioeconomic assessment. The International Labour Organization (ILO) similarly identifies MSMEs as important contributors to employment, economic growth, and social justice while emphasizing their vulnerability to economic and regulatory shocks (International Labour Organization [ILO], n.d.). For traders with limited financial reserves and few alternative sources of income, abrupt changes in merchandise availability may affect business continuity, household income, debt repayment, and their capacity to sustain self-employment.

From a human rights perspective, the economic consequences of such restrictions must be considered in relation to the right to work and the right to an adequate standard of living. Article 27(2) of the 1945 Constitution of the Republic of Indonesia recognizes every citizen's right to work and to a livelihood worthy of human dignity, while Article 28D (2) provides a constitutional guarantee concerning the right to work and receive fair and proper remuneration. These provisions establish an important normative foundation for evaluating the social consequences of economic regulation (Republic of Indonesia, 1945). At the international level, the International Covenant on Economic, Social and Cultural Rights recognizes the right to work, including the opportunity to earn a living through freely chosen or accepted work, and the right to an adequate standard of living (United Nations, 1966). General Comment No. 18 further elaborates the normative dimensions of the right to work, including the state's obligations to respect, protect, and fulfil that right (United Nations Committee on Economic, Social and Cultural Rights [CESCR], 2005). Although these guarantees do not establish an unconditional right to conduct any particular commercial activity, they provide a basis for examining whether regulatory measures impose disproportionate burdens on economically vulnerable groups without adequate safeguards.

This distinction is essential to the relationship between legality and social justice. The economic rights of small-scale traders cannot be understood as an unrestricted entitlement to sell prohibited goods, particularly when the goods have entered the country in violation of applicable import regulations. Conversely, the existence of an import prohibition does not make the socioeconomic consequences for domestic traders irrelevant to public policy. The United Nations Guiding Principles on Business and Human Rights emphasize the importance of protecting human rights against adverse impacts associated with economic activity and ensuring access to appropriate remedies where rights are adversely affected (United Nations Human Rights Council, 2011). In the context of thrifting regulation, this principle provides a broader framework for considering the responsibilities of public institutions toward affected communities, including access to information, opportunities to participate in policy processes, and appropriate measures to mitigate adverse livelihood consequences. The central issue is therefore not whether economic rights should automatically override trade regulation, but whether the state can reconcile legitimate regulatory objectives with the protection of human dignity, legal certainty, and equitable economic opportunities.

A further consideration concerns the distinction between restricting illegal imports and regulating domestic resale. These activities are related but legally and economically distinct. When the policy discussion conflates them, small-scale traders may be perceived collectively as participants in illegal trade even when their individual circumstances, knowledge of the merchandise's origin, and business practices differ. Such a broad characterization risks obscuring differences between importers, distributors, wholesalers, and retail traders. It may also divert attention from the institutional capacity required to enforce import controls effectively while providing clear guidance to domestic businesses. Law No. 7 of 2014 concerning Trade encompasses both the regulation of domestic and international trade and the empowerment of cooperatives and MSMEs, indicating that trade governance operates alongside a broader mandate to support economic participation (Republic of Indonesia, 2014). This creates an important policy question: how can the state enforce restrictions on prohibited imports without unnecessarily undermining the livelihoods of domestic traders or weakening the principle of equal and predictable treatment under the law?

The existing literature provides important foundations for investigating this question, but several analytical dimensions require further integration. Studies of second-hand clothing have examined transnational commodity networks, the social and economic organization of used-clothing markets, and the relationship between reuse and sustainability (Brooks, 2015; Gregson & Crewe, 2003; Hansen, 2000; Klooster et al., 2024). Meanwhile, international human rights instruments establish normative standards concerning work, living conditions, and protection against adverse economic impacts (CESCR, 2005; United Nations Human Rights Council, 2011). However, these bodies of literature do not, by themselves, establish whether Indonesia's used-clothing import restrictions violate the economic rights of small-scale traders. The unresolved analytical issue is how the legality of the restriction, the proportionality of its implementation, the distribution of its economic burdens, and the availability of livelihood protection should be assessed together within the Indonesian legal and institutional context. This article addresses that issue by bringing trade law, economic rights, and social justice into a single analytical framework rather than treating them as separate policy concerns.

To address this gap, the article examines Indonesia's policy on prohibiting the importation and sale of used clothing through three interconnected dimensions: the legal basis and scope of the restriction, its implications for the economic rights and livelihoods of small-scale traders, and its consistency with principles of proportionality and social justice. The analysis distinguishes the legal prohibition on importing used clothing from the domestic resale of second-hand goods, avoiding the assumption that all thrifting activities are prohibited. It then evaluates the extent to which the implementation of trade restrictions appropriately balances the protection of domestic industries and consumers with the state's responsibility to safeguard economic participation and a dignified livelihood. The article's contribution lies in integrating legal analysis with a rights-based assessment of policy impacts, thereby providing a framework for distinguishing legitimate trade enforcement from implementation practices that may impose unjustified socioeconomic burdens. Ultimately, the study argues that effective trade governance should not be assessed solely by its capacity to restrict prohibited imports, but also by its ability to pursue legitimate public objectives through lawful, proportionate, transparent, and socially responsive measures.

METHODS

This study employs normative legal research using statutory and conceptual approaches to examine Indonesia’s policy on used-clothing imports and its implications for the economic rights of small-scale traders. The statutory approach is used to analyze the 1945 Constitution of the Republic of Indonesia, Law No. 7 of 2014 concerning Trade, applicable ministerial regulations governing prohibited imports, and relevant international human rights instruments, particularly the International Covenant on Economic, Social and Cultural Rights. The conceptual approach examines the principles of economic rights, legal certainty, proportionality, and social justice as a normative basis for evaluating the legitimacy and fairness of trade restrictions. Legal materials consist of primary sources, including legislation and official legal documents, and secondary sources, including peer-reviewed journal articles, academic books, and scholarly commentaries. Data are collected through documentary research and analyzed qualitatively using grammatical, systematic, and teleological interpretation, followed by descriptive and prescriptive legal reasoning to assess the consistency of the regulatory framework and its implications for small-scale traders. This approach enables the study to evaluate whether the policy appropriately balances the legitimate objectives of protecting domestic industries and consumers with the state's responsibility to safeguard economic participation and dignified livelihoods. Consistent with the principles of normative legal research, the analysis focuses on legal norms,

interpretation, and legal argumentation rather than establishing empirical causal relationships (Marzuki, 2021; Negara, 2023). Accordingly, the study distinguishes the prohibition on importing used clothing from the domestic resale of second-hand garments and does not presume that the policy automatically constitutes a violation of economic rights; claims regarding actual changes in traders' income or business continuity would require additional empirical evidence.

RESULT AND DISCUSSION

1. The Legal Construction of Indonesia's Used-Clothing Import Prohibition

The analysis identifies a fundamental distinction between the legal prohibition on importing used clothing and the broader commercial activity commonly described as thrifting. Indonesia's trade regulatory framework establishes restrictions on the importation of specified goods, including used clothing, as part of the state's authority to regulate international trade. Law No. 7 of 2014 concerning Trade provides the statutory framework for trade governance, while the current regulatory framework on prohibited imports must be interpreted in conjunction with the applicable implementing regulations. As of 2026, Minister of Trade Regulation No. 47 of 2025 concerning Prohibited Imports is the relevant instrument replacing the earlier regulations on prohibited imports. From a legal perspective, this distinction matters because the importation of prohibited merchandise, its distribution through commercial networks, and the subsequent resale of second-hand goods are not necessarily identical legal acts. The legal status of a particular transaction depends on the applicable provisions, the origin and import status of the goods, and the conduct attributable to the relevant business actor. Therefore, the term thrifting should not be used as though it automatically establishes the illegality of every second-hand clothing transaction.

This interpretation reveals an important issue of legal precision. Public communication that categorically labels all second-hand clothing traders as illegal risks conflating the prohibition of certain import activities with the legal status of domestic resale. Although the state may legitimately enforce restrictions on prohibited imports, enforcement must remain connected to the conduct and circumstances covered by the relevant legal provisions. Such differentiation is essential to legal certainty because traders need to understand which activities are prohibited, which remain permissible, and what legal consequences follow from non-compliance.

Existing Indonesian legal scholarship has also identified questions concerning the consistency and interpretation of the regulatory framework governing imported used clothing and the legal consequences for businesses involved in its circulation (Ardianti & Sakti, 2024; Pesoth, 2024). More recent research has examined the policy through the principles of non-discrimination and national treatment, demonstrating that the import restriction also raises questions about the relationship between domestic regulatory objectives and international trade obligations (Maghfiroh, 2025). These studies provide a basis for further analysis, although their respective conclusions must be evaluated in light of the regulations applicable at the time of the present study.

The first finding, therefore, is that the legal assessment of the thrifting policy requires a differentiated approach. The existence of a prohibition on importing used clothing establishes a legal basis for controlling prohibited imports, but it does not, by itself, establish that every domestic second-hand clothing transaction is unlawful or that the policy necessarily violates traders' economic rights. The central legal question concerns the scope of the prohibition, the

consistency of its implementation, and the extent to which enforcement distinguishes unlawful import activity from other commercial conduct.

2. Economic Rights of Small-Scale Traders and the Constitutional Responsibility of the State

The second analytical finding concerns the relationship between trade regulation and the economic rights of small-scale traders. The 1945 Constitution of the Republic of Indonesia provides a normative foundation for protecting citizens' opportunities to work and maintain a dignified livelihood. Article 27(2) recognizes the right to work and to a livelihood worthy of human dignity, while Article 28D (2) protects the right to work and to receive fair and proper remuneration. These provisions should be interpreted alongside the International Covenant on Economic, Social and Cultural Rights, particularly Articles 6 and 11, which address the right to work and the right to an adequate standard of living (Republic of Indonesia, 1945; United Nations, 1966). Nevertheless, constitutional protection of economic rights should not be interpreted as an unconditional entitlement to engage in every form of commercial activity. The right to work does not automatically confer a right to import or sell goods in violation of valid trade regulations. The relevant legal question is whether the state exercises its regulatory authority in a manner consistent with constitutional principles, including legality, equality, legal certainty, and the protection of human dignity. Accordingly, the analysis must distinguish between the legality of a particular commercial activity and the protection owed to individuals whose economic circumstances may be affected by its regulation.

This distinction reveals a tension between two legitimate public interests. On one side, the state has a responsibility to enforce import regulations, protect domestic industrial capacity, and pursue consumer protection objectives. On the other, it must consider the consequences of enforcement for small-scale traders who may have limited capital, restricted access to alternative suppliers, and few opportunities to transition rapidly into other businesses. These competing interests cannot be resolved merely by declaring one objective superior to the other. They require a reasoned assessment of the legal basis, practical necessity, and distributional consequences of the policy.

The International Covenant on Economic, Social and Cultural Rights provides a useful framework for this assessment. The Committee on Economic, Social and Cultural Rights explains that the right to work encompasses the opportunity to earn a living through work that is freely chosen or accepted (CESCR, 2005). Although this principle does not invalidate legitimate trade restrictions, it reinforces the importance of examining whether public policy unnecessarily undermines opportunities for productive economic participation. Similarly, the United Nations Guiding Principles on Business and Human Rights emphasize the responsibility of states to protect against adverse human rights impacts associated with economic activities (United Nations Human Rights Council, 2011).

Applied to the thrifting policy, these principles suggest that economic-rights protection should not be reduced to preserving the existing business model of every trader. Rather, it should include the protection of legitimate livelihood interests through clear regulation, predictable enforcement, access to relevant information, and feasible opportunities for economic transition. For example, traders who are unable to continue sourcing prohibited imported goods may require access to alternative domestic suppliers, business development assistance, affordable financing, or training in lawful resale and related commercial activities. These measures would not legalize prohibited imports; instead, they would address the socioeconomic consequences of enforcing the law.

Recent Indonesian scholarship has similarly highlighted the tension between trade-law enforcement and the socioeconomic survival of micro, small, and medium-sized enterprises in the

thrifting sector. Ibnususilo et al. (2026), for example, examine the relationship between fiscal justice, the legal status of prohibited goods, and the protection of affected businesses. Their analysis supports the importance of distinguishing the legal status of merchandise from the socioeconomic position of the business actors involved. The implication is that the state's responsibility should be understood as extending beyond prohibition and punishment. Where enforcement creates substantial adjustment costs for economically vulnerable traders, the state should consider whether proportionate transitional measures are warranted. Such measures can reconcile the enforcement of valid trade restrictions with the broader constitutional commitment to dignified livelihoods without creating an exception that undermines the prohibition itself.

3. Proportionality, Legal Certainty, and the Distribution of Regulatory Burdens

The third finding concerns the proportionality of the policy and the manner in which its burdens are distributed. A policy may pursue legitimate objectives and still require scrutiny regarding the means selected to achieve them. The protection of domestic textile industries, the maintenance of orderly importation, and the prevention of risks associated with certain imported products can provide legitimate grounds for state intervention. However, the existence of a legitimate objective does not, by itself, demonstrate that every enforcement measure is necessary, appropriately targeted, or socially equitable.

A proportionality analysis provides a structured way to evaluate this issue. First, the policy must pursue a legitimate objective. Second, the measure must be rationally connected to that objective. Third, consideration should be given to whether the objective could be achieved through reasonably available alternatives that impose fewer unnecessary burdens. Finally, the expected public benefits must be assessed against the severity and distribution of the adverse consequences. This framework is used here as an analytical principle for evaluating the fairness of the policy, rather than as a claim that a particular judicial test has already been applied to the Indonesian regulation.

In the context of used clothing, the first stage concerns the legitimacy of controlling prohibited imports. The second concerns whether restrictions and enforcement measures are appropriately directed toward the import activities that the law prohibits. The third requires examination of potential complementary measures, such as more effective border controls, transparent supply-chain verification, clearer guidance for retailers, and support for traders transitioning to lawful merchandise. The final stage requires consideration of whether the benefits of enforcement justify the economic burdens imposed on affected groups and whether those burdens can be mitigated without compromising the policy's objectives.

This analysis reveals why regulatory precision matters. If enforcement concentrates on identifying and preventing prohibited imports, it can directly address the conduct targeted by the regulation. If, however, public communication or implementation treats every second-hand clothing trader as equally culpable without adequately considering the applicable legal provisions and individual circumstances, the policy risks creating unnecessary legal uncertainty. The consequences may include confusion regarding permissible commercial activities, reluctance to invest in lawful business alternatives, and disproportionate exposure to enforcement risks.

The issue is particularly important where traders occupy different positions within the supply chain. Importers, wholesalers, distributors, and retailers may have different levels of control over the origin of the goods and different degrees of knowledge about import compliance. These distinctions do not automatically exempt downstream traders from applicable legal obligations. Nevertheless, a fair regulatory framework should identify the conduct

prohibited by law and apply the relevant legal consequences on an appropriate basis. The legal treatment of an individual trader should therefore depend on the applicable rules and established facts, rather than on the broad social label of thrifting.

Existing research on Indonesia's used-clothing regulations has identified concerns regarding the coherence of the legal framework and the consequences of import restrictions for businesses (Ardianti & Sakti, 2024; Pesoth, 2024). Maghfiroh (2025) also examines the policy in relation to non-discrimination and national treatment under international trade law. These discussions demonstrate that the legal assessment involves more than the formal existence of an import prohibition; it also requires consideration of the scope, consistency, and effects of its implementation.

From a social justice perspective, proportionality also raises the issue of who bears the costs of regulation. The benefits of protecting domestic production may be distributed across the broader economy, while the immediate costs of merchandise restrictions may be concentrated among traders whose businesses depend on particular supply networks. This does not establish that the policy is unjust. Rather, it identifies a distributive question that cannot be answered solely by demonstrating the legality of the import restriction. The critical implication is that a socially responsive trade policy should distinguish between the necessity of prohibiting certain imports and the necessity of imposing particular burdens on domestic traders. The former may be legally justified while the latter may still require adjustment, clarification, or mitigation. Proportionality therefore provides a bridge between the enforcement of trade law and the protection of economic rights: it does not remove the state's regulatory authority but requires that the exercise of that authority remain appropriately targeted and attentive to avoidable harm.

4. Social Justice and the Unequal Economic Consequences of Trade Regulation

The fourth finding concerns the distributive dimension of social justice. Trade regulation does not operate in an economically neutral environment because business actors possess different levels of capital, bargaining power, market access, and capacity to adapt. A restriction that is manageable for a large enterprise may create substantially greater adjustment difficulties for a small trader whose business depends on limited working capital and established supplier relationships. Consequently, evaluating the fairness of the thrifting policy requires consideration not only of its formal legal validity but also of the distribution of its costs and benefits.

From a distributive justice perspective, the central issue is whether the burdens of pursuing a legitimate public objective are allocated fairly. Protecting domestic textile producers may serve broader economic interests, including industrial development and employment. However, small-scale traders also contribute to economic participation by creating self-employment opportunities and facilitating access to relatively affordable clothing. These interests are not necessarily incompatible, but they may become conflicting when regulatory measures restrict established supply channels without providing realistic opportunities for adjustment.

The distinction between formal equality and substantive equality is particularly relevant. Formal equality requires the application of legal rules according to their terms, whereas substantive equality draws attention to the different circumstances in which individuals experience those rules. Applying the same prohibition to all prohibited imports is consistent with the principle of legal enforcement. Nevertheless, the economic capacity of traders to absorb the consequences of that enforcement may differ significantly. A socially just policy can therefore maintain the same substantive prohibition while differentiating its accompanying support measures according to the needs and capacities of affected businesses.

This distinction is important because social justice should not be used to justify the continued circulation of prohibited goods. Rather, it provides a normative basis for asking

whether the transition toward compliance is unnecessarily burdensome for economically vulnerable groups. Ibnususilo et al. (2026) similarly bring together trade regulation, fiscal justice, and MSME protection, illustrating the value of examining the legal status of goods separately from the circumstances of business actors. A socially responsive approach would therefore combine consistent enforcement with measures designed to facilitate lawful economic adaptation. Such measures could include access to domestic clothing suppliers, training in business management and digital marketing, affordable financing for inventory conversion, and assistance in developing resale models based on legally sourced second-hand garments. The availability and effectiveness of these interventions would need to be established through further empirical assessment rather than presumed.

This approach also requires attention to procedural justice. Traders should have access to clear information about applicable regulations, the legal status of merchandise, relevant compliance requirements, and available avenues for resolving disputes. Transparent communication can reduce uncertainty and enable businesses to make informed decisions before committing scarce financial resources. Where government agencies introduce major regulatory changes, consultation with affected stakeholders can help identify implementation problems and develop feasible transition arrangements. The resulting argument is that social justice does not require the state to preserve every existing commercial practice. Instead, it requires the state to consider whether the transition toward lawful economic activity is managed in a manner that respects human dignity, distributes regulatory burdens fairly, and provides meaningful opportunities for adaptation. This interpretation preserves the legitimacy of trade enforcement while rejecting the assumption that the economic consequences for small-scale traders are irrelevant to policy evaluation.

5. Toward an Integrated Framework for Trade Regulation and Economic Rights Protection

The preceding analysis suggests that the relationship between thrifting regulation and economic rights should be evaluated through an integrated framework encompassing legal validity, regulatory proportionality, distributive justice, and economic transition. These dimensions are interdependent. A legally valid prohibition may still be implemented inconsistently; a consistently enforced restriction may impose unequal adjustment costs; and a policy that achieves its immediate regulatory objectives may remain socially incomplete if it fails to address foreseeable consequences for vulnerable business actors.

The proposed framework is summarized below.

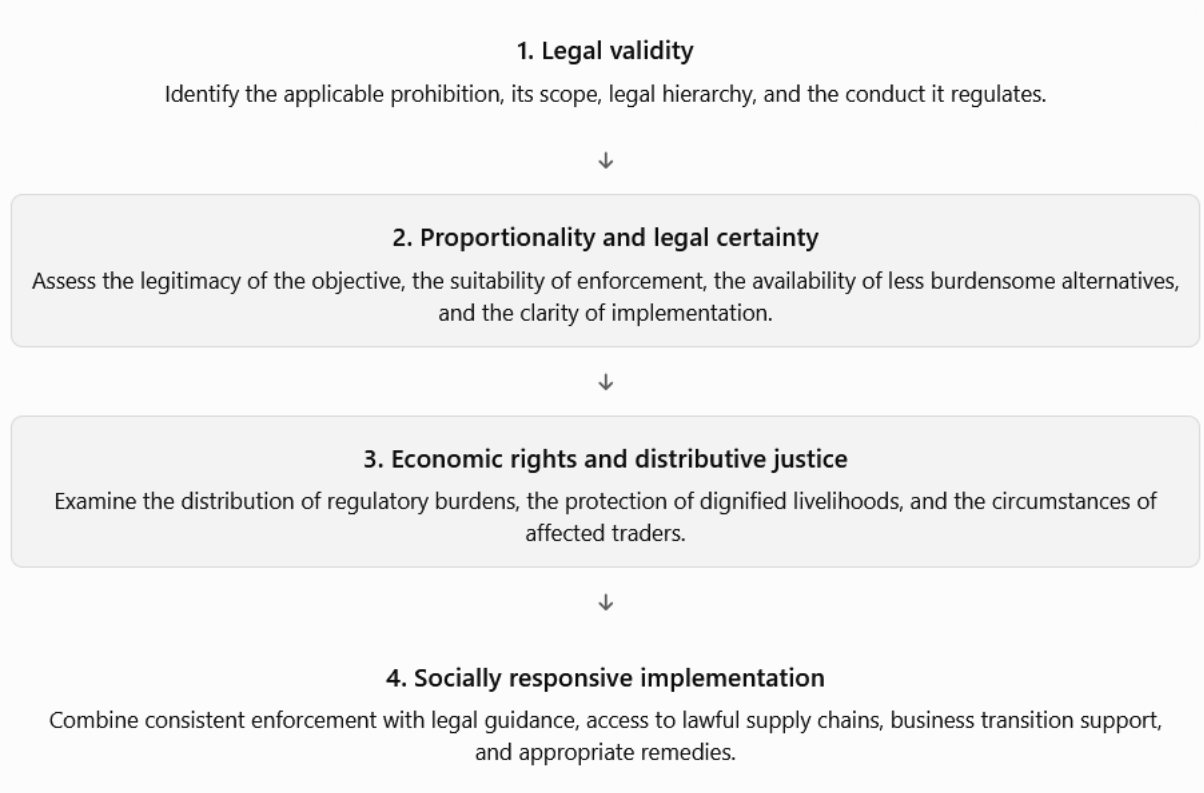


Figure 1. An integrated normative framework for evaluating thrifting regulation and the economic rights of small-scale traders. Source: Author's conceptual synthesis.

The framework contributes to the analysis by distinguishing three questions that are frequently conflated in discussions of the thrifting policy. The first is whether the state has a valid legal basis for prohibiting the importation of used clothing. The second is whether the policy is implemented consistently, proportionately, and with sufficient legal clarity. The third is whether the state adequately addresses the consequences of enforcement for traders whose livelihoods are affected. Each question requires a different form of legal reasoning, and a positive answer to the first does not automatically resolve the other two. The framework also clarifies the relationship between economic rights and regulatory obligations. The protection of economic rights does not require the state to tolerate prohibited imports, nor does the prohibition automatically justify every measure taken against traders. Instead, economic rights provide a normative perspective for evaluating the manner in which trade regulation is designed, communicated, enforced, and accompanied by appropriate transitional measures.

This integrated approach extends the existing discussion by connecting trade-law compliance with the substantive and distributive dimensions of social justice. Whereas a narrowly doctrinal analysis may concentrate on the existence and interpretation of prohibitions, the proposed framework also asks how regulatory burdens are distributed and what measures can reconcile lawful enforcement with economic inclusion. Its principal contribution is therefore analytical: it offers a structured basis for assessing trade restrictions without presuming either that the policy is inherently unjust or that legal validity alone establishes its social fairness. However, the framework remains a normative proposition rather than an empirically validated model. Further research involving small-scale traders, government officials, and relevant industry stakeholders would be necessary to establish the actual effects of the policy, assess the adequacy of existing support measures, and evaluate the feasibility of proposed alternatives.

CONCLUSION

This study concludes that Indonesia's policy prohibiting the importation of used clothing must be assessed not only in terms of its legal validity but also in relation to the protection of economic rights, the proportionality of regulatory enforcement, and the achievement of social justice. The government has a legitimate authority to regulate prohibited imports in order to protect domestic industries, maintain trade compliance, and pursue consumer protection objectives. However, the prohibition on importing used clothing should be distinguished from the domestic resale of second-hand garments, as the legality of each activity depends on the applicable legal provisions and the circumstances of the transaction. The analysis further demonstrates that the constitutional protection of the right to work and to a dignified livelihood does not establish an unconditional entitlement to trade in prohibited goods, but it provides a normative basis for evaluating the socioeconomic consequences of regulatory interventions. Accordingly, the legality of a trade restriction does not automatically establish the proportionality or social fairness of every enforcement measure. A more balanced regulatory approach should combine consistent law enforcement and legal certainty with transparent communication, access to lawful supply chains, business transition assistance, and appropriate opportunities for affected traders to adapt to changing market conditions. The principal contribution of this study is an integrated normative framework connecting trade regulation, economic rights, proportionality, and distributive justice. This framework emphasizes that effective trade governance should pursue legitimate public objectives while minimizing avoidable socioeconomic burdens and maintaining respect for human dignity. Nevertheless, because this study relies on normative legal analysis, it does not establish that the policy has directly caused measurable income losses or that a constitutional violation has occurred in particular cases. Future empirical research should investigate traders' experiences, changes in business performance, and the effectiveness of government transition programs to determine how the policy operates in practice. Ultimately, the protection of small-scale traders' economic rights should not require the abandonment of legitimate import restrictions; rather, it requires their lawful, proportionate, transparent, and socially responsive implementation.

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