

**THE DPR'S RIGHT OF INTERPELLATION AND SUPERVISION
OF THE PRESIDENT'S POLICY ON THE BAN ON THRIFTING
IMPORTS OF USED CLOTHING**

***HAK INTERPELASI DPR DAN PENGAWASAN KEBIJAKAN
PRESIDEN TENTANG LARANGAN IMPOR PAKAIAN BEKAS
THRIFT***

**Dewi Iriani^{1*}, Arief Budiono², Ayu Hudzaifah³, Yopi Nur
Wahyuningsih⁴, Cindy Nurwahidah Putri Utami⁵**

* Faculty of Sharia, IAIN Ponorogo
dewiiriani@iainponorogo.ac.id

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ABSTRACT

The DPR as a representative and aspiration of the people can exercise the right of interpellation and oversight of the government. Oversight of the DPR is the President's policy which refers to the ban on thrifting imports of used clothing, causing upheaval in society. This policy is deemed not capable of realizing the concept of a rule of law state. So the problems are 1) What are the DPR's Interpellation Rights and oversight of the President's policy on the prohibition of Import Thrifting of used clothing? 2) What is the concept of an embodiment of the State Rule of Law on the prohibition of import thrifting of used clothes? This research methodology uses a normative review of the 1945 Constitution, Law no. 13 of 2019 concerning MD3 (MPR, DPR, DPD), Minister of Trade Regulation No. 18 of 2021 concerning Prohibition of Import of Goods. This research aims to find out the DPR's interpellation and oversight rights, the prohibition of the President's policy on the prohibition of Import Thrifting of used clothes. As well as knowing the concept of the rule of law state. Research results 1) The DPR can use the right of interpellation and supervision over the prohibition of Import Thrifting of used clothing by summoning and bringing together the government, used clothing traders, and clothing MSME traders to find a joint solution. 2) The DPR in realizing a rule

of law state must be based on the rule of law, which is made for the welfare of the people and the common interest. Recommendation; The DPR not only oversees the government, but second-hand clothing traders are affected by the ban on finding other jobs.

Keywords : Right of Interpellation, Right of Oversight, DPR.

ABSTRAK

DPR sebagai representasi dan aspirasi rakyat dapat menggunakan hak interpelasi dan hak pengawasan kepada pemerintah. Pengawasan DPR adalah kebijakan Presiden yang merujuk atas larangan import thrifting pakaian bekas, sehingga menimbulkan gejolak dimasyarakat. Kebijakan tersebut dianggap belum mampu mewujudkan konsep negara rule of law. Maka permasalahannya adalah 1) Bagaimana Hak Interpelasi dan pengawasan DPR terhadap kebijakan Presiden atas larangan Import Thrifting pakaian bekas? 2) Bagaimana konsep perwujudan Negara Rule Of Law atas larangan import thrifting pakaian bekas? Metodologi penelitian ini menggunakan normatif mengkaji UUD 1945 Undang-Undang No. 13 Tahun 2019 tentang MD3 (MPR, DPR, DPD), Peraturan Menteri Perdagangan No. 18 Tahun 2021 tentang Larangan Import Barang. Tujuan penelitian untuk mengetahui hak interpelasi dan pengawasan DPR, larangan kebijakan Presiden atas larangan Import Thrifting pakaian bekas. Serta mengetahui konsep negara rule of law. Hasil penelitian 1) DPR dapat menggunakan hak interpelasi dan pengawasan atas larangan Import Thrifting pakaian bekas dengan cara memanggil dan mempertemukan pemerintah, pedagang pakaian bekas, pedagang UMKM pakaian untuk mencari solusi bersama. 2) DPR dalam mewujudkan negara rule of law harus berdasarkan aturan hukum, yang dibuat untuk kesejahteraan rakyat dan kepentingan bersama. Rekomendasi; DPR tidak hanya mengawasi pemerintah, namun pedagang pakaian bekas terkena dampakn larangan dicarikan pekerjaan lain.

Kata Kunci : Hak Interpelasi, Hak Pengawasan, DPR.

I. INTRODUCTION

The House of Representatives (DPR) is a representation of the people in conveying aspirations and realizing the sovereignty of the people and the welfare of citizens. Given the right to realize the wishes of the people. One of these rights is the right of interpellation and supervision of the government.

As conveyed by Bintan R. Saragih, the DPR has three functions: making laws, supervisory functions, and political education functions. The supervisory function includes the right of interpellation. The right of interpellation according to Jimly Asshidiqie is that the DPR has an important

role in supervising the executive body regarding the running of the government, supervision here is divided into three parts, the right of interpellation, the right of inquiry, and the right to declare the opinions.¹

Supervision and interpellation of the DPR, namely reviewing policies that have been made by the government for the benefit of the people.

The policies made by the government have been running well and appropriately. If the DPR can take critical action, if there are differences of opinion, and can resolve problems with the right to supervise political decisions that have been taken without deviating from the direction of the goals that have been set². The DPR's supervisory function has been regulated in the 1945 Constitution and other regulations. The existence of the DPR's supervisory function and interpellation rights is a result of the doctrine of the constitutional government.³ The government's power must still be limited so that there is no arbitrariness towards the people.

In Article 20A Paragraph (1) the DPR has functions, namely budget function, legislative function, and supervisory function.⁴ Based on the MPRS Decree No. XX/MPRS/1966. a concept called trias politica, the DPR acts as a legislative body overseeing the implementation of policies carried out by the government as an executive body. To strengthen the function of the DPR, Law No. 13 of 2019 concerning the People's Consultative Assembly (MPR), the People's Representative Council (DPR), the Regional People's Representative Council (DPRD), and the Regional Representative Council (DPD) was created.⁵ The right of interpellation asks the President for an explanation regarding the policy, which determines where the policy has an impact on the wider community⁶. The function of the DPR as supervision, is on policies that have been issued by the President. It turns out to cause problems in society, in this case, the President's policy emerged because of the import of used clothing or *Thrifting*.

The issue to be discussed this time is the ban on imports of used clothing by the President. President Joko Widodo emphasized the ban on thrifting, or buying and selling used clothing from imports. Furthermore, it was handed

¹Muhammad Farid Ma'ruf, "Competence of DPRD Members in Implementing Supervision Functions of the Regional Government of Gresik Regency". Journal of Public Administration and Policy. Vol. 4 No.1, 2021, p. 11..

² Josepus Jullie Pinori, "The Role and Function of DPR Oversight of the Government". Legal Scientific Journal. Vol.6 No.1, 2020, p 2.

³ Hananto Widodo, "*Politik Hukum Hak Interpelasi Dewan Perwakilan Rakyat Republik Indonesia*". Jurnal Rechts Vinding Media Pembinaan Hukum Nasional. Vol.1 No. 3, 2022, hlm 15.

⁴ 1945 Constitution Article 20 A Paragraph (1) concerning the Functions, Duties and Authorities of the People's Representative Council

⁵ Law No. r 13 of 2019 concerning the People's Consultative Assembly, the People's Representative Council, the Regional People's Representative Council, the Regional Representative Council.

⁶ Law no. 27 Article 77 paragraph (2) of 2009 concerning the Right to Interpellate the House of Representatives

over to the Minister of Trade and the Police, for the action of securing and destroying the imported used goods. One of the reasons the government prohibits thrifting, imported used clothing, is because it is detrimental to the domestic textile industry. The ban set by the President is based on the existence of the Minister of Trade Regulation No. 40 of 2022 concerning the Prohibition of Exports and Imports of Used Goods. Regulation of the Minister of Trade No. 51 / M-DAG / PER / 7/2015 concerning the Prohibition of Imports of Used Clothing.⁷ This is contrary to the concept of the Rule Of Law, where the implementation of the Rule Of Law must adjust to the interests of the people.

Rule of law conveyed by Moch. Kusnardi, namely Rule of Law in English is called a state of law.⁸ *Rule of law* which reflects the regulations, must be based on justice in society. Likewise with the regulation of the prohibition of used import goods, paying attention to socio-economics with the aim of social justice in the 1945 Constitution of the Republic of Indonesia.

Imports of used clothing can trigger underpricing of illegal clothing which causes a decrease in interest in local Indonesian textile products. This also has an impact on the environment because the large number of used products entering Indonesia can cause hoarding that has the potential to become new waste. Thus, the author's interest in the ban on thrifting imports will be studied more deeply regarding the Right of Interpellation and Supervision of the DPR on the President's Policy on the Ban on Thrifting Imports of Used Clothing in the Realization of the Rule of Law State.

II. METHOD

Research methodology according to Soerjono Soekanto is a way of thinking used in research to strengthen and develop scientific knowledge.⁹ This study is intended to determine the role and duties of the interpellation and supervision rights held by the DPR in supervising the President's policies that have an impact on society. The author uses normative research from the Regulation of the Minister of Trade No. 51 / M-DAG / PER / 7/2015 concerning the Ban on Imports of Used Clothing. This type of research is qualitative description by analyzing in depth the Interpellation and Supervision Rights of the DPR.

⁷ Minister of Trade Regulation Number 51/M-DAG/PER/7/2015 concerning Prohibition of Importing Used Clothing.

⁸ Dian Aries Mujiburrohman, "Introduction to Indonesian State Law", Yogyakarta. STPN Press 2020, p. 79.

⁹ Soekanto Soejono, "Introduction to Legal Research", Jakarta. UI Pres, 2022, p. 10.

III. ANALYSIS AND DISCUSSION

a. The Right of Interpellation and the Right of Supervision of the DPR Against the President's Policy Regarding the Ban on Importing Thrifting Used Clothing

Montesquieu initiated a theory related to the division of power known as Trias Politica. This theory is used to create conducive conditions. In practice, this theory is very difficult to implement, because there is arbitrariness carried out by institutions in each branch.¹⁰ This arbitrariness can be minimized by providing supervision to each institution. Policies made by an institution must refer to the welfare of the people.

The welfare of the people is related to the policy, regarding the ban on importing thrifting used clothing made by the President. There are pros and cons between policymakers and the people, the DPR uses the right of interpellation to resolve the pros and cons that occur. The President or official who makes the policy is required to come if the DPR summons him to be asked for information regarding the policy he has made.

In every institution, the DPR uses a system to overcome supervision, it must also use a check and balances system. Supervising the monopoly of power, between one institution and another. According to Situmorang and Jusuf Juhir, supervision is a form of the President's policy on regulations determination.¹¹ With the supervision of the DPR, it is hoped that every policy made by the President will not harm the people with a monopoly of power. According to Bagir Manan in TAP MPR-RI No. III/MPR/1978, states that in avoiding a monopoly of power.

Implementing a balanced state policy system, if the President violates it, the DPR has the right to submit a memorandum. The DPR reminds us that the policy implemented by the President has deviated from the policy. The memorandum given for three months is still violated, the President has the right to provide a second memorandum. Then the DPR asks the President to hold a meeting and summon the President.¹² Of course, the DPR in providing a response related to the President's policy that deviates from the course, is not seen from the interests of the institution but the aspirations of the people are the most important.

The aspirations of the people are indeed very much needed, in making policies to realize a sovereign state. If in the policy there are pros and cons of the DPR, the President must revise the policy to follow the aspirations of the

¹⁰ Mei Susanto, "Inquiry Right as an Oversight Function of the House of Representatives", *Judicial Journal*. Vol 11 No.3, 2021, p. 84-85.

¹¹ Eza Aulia, Putu Eva Ditayani Antari, 'Supervision System for Constitutional Judges in Realizing Judge Independence', *Journal of Public Policy*. Vol. 2 No.1, 2020, pp.105, 107.

¹² Yusri Munaf, "State Administrative Law", Riau. Marpoyang Tujuh Publishing, 2019, P.40.

people. Like the policy related to the ban on importing used clothing thrifting which has pros and cons in the economic sector and the import sector.

In the import sector according to the Regulation of the Minister of Trade article (2) No. 51 / M-DAG / PER / 7/2015 concerning the ban on importing used clothing, Article 3 and Article 4 regulate that used clothing entering Indonesia must be destroyed following existing regulations. And for sanctions for perpetrators who violate Article 2 will be subject to sanctions according to the regulations, namely existing administrative sanctions.¹³ Regulations on Article 47 of Law No. 7 of 2014 concerning Trade, imported goods to Indonesia must be in new condition. However, some used imported goods are allowed to enter Indonesia¹⁴. Pros and cons occur in society because imported thrifting clothing brings changes to the economy of the lower middle class.

To achieve balance, an exception is needed for thrifting used clothing. This exception does not have to be by stopping the import of thrifting used clothing, but by minimizing imports to create a balance in the Rule of Law country.

b. The Concept of the Realization of the Rule of Law State on the Ban on Importing Thrifting Used Clothing

Rule of law can also be interpreted as a state of law, the purpose of a state of law itself is to protect the rights of every citizen. Protection from all forms of fraud, or human rights violations from various forms of injustice. The concept of a state of law adopted by Indonesia applies the rule of law also to encourage law enforcement officers to be more proactive in responding to all problems in society.

A state of law guarantees its citizens to carry out state life, socially, culturally, religiously, and economically. However, in practice, Indonesia as a rule of law or a state of law still has some obstacles. One of them is the problem regarding the ban on thrifting or importing used clothing, this was proven directly by President Joko Widodo by making a policy. Then followed up by the Minister of Trade, with the issuance of the Minister of Trade Regulation No. 40 of 2022 on the Ban on Import and Export of Used Clothing. The DPR as a representative of the people plays a very important role in making decisions and policies that can provide justice for the community.

The author conducted a questionnaire via Google related to the community who are pro and con the ban on the Import of Thrifting Used Clothing taken from a questionnaire given to Lecturers/Teachers, Students, Employees, Traders, and the general public as follows:

¹³ Salahuddin, "Implementation of Regulation of the Minister of Trade Number 48/mdag/per/7/2015 Juncto Regulation of the Minister of Trade Number 51/mdag/per/7/2015 Relating to the Trade in Used Clothing from Abroad", Journal of Nestor Magister Law. 2019.Vol.1 No. 1, pp. 4-5

¹⁴ Law Article 47 no. 7 of 2014 concerning Trade

1. Response of the Community Who Are Pro Against the Ban on Thrifting Used Clothing and the DPR's Attitude Towards the President's Policy

The results of the opposing opinions, against the ban on the import of used clothing is as much as 35%. The reasons given are; First. Due to the ban on thrifting used clothing, the handle of used clothing will decrease. Traders of imported used clothing usually have an income, if the import of used clothing is prohibited and stopped by the government. Then the traders will have difficulty in meeting their daily needs. In addition, the economic ability of the Indonesian people is still below average, it is very difficult to buy clothes if imported used clothing is prohibited.

Second. The increasing number of people looking for sources of income, by thrifting used clothing makes the economy more advanced. This is because the imported used clothes offered are considered more trendy, the used clothes sold are branded products. The cheap price of local industrial products can be owned by all groups. In this case, the DPR needs to pay attention to the needs of all, because it concerns the affected community. With the government's policy ban on thrifting and importing used clothing, the DPR should consider the concerns of the affected community more. The DPR conveyed to the President so that the policy issued would not harm one party. The DPR provides affected communities with jobs, donations, or capital that can be used as a business extension in meeting their living needs.

2. Responses from the Community that are Pro to the Ban on Thrifting Used Clothing and the DPR's Attitude to the President's Policy

Many people agree with the President's ban on importing used clothing by 65%. The reasons are; First. Because many people support local products and support MSMEs in the country. Love for domestic products can improve the economy in Indonesia. Second, it can increase employment opportunities for the Indonesian people. Increasing employment opportunities and supporting MSMEs, implementation of Pancasila values

Third, people prefer to buy new clothes according to their quality and capabilities. People usually judge an item, based on its new and durable quality. If using durable goods, it can reduce waste or consumptive purchases. Fourth, in this pro policy, the DPR is also expected to take part in supervising the policies issued by the President. The DPR can use the right of interpellation against the President so that the check and balance in this rule of law country is maintained in balance and justice. Fifth, is the transmission of disease. The public agrees with the ban on importing used clothing because the risk of contracting dangerous diseases is greater and can threaten health.

From the analysis conducted by the author on the concept of the rule of law of the ban on importing used clothing, the DPR is reviewing the policy with the president, to improve the economy in Indonesia and pay more

attention to MSMEs in Indonesia. It is hoped that the DPR can take steps to support the President's policy simultaneously. The government can reduce the number of importers and develop local MSME products. If there is a ban on termination, it will also have an impact on the economic sector of thrifting traders in Indonesia which will also have an impact on unemployment in Indonesia.

MSME actors must be able to improve and develop their products creatively, so as not to be left behind by fashion trends in used clothing imported from abroad. MSMEs increase marketing in developing their products, and the way out taken by the DPR is expected to be able to act firmly and fairly. Namely used clothing import traders who will be affected by the ban. According to the public, the steps that can be taken by the DPR are to review and create new policies together with the President regarding the improvement of the economy in Indonesia and to pay more attention to existing MSMEs so that they can meet the goals of the country, namely the equalization of the economy in Indonesia.

IV. CONCLUSION

The DPR's right of interpellation and supervision of the President's policy on the ban on imports of used clothing thrifting, namely the DPR in providing a response regarding the President's policy that deviates from the course, is not seen from the interests of the institution but the aspirations of the community. The aspirations of the people are indeed very much needed, in making policies to realize a sovereign state. If in the policy there are pros and cons of the DPR, the President must revise the policy to suit the aspirations of the community. As with the policy related to the ban on imports of used clothing thrifting which has pros and cons in the economic sector and the import sector.

The concept of the realization of the Rule of Law State on the ban on imports of used clothing thrifting is that the DPR studies the policy with the president, to improve the economy in Indonesia and pay more attention to MSMEs in Indonesia. It is hoped that the DPR can take steps to support the President's policy simultaneously. The government can reduce the number of importers and develop local MSME products. If there is a ban on dismissal, it will also have an impact on the economic sector of thrifting traders in Indonesia which will also have an impact on unemployment in Indonesia. 2. Suggestions

The DPR uses its rights and functions by supervising government policies. Listen to every public concern caused by the ban on imports of used clothing and find a way out together with the President.

The concept of the Rule of Law states that the ban on imports, and thrifting used clothing is a step that can be taken by the DPR to study and create new policies related to improving the economy in Indonesia. Providing

capital to MSME actors, so that they can develop local clothing products to be more attractive. Providing space for sellers of used clothing.

REFERENCE

- Aulia, Eza, Putu Eva served by Antari. 2020. "Implementation of the supervisory function of the people's representative council in an effort to strengthen the presidential system in Indonesia." in the Journal of Legal Studies. Vol.4 No.2
- Aulia, Eza. 2019. "Supervision System for Constitutional Judges in Realizing Judge Independence." in Public Policy Journal. Vol. 2 No.1. Ma'ruf, Muhammad Farid. 2021. "Competence of DPRD Members in Supporting Oversight Functions of Regional Government". in Journal of Public Administration and Policy. Vol.4 No.1.
- Mandala, Gusti Partana. 2022. "The Authority of the DPR in Determining and Supervising the APBN According to the 1945 Constitution of the Republic of Indonesia". (Thesis, Pinori University Postgraduate Legal Studies Master's Program, Josepus J. 2020. "The Role and Function of DPR Oversight of the Government." In Legal Scientific Journal. Vol. 6 No.1. Udayana Denpasar, 2022).
- Mujiburohman, Dian Aries. 2020. "Introduction to Constitutional Law." Yogyakarta: STPN Press.
- Munaf, Yusri. 2019. "State Administrative Law." Pekanbaru: Marpoyan Seven.
- Purnomo, Chrisdianto Eko. 2022. "Reflections on the Constitutional Powers of the President of the Republic of Indonesia." in Legal Compilation Journal. Vol.7 No.1. (p. 10).
- Salahuddin, 2019. "Implementation of Minister of Trade Regulation Number 48/mdag/per/7/2015 Juncto Minister of Trade Regulation Number 51/m-dag/per/7/2015 Relating to the Trade in Used Clothing from Abroad (Study in Pontianak City). " in the Nestor Master of Law Journal. Vol. 4 No.4. Susanto, May. 2021. "The Right to Inquiry as an Oversight Function of the House of Representatives." in the Judicial Journal. Vol.11 No.3. (pp. 84 – 85).
- Widodo, Hananto. 2022. "Legal Politics of the Right to Interpellation in the House of Representatives of the Republic of Indonesia". in Rechts Vinding Journal: National Legal Development Media. Vol.1 No.3. (p. 15).