

ABSTRAK

PERTANGGUNGJAWABAN IMPORTIR ILEGAL DENGAN MODUS 'GANTI BAJU' DALAM PROSES *CUSTOMS CLEARANCE*

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Praktik impor ilegal dengan modus “ganti baju” merupakan fenomena yang semakin marak dalam sistem perdagangan internasional Indonesia, khususnya pada tahap customs clearance. Modus ini dilakukan dengan cara mengganti identitas badan usaha atau mendirikan perusahaan baru untuk menghindari sanksi administratif, pencabutan izin, maupun pencantuman dalam daftar hitam (blacklist). Penelitian ini bertujuan untuk menganalisis bentuk pertanggungjawaban hukum importir ilegal yang menggunakan modus “ganti baju” serta mengevaluasi efektivitas sistem pengawasan kepabeanan dalam mencegah dan mendeteksi praktik tersebut.

Penelitian ini menggunakan metode penelitian hukum normatif dengan pendekatan peraturan perundang-undangan (statute approach) dan pendekatan kasus (case approach). Bahan hukum yang digunakan terdiri atas bahan hukum primer, sekunder, dan tersier yang dianalisis secara kualitatif. Kerangka analisis didasarkan pada Teori Pertanggungjawaban Hukum (Strict Liability) dan pendekatan *Economic Analysis of Law* untuk menilai rasionalitas pelaku usaha dalam melakukan pelanggaran.

Hasil penelitian menunjukkan bahwa penerapan pertanggungjawaban hukum terhadap importir ilegal dengan modus “ganti baju” belum efektif karena sanksi hukum masih melekat pada badan hukum formal, bukan pada pengendali atau *beneficial owner*. Kondisi ini memungkinkan pelaku usaha untuk terus mengulangi pelanggaran melalui entitas baru. Selain itu, sistem pengawasan kepabeanan masih menghadapi kelemahan struktural, terutama pada integrasi data perizinan API dan NIB serta koordinasi antarinstitusi terkait. Dari perspektif *Economic Analysis of Law*, rendahnya probabilitas deteksi dan lemahnya efek jera sanksi menjadikan pelanggaran impor sebagai pilihan yang rasional secara ekonomi bagi pelaku usaha. Penelitian ini menyimpulkan bahwa diperlukan penguatan sistem pertanggungjawaban hukum berbasis *strict liability* serta integrasi pengawasan kepabeanan yang menitikberatkan pada identifikasi *beneficial ownership* guna meningkatkan efektivitas pencegahan impor ilegal dan menjaga integritas pasar domestik.

Kata Kunci: impor ilegal, modus ganti baju, pertanggungjawaban hukum, pengawasan kepabeanan, *economic analysis of law*.

ABSTRACT

LIABILITY OF ILLEGAL IMPORTERS USING THE ‘CHANGE OF CLOTHES’ METHOD IN THE CUSTOMS CLEARANCE PROCESS

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Illegal import practices using the “change of clothes” method have increasingly become a significant challenge in Indonesia’s international trade system, particularly within the customs clearance process. This method involves changing corporate identities or establishing new legal entities to evade administrative sanctions, license revocation, and blacklisting imposed on previous companies. This study aims to analyze the legal liability of illegal importers employing the “change of clothes” method and to evaluate the effectiveness of the customs supervision system in preventing and detecting such practices.

This research adopts a normative legal research method using statutory and case approaches. Primary, secondary, and tertiary legal materials are analyzed qualitatively. The analytical framework is grounded in the theory of strict liability and the Economic Analysis of Law to assess the rational behavior of business actors in committing import violations.

The findings indicate that the current legal liability framework for illegal importers remains ineffective, as sanctions are predominantly imposed on formal legal entities rather than on the controlling parties or beneficial owners. This condition enables repeat violations through newly established companies. Furthermore, the customs supervision system continues to face structural weaknesses, particularly in the lack of integrated licensing data for Importer Identification Numbers (API) and Business Identification Numbers (NIB), as well as insufficient inter-agency coordination. From the perspective of the Economic Analysis of Law, the low probability of detection and weak deterrent effect of sanctions make illegal import activities a rational economic choice for business actors.

This study concludes that strengthening a strict liability-based legal accountability framework and enhancing integrated customs supervision focused on beneficial ownership identification are essential to effectively prevent illegal imports, reinforce legal certainty, and safeguard market integrity in Indonesia’s domestic trade system.

Keywords: *illegal import, change of clothes method, legal liability, customs supervision, economic analysis of law.*