

Analysis Legal About Action Criminal Fraud Thrifting

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This study aims to determine and analyze the enforcement of criminal law in handling cases of second-hand clothing fraud (thrifting). Additionally, it seeks to identify and analyze the factors contributing to such fraudulent activities. This study employs a normative-empirical research method. It applies a literature review approach by examining various legal materials, which are categorized into primary legal materials, such as laws and regulations; secondary legal materials, including books, legal journals, and previous research related to this study; and tertiary legal materials, which serve as supplementary references. The findings of this study indicate that second-hand clothing fraud (thrifting) is regulated under Article 378 of the Criminal Code, which defines fraud as an act of deception or dishonesty for personal gain, punishable by up to four years of imprisonment. Online fraud is addressed in Article 28 of the ITE Law, while Article 47(1) of the Trade Law outlines criminal penalties for importers who illegally import used goods. The factors influencing second-hand clothing fraud (thrifting) include the lack of government supervision despite the many prohibitions on the import of second-hand clothing, as well as insufficient public awareness campaigns regarding the legal consequences of such fraud. Based on these findings, this study provides two key recommendations: first, buyers should verify the credibility of sellers before making a transaction and use a secure platform. second, local governments should raise public awareness about the risks of fraud and imported bans while also providing information about the health risks associated with used clothing.

INTRODUCTION

Development law in Indonesia at the moment This Enough felt , along growth population and development social society . Various type disease society that demands and requires law move proceed as controller social For be at the forefront in create orderly , advanced and prosperous society . Similarly like structure arrangement capital and development Indonesian economy , applicable laws until Now this also started from construction Dutch colonial . [1] Indonesia in problem the law also had time groping system or type law what is good For implemented in Indonesia because No Possible will Keep going use arrangement the law in its entirety The same with the colonial era . The Dutch at that time That can it is said as newcomers , of course No will easy For apply all over the law he brought from Europe , will definitely also adapt with the law that has been exist and develop in Indonesian society . [2]

Development law in Indonesia gives rise to various reaction from corner different views . Reaction This No let go from various factor Good from in institution enforcer law That Alone and influence from outside . The absence professionalism of the officers enforcer law That self - injured authority law in Indonesia, both characteristic Arrogance until involvement enforcer law in case the law he is handling . Behavior apparatus enforcer such a law should be must eliminated from the Republic of Indonesia which is based on Pancasila values . [3]

Updates the law here Then only means as Updates law . As a political process . In terms of This law is product activity the politics of a sovereign people , driven by the interests of a possible sovereign people just inspired by the need economics , social norms , or the ideal values of the people 's

culture alone . [3]

In development law in indonesia and transactions sell purchase is regulated in Law no. 11 of 2008 jo. No. 1 of 2016 concerning Information and Electronic Transactions (ITE). "The ITE Law regulates various activities in the digital space , including transaction electronics , data protection and crime cyber . With the existence of the ITE Law, developments law in the digital era is increasingly facilitated , considering increasing case cyber and needs will rule in transaction electronics ."

used clothes or second-hand clothing has become complex global issues , especially related with impact environmental , economic , and social . Improvement consumption fashion and fast fashion trends have cause surge amount clothes used all over the world. Many of clothes used This Finally become waste that creates problem big for environment and society . Many efforts have been made For overcome impact negative from clothes used , but there are also impacts positive from clothes used the .

Second hand goods in Indonesia provide challenge alone Good from aspect economy , health , environment , and social . Although goods former , especially clothes , become affordable choice for society , the problems it causes Enough serious and necessary approach regulation as well as comprehensive solution . Efforts to improve supervision import , provide education consumers , as well as push industry recycle continuous repetition can help overcome a number of problem main related with goods used in Indonesia.

Trading clothes used or (thrifting) is regulated in Law no. 7 of 2014 concerning Prohibition Import of Goods. " Trade Law This arrange activity trade , including rule about goods import . Article 47 of Law No. 7 of 2014 prohibits import goods certain that can threaten health , safety , and environment , including clothes used ." [4] Regulation of the Minister of Trade of the Republic of Indonesia Number 51/M-DAG/PER/7/2015 prohibits import clothes used with objective protect industry textile domestically and guard health society . In addition , the provisions related import goods the former is also regulated in Regulation of the Minister of Trade Number 25 of 2022, which stipulates that import goods used certain only can done with fulfil condition special and get permission from the Ministry of Trade . [5] Remember regulation can experience changes , suggested For access the official website of the Ministry of Trade or consult with agency related use to obtain information latest . [6]

Use clothes used without through a good sterilization process can trigger various diseases , such as infection skin (scabies , ringworm , impetigo, and contact dermatitis), skin disorders breathing consequence exposure dust and mold , as well as infection bacteria and viruses, including skin tuberculosis . In addition , clothing used ones are also potential become means distribution parasite like body lice or hair . For avoid risk said , clothing used need washed using hot water , given disinfectant , and dried under ray sun before imposed . [7] At the beginning its circulation clothes used This shown to the affected victims disaster . However mature this , popping up rumors trading import clothes used from parts of the world, no except in Indonesia. Clothing trends used or thrift to be alternative to form a style new and considered friendly environment Because besides own good quality , the price is also relatively cheap . [8]

Generally clothes used is clothes quality branded with a model that is not outdated . Trend public For own goods branded , make interest buy clothes used increasing . Phenomenon trading clothes used branded which price Can hundreds thousand only pegged with price dozens thousand This considered No problem big Because price low as well as goods for sale worthy use . [9] However Thus , related with problem clothes import former , government through Constitution Number 7 of 2014 concerning Trade (Trade Law), states in a way firm in Article 47 that : " importers must import goods in condition new ". In addition , the government to emphasize it return with issuance Regulation of the Minister of Trade (Permendag) No. 40 of 2022 concerning change Minister of Trade Regulation No. 18 of 2021 concerning Prohibited Goods Export and Prohibited Import . In Article 2 paragraph (3) it is stated that goods forbidden imports , including bags used , sack used ,

and clothes used . It means that regulations that exist in Indonesia at the moment This forbid activity related imports with goods former . Principle the underlying basis climate try in the relation with export-import is instrument peinan . On the basis of That does not all perpetrator business or consumer in a way free do activity sell buy . [9]

Constitution Number 11 of 2008 in conjunction with Number 1 of 2016 concerning Information and Electronic Transactions do not in a way special arrange about act criminal fraud , but related with the emergence loss consumer in transaction electronic contained in the provisions of Article 28 paragraph (1) of the Law Number 11 of 2008 in conjunction with Number 1 of 2016 concerning Electronic Information and Transactions can called with the ITE Law which states that , " Every person with intentionally , and without right spread news lies and misleading which results in loss consumer in Electronic Transactions . " [10] Violation of Article 28 paragraph (1) of the ITE Law is punishable by criminal maximum six months in prison year and/ or a maximum fine of Rp. 1 billion , according to the regulation in Article 45 paragraph (2) of the ITE Law. In addition , in the Al- Quran , Surah QS An-Nissa Verse 29, it has also been explained about importance guard other people's trust and avoid fraud . " O you who believe ! Do not You each other eat treasure your fellow man with the wrong path (not true) , except in prevailing trade on base Like The same like among you . And don't You kill yourself . Indeed , Allah is Most Merciful to you . " Fraud clothes used (thrifting) via online , namely A rampant crime happening in this era . Internet users are increasing with open chance and ideas for the actors fraud this is online based from there perpetrator scoop up big profit via the internet. Based on the data found in 2022-2024 , it can be seen as many as 3-6 news items fraud clothes used or thrifting through social media or online that happens .

As example case , in 2022 it happened fraud goods used or thrifting with offer the price is fair cheap For A clothes used . So that buyer interested and direct buy without check first with capital photos on social media and positive testimonials buyer straight away do transaction . Until a number of day Then the buyer also asked regarding number receipt remember Already How many day buyer do payment , but party seller No respond with Good even seller No give the response that OK . The buyer also received message by seller will promo activation with asking for Rp. 200,000 as funds to be returned , the party the seller also sent testimoni from other buyers that the money will be returned for 5-20 minutes . Next buyer send the requested amount of money for the goods immediately sent by the party seller , but Already after 1 hour, the money is gone No Return to account personal owned by buyers , and buyers contact the seller who at the time it's also a seller block contact buyer the .

The case above just one example from a number of report fraud that occurs in society . Action criminal fraud this is set in a way complex inside regulation legislation in Indonesia in Article 378 of Law No. 1 of 1946 concerning the Criminal Code which further can call with the Criminal Code which regulates that , " Whoever with Meaning For profitable self Alone or other people in oppose law with using a fake name or false dignity (hoedaningheid) ; with cheat trickery , or series lies , moving others to deliver goods something to him , or so that giving credit or to abolish receivables , threatened , because fraud , with criminal maximum four years in prison years . " In Indonesia, it has there is regulations that govern act criminal fraud . However , in reality , the case fraud in transaction sell buy online still rampant happened . This is reinforced with the amount report complaint related fraud in sell buy goods used or thrifting on social media . Conditions it also reflects that enforcement law Not yet walk optimally in prevent , suppress , or overcome case fraud in online trading in society .

So that referring to the description above , the author interested discuss and research problem act criminal fraud clothes thrifting in title ; " Analysis Legal Menai Action Criminal Fraud Thrifting "

METHOD

Study This nature empirical normative , also known as as study law that combines approach

normative and empirical . Approach This done with to study various source library or secondary data that includes material primary law , material law secondary , rule law , principles law , and runway philosophically related with analysis about fraud in trading clothes second hand (thrifting). In research this , writer apply approach legislation , approach conceptual , and approach case . Approach legislation used For analyze problems that arise in life public based on applicable regulations . Approach conceptual focus on understanding to various view that can clarify ideas through definition law , concept law , and principle relevant laws with the problems being studied . While that , approach case done with to study various related cases with issue common law occurs in society . [11] Study This use material law secondary as source main . As for the source material the law used consists of from material primary, secondary , and tertiary laws , each of which is explained as , material primary law , namely source the law that has strength binding , such as The Basic Law and various regulation relevant legislation . And materials law secondary , namely source law in effect give explanation or interpretation to material primary law . Legal materials tertiary , namely helpful references understand material primary and secondary law , such as the Big Indonesian Dictionary, the Indonesian dictionary law , and report from the mass media like journal laws and articles law . Collection material law done with compile material primary and secondary law in a way systematic in accordance with problems studied in study this . Therefore that , the method used in collection material law is studies bibliography . Literature study This done through activity reading , studying , taking notes , and understand return various source like books , journals , expert writings , regulations legislation , as well as other references available on the internet for compile comprehensive review . All material laws collected , both material primary law and secondary , analyzed use method reasoning law , argumentation law , and interpretation law , as is common done in study law normative . The results of analysis This Then arranged in form opinion or concept of nature prescriptive , which aims For give solution as well as answer problems studied in study this . [12]

DISCUSSION

Criminal Legal Protection in Handling Fraud Cases Thrifting

In its implementation , the law criminal operated or implemented by the authorities in Handling act criminal fraud in enforcer law among society in the sense that it must be obeyed by the citizens community and enforcement to the offender . Among apparatus the slug law said , the party The police who immediately face to face with life society , at the same time supervise and take action crimes and acts criminal fraud to achieve a security and order society . The occurrence Action criminal fraud clothes second hand (thrifting) rampant happened in the city big like Makassar city . With profitable self alone , can cause loss to others, empowering others to give or do something with to use efforts fraudster with oppose rule applicable law such that mentioned in a way linear in Article 378 of the Criminal Code, is of a nature from act criminal fraud That alone . With matter This enforcement applicable law not enough firm and clear to perpetrator act criminal fraud . with matter This perpetrator can be imprisoned for a maximum of 4 years even If case fraud this is very heavy and impactful big , can be dropped other punishment or even punishment dead . [13] Sale goods false is a form fraud committed by the seller . The motive of seller do action This none other than because want to to obtain profit . Seller This usually sell bags and shoes false to buyers , without existence explanation about origin goods and quality goods in a way specific to buyers . Not many are selling either clothes used with fake quality from the brand that we know . Sales clothes fake second hand is also one of them form clear fraud , and is written in article 386 of the Criminal Code which explains about fraud in transaction trading with sanctions who did it fraud in trade , such as sell goods false with better quality promised low , and use wrong information . With This Lots clothes the former is not according to what is shown on social media, even with brands that can We known among fashion , then If We straight away going to to shop directly , many are found clothes the former can be said false with know quality from clothes mentioned . In chapter This threat the punishment in the form of prison up to 1 year 4 months or fines that are not mentioned in a way specific How many . The article states sale clothes import stated in Article 62 paragraph

(1) of the Law Protection consumers , which explains prohibition trading clothes used import in category to be traded . While Still Lots public even There is a number of public sell clothes used This as online business and offline . The number of the community that sells clothes used This illegally which will the occurrence act criminal fraud committed in a way together or There is the party that helps stated in Article 55 of the Criminal Code which explains about act criminal inclusion , which means who is considered as perpetrator act criminal crime . And article 56 of the Criminal Code explains about assistance act criminal . From there Lots perpetrator act criminal fraud clothes second hand (thrifting). [14]

In Government through the Trade Law Article 47 paragraph 1 explains that importer responsible answer on goods imports , and the perpetrators business must supply goods in condition new , except based on determination Minister in Article 36 of 2023 concerning policies and regulations imports , including supervision import relaxation imports and facilities import . Then the regulation Minister trade no. 40 in 2022 that changes regulation Minister trade (pederdag) No. 18 of 2021 which explains about goods forbidden exports and goods prohibited import . From there explained that trading clothes used import This is said to be illegal, so Lots from the victim of the crime criminal fraud This No report it to party authorities . Based on Article 47 Paragraph of the Trade Law , government has to order to every importer For import goods in new circumstances . Against provision This Trade Act has also set sanctions in the form of threat regulated criminal law in Article 111 which reads : " Every Importers who import goods in Condition No new as meant in Article 47 paragraph (1) shall be punished with imprisonment for a maximum of 5 (five) years and/ or criminal a maximum fine of IDR 5,000,000,000 (five billion rupiah).

Phenomenon business clothes used or thrifting imports which are increasing rapid This No let go height interest consumer as well as level knowledge society that still low . Apart from that the price offered with brand world famous enough affordable by the community . So that development thrifting business or clothes used This If keep letting it be naturally endanger consumer health with Dania a number of diseases that can attack consumers .

Of the many victims of crime criminal case fraud clothes because , many do act his crime via the internet that There is some of the victims who experienced act criminal fraud this also includes with Article 378 of the Criminal Code law criminal law that explains about act criminal fraud and as stated in article 28 paragraph 1 of the ITE law which explains about forbid it distribution news lies and misleading which results in loss party consumer in online transactions . With existence Constitution yng related with cyber crimes described in the law Number 11 of 2008 in conjunction with Number 1 of 2016 concerning information and online transactions . Parties apparatus strong law to ensnare perpetrator with chapter layered , because in the ITE Law not yet arrange about cybercrime in general detailed . In article 28 paragraph 1 of the ITE Law , this is stated losses to consumers , whereas in case This There is some the injured party , not only consumers . But in a number of crime on the internet is legal " this is still too vague and not firm call it . With that This act criminal Many victims who were affected have been sent victims with the cutting method free shipping coupon with use method virtual account payment with the amount that is not makes sense . Fraud mode it also offers price more stuff cheap from the market through their social media promote it . In this Criminal Code actually experience difficulty Because No existence provision special . So in this Criminal Code must see elements from case This moreover before , like traded goods No in accordance with what the parties say , up to items that are not until to consumers .

Causal Factors of Action Criminal Fraud Thrifting

Action criminal fraud clothes used or thrifting this Lots happening among society . Action criminal fraud clothes used This happen Good both online and offline in a way straight away or offline. This is become anxiety in users clothes used or thrifting.

Like case The following is what someone we know experienced call with initials "L". This case it started when L wanted to buy A thrift clothes from A shop on Instagram with the name @

keylathrift.store . L first discovered shop This via Instagram Ads keylathrift.store which always appear on the homepage L.'s property . Until Finally L got interested and started look for know about shop This is the first thing L saw . moment visit account shop This namely his followers , where the followers of account This Already reached 150 thousand followers. Seeing his followers who have Enough Lots make L's trust in the store This the more increased . L saw a post containing a price list from package clothes shop This sell . Price offered Enough arguably cheap For A clothes used . L is interested For buy clothes this , however of course L doesn't direct buy but wondering moreover formerly related products that the store This sell . After L saw the amount testimoni yes positive from shop This then L decided For buy clothes from This thrift shop . Then L asked How method order , because at the time That is L' s first time shopping via Instagram. After that L feels There is things that are odd where is the shop admin the tell him For immediately transfer money so you can sent day That too. Odd thing other is when L asked For send the receipt remember goods will sent day it's also so that L can monitor goods moment is on the expedition . However, the shop admin the give a number of reason Why goods No So follow delivery day that . The first reason is the item ordered by L is not So sent day That but next day Because Items ordered enter to in the group that will sent the next day . The second reason is admin says that goods Already processed However No can Sent Because goods must activated moreover first . Next For To activate the promo, the admin asks for 200,000 as funds to be used. returned Again to L when the promo is already active . Shop admin send a number of proof testimoni from other buyers for show that the money will returned without piece in 5-10 minutes . However, L refused and asked his order cancelled and the money that L has paid For goods ask for returned . However party shop say that If order canceled that the money that has been sent previously No Can returned and forfeited . [15]

This matter trigger a sense of not accept from L which made L annoyed and questioned Why No There is agreement before L sends money to buy goods said . In order to question system that does not clear this L continues send message and form his annoyance , but the admin side is the same very No read and reply L's message . Finally L did not can refund and money paid has burnt in hand scammer . After I investigated more continue , it turns out there are other victims who share his experience moment cheated by account same store namely @ keylathrift.store with motifs and plots the same fraud . This is show that account This Already Enough often cheating people on social media. Of course incident This it is not the victim's fault but greed and injustice the a cheater , but how the good thing is If We all more be careful again . This fraud case that harmed L Can become lesson that We must more be careful in shopping on social media where social media is not place shop Because No existence supervision regarding the transaction and sales process buy in it . From the case involving a with the initial "L" the factors that are interest consumer with cheap prices offered by sellers with existence support purchase clothes used This from factor economy and difficulties financial that makes a number of perpetrator fraud This pushed For to take chance in sell what to wear used with various various types of fraud , one of them is with sell clothes used This in a way cheap . From there they looking for profit with method fast without take into account impact the law . From here lah Lots a number of person work The same do action fraud this , so that matter This referring to article 55 of the Criminal Code which explains about act criminal inclusion that results in action criminal fraud with do order or participate as well as in do matter mentioned . Article 56 of the Criminal Code also explains about assistance act criminal This each other help One For do crime .

In the case explained above , it also includes deficiencies . in supervision and monitoring from many countries, prohibitions trading import clothes used this is set in a way strictly regulated in article 62 paragraph 1 of the law protection consumer explaining prohibition clothes used import get in country with objective trade .

With The Indonesian market demand is quite high tall in use clothes used goods that make this thrifting trend very popular among public especially in the city Makassar , which makes a number of society use with reason fair price cheap with good quality , from here it is Lots person get with easy take gap For do act criminal fraud both online and offline in a way direct or offline. This is can result in lack of verification authenticity clothes used ones sold by several seller , from there it is

person fraudster can utilise display the image is not in accordance with goods to be sold . With rely on photos and descriptions products , with easy do fraud this . So that Items Sent No in accordance with what consumers buy or the message they rely on with photo . This is explained in article 386 of the Criminal Code which explains that fraud in transaction trade with sell goods false or better quality low . From the thing the lack of education to consumer in purchase clothes used This with method check to original Photo with authenticity goods . Occurrence act criminal fraud This some big sale through social media, with matter This many victims or interested consumers with some models and cheap prices . In case This Article 28 paragraph 1 of the ITE Law explains that prohibition spread news lie that will result in loss . Can We Look with the occurrence act the crime committed by Ruth Natalia who came from from Surabaya, Java middle . He share his experience with fraud clothes used or thrifting this with promo activation mode . Ruth Natalia explain that He find one Instagram account , which sells thrifting clothes with price cheap . I know This Instagram account from ads on Instagram when currently view follower stories I . Then I chat and do the process like shopping in general . Not long after (after One day) , no There is news of the shipping process . Then online shop This telling you I For promo activation with price that is not enter reason . Ruth Natalia look for information about account that already exists There is since a long time ago and the highlight story also really makes people believe .

From several news about fraud clothes used This is attached to the internet , you can find out that Still There is lack of enforcer strict law in act criminal fraud this . Action criminal fraud clothes used This not enough or even not acted upon followed up by the authorities , especially If the losses experienced by the victim are considered small , so that the perpetrators feel more brave do fraud repetitive .

CONCLUSION

From the results research conducted with refer to in legislation , issues law , journal related laws with title , etc. Protection law to fraud in sale clothes thrifting in Indonesia involves a number of provisions , including Articles 378 and 386 of the Criminal Code regulate fraud in a way general and in transaction trade , as well as Article 62 Paragraph (1) of the Law Protection Consumers who protect consumer from practice detrimental . Articles 55 and 56 of the Criminal Code regulate participation and assistance in act criminal , while Article 47 Paragraph (1) of the Law Imported Goods Responsibility set not quite enough answer seller on goods import . Minister of Trade Regulation no. 40 and 47 of 2022 prohibit it import goods certain , including goods used , and Article 28 Paragraph (1) of the ITE Law prohibits distribution misleading information . With Thus , the provisions This give protection for consumers and sanctions for perpetrator fraud , as well as allow consumers who are harmed For report or submit lawsuit . Contributing factors to act criminal fraud in sale clothes thrifting includes lack of supervision to prohibition import , high demand in the market, lack of verification authenticity goods by seller , lack education for consumer , sales through social media , conditions economy , and its weakness enforcement law to practice fraud . Based on discussion about fraud in sale clothes thrifting , writer give a number of the suggestion is Verification credibility seller through reviews and identity before do transactions , as well as use a secure platform that saves proof transactions . And the Government area need Keep going do socialization about risk fraud clothes former , pay attention prohibition import and export , as well as give information about risk health related with use clothes used .

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