

**BUYING AND SELLING SECOND-HAND GOODS
FROM ABROAD (THRIFTING)
ACCORDING TO FIQH MUAMALAH
(CASE STUDY THRIFT SHOP IN MATARAM)**



Written By:
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THESIS

Submitted to Ahwal Al-Syakhshiyah Department International
Program.
Faculty of Islamic Studies, Islamic University of Indonesia
To fulfill one of the requirements
Obtaining Islamic Law Degree

YOGYAKARTA

2023

**BUYING AND SELLING SECOND-HAND GOODS
FROM ABROAD (THRIFTING)
ACCORDING TO FIQH MUAMALAH
(CASE STUDY THRIFT SHOP IN MATARAM)**

ACC diajukan
untuk
Mengikuti ujian
munaqasah



Dr. Mukhsin Achmad
10 Agustus 2022



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YOGYAKARTA

2023

STATEMENT LETTER

STATEMENT LETTER

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STUDY THRIFT SHOP IN MATARAM).**

Hereby declare that in this thesis is the result of my work and the true originality. Suppose in the future it turns out that the writing of this thesis is the result of plagiarism towards other people's work. In that case, I am willing to take responsibility and the same time be willing to accept the sanctions based on the rules of conduct that apply at Universitas Islam Indonesia.

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Yogyakarta, 8 of August 2023



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Tanggal : 22 Agustus 2023
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Yogyakarta, 8th August 2023 H
21 Muharram 1444 H

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Dear : Honorable **Dean of the Faculty of Islamic Studies**
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Assalamu'alaikum Wr, Wb.

Based on the appointment by the Dean of the Faculty of Islamic Studies, Universitas Islam Indonesia with letter number 609/Dek/60/DAATI/FIAI/IV/2023, on 11th April 2023/ 19th of Ramadhan 1444 H, for our duties as supervisor of the thesis :

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After researching and making necessary improvements, we finally decided that your thesis above fulfills the requirements to be submitted to the Thesis Defence of Islamic Studies Faculty, Universitas Islam Indonesia

Thus, it can be tested soon, and together with us, we will send 4 (four) copies of the thesis in question.

Wassalamu'alaikum Wr. Wb,

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FROM ABROAD (THRIFTING) ACCORDING TO
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According to the process and the results of supervising among several months, and being made necessary improvements, then the concerned person can register herself to join the Munaqasah Trial of the Ahwal Syakhsiyyah International Program Department, Faculty of Islamic Studies, Universitas Islam Indonesia Yogyakarta.

Yogyakarta, 08 of August 2023

Supervisor,



Dr. Mukhsin Achmad, S.Ag, M.Ag.

PRESENTATION PAGE

I dedicate this thesis with enthusiasm and
Sincere struggle for the sake of Allah SWT, for:

My Parents and my beloved sister who have always loved, supported, guided,
prayed for and always inspired me so that I could complete my studies.

My late best friend who always supported and convinced me to do my best to
complete this thesis and get a bachelor's degree. And this thesis is a proof that I
am able and capable, thanks to him and his positive messages he has given.

MOTTO

يَا أَيُّهَا الَّذِينَ ءَامَنُوا لَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ إِلَّا أَنْ تَكُونَ تِجَارَةً عَنْ تَرَاضٍ مِّنْكُمْ وَلَا تَقْتُلُوا أَنْفُسَكُمْ إِنَّ اللَّهَ
كَانَ بِكُمْ رَحِيمًا

O you who have believed, do not eat of each other's wealth by unlawful means,
except by way of a mutually agreeable trade between you. And do not kill
yourselves; surely Allah is Merciful to you.

“Part of growing up and moving into new chapters of your life is about catch and
release. Knowing what things to keep and what things to release. You can’t carry
all things”

(Taylor Swift)

PEDOMAN TRANSLITERASI ARAB LATIN

KEPUTUSAN BERSAMA MENTERI AGAMA DAN MENTERI PENDIDIKAN DAN KEBUDAYAAN REPUBLIK INDONESIA

Nomor: 158 Tahun 1987

Nomor: 0543b//U/1987

Transliterasi dimaksudkan sebagai pengalih-hurufan dari abjad yang satu ke abjad yang lain. Transliterasi Arab-Latin di sini ialah penyalinan huruf-huruf Arab dengan huruf-huruf Latin beserta perangkatnya.

A. Konsonan

Fonem konsonan bahasa Arab yang dalam sistem tulisan Arab dilambangkan dengan huruf. Dalam transliterasi ini sebagian dilambangkan dengan huruf dan sebagian dilambangkan dengan tanda, dan sebagian lagi dilambangkan dengan huruf dan tanda sekaligus.

Berikut ini daftar huruf Arab yang dimaksud dan transliterasinya dengan huruf latin:

Tabel 0.1: Tabel Transliterasi Konsonan

Huruf Arab	Nama	Huruf Latin	Nama
أ	Alif	Tidak dilambangkan	Tidak dilambangkan
ب	Ba	B	Be
ت	Ta	T	Te
ث	Ṡa	ṣ	es (dengan titik di atas)
ج	Jim	J	Je
ح	Ḥa	ḥ	ha (dengan titik di bawah)
خ	Kha	Kh	ka dan ha

د	Dal	d	De
ذ	Ḍal	ḏ	Zet (dengan titik di atas)
ر	Ra	r	Er
ز	Zai	z	Zet
س	Sin	s	Es
ش	Syin	sy	es dan ye
ص	Ṣad	ṣ	es (dengan titik di bawah)
ض	Ḍad	ḍ	de (dengan titik di bawah)
ط	Ṭa	ṭ	te (dengan titik di bawah)
ظ	Ẓa	ẓ	zet (dengan titik di bawah)
ع	`ain	`	koma terbalik (di atas)
غ	Gain	g	Ge
ف	Fa	f	Ef
ق	Qaf	q	Ki
ك	Kaf	k	Ka
ل	Lam	l	El
م	Mim	m	Em
ن	Nun	n	En
و	Wau	w	We
ه	Ha	h	Ha
ء	Hamzah	‘	Apostrof
ي	Ya	y	Ye

B. Vokal

Vokal bahasa Arab, seperti vokal bahasa Indonesia, terdiri dari vokal tunggal atau *monoftong* dan vokal rangkap atau *diftong*.

1. Vokal Tunggal

Vokal tunggal bahasa Arab yang lambangnya berupa tanda atau harakat, transliterasinya sebagai berikut:

Tabel 0.2: Tabel Transliterasi Vokal Tunggal

Huruf Arab	Nama	Huruf Latin	Nama
َ	Fathah	a	A
ِ	Kasrah	i	I
ُ	Dammah	u	U

2. Vokal Rangkap

Vokal rangkap bahasa Arab yang lambangnya berupa gabungan antara harakat dan huruf, transliterasinya berupa gabungan huruf sebagai berikut:

Tabel 0.3: Tabel Transliterasi Vokal Rangkap

Huruf Arab	Nama	Huruf Latin	Nama
َ...ي	Fathah dan ya	ai	a dan u
َ...و	Fathah dan wau	au	a dan u

Contoh:

- كَتَبَ kataba
- فَعَلَ fa`ala
- سَأَلَ suila
- كَيْفَ kaifa
- حَوْلَ haula

C. Maddah

Maddah atau vokal panjang yang lambangnya berupa harakat dan huruf, transliterasinya berupa huruf dan tanda sebagai berikut:

Tabel 0.4: Tabel Transliterasi *Maddah*

Huruf Arab	Nama	Huruf	Nama
------------	------	-------	------

		Latin	
...آ...	Fathah dan alif atau ya	ā	a dan garis di atas
...ى	Kasrah dan ya	ī	i dan garis di atas
...و	Dammah dan wau	ū	u dan garis di atas

Contoh:

- قَالَ qāla
- رَمَى ramā
- قِيلَ qīla
- يَقُولُ yaqūlu

D. Ta' Marbutah

Transliterasi untuk ta' marbutah ada dua, yaitu:

1. Ta' marbutah hidup

Ta' marbutah hidup atau yang mendapat harakat fathah, kasrah, dan dammah, transliterasinya adalah "t".

2. Ta' marbutah mati

Ta' marbutah mati atau yang mendapat harakat sukun, transliterasinya adalah "h".

3. Kalau pada kata terakhir dengan ta' marbutah diikuti oleh kata yang menggunakan kata sandang *al* serta bacaan kedua kata itu terpisah, maka ta' marbutah itu ditransliterasikan dengan "h".

Contoh:

- رَوْضَةُ الْأَطْفَالِ raudah al-atfāl/raudahtul atfāl
- الْمَدِينَةُ الْمُنَوَّرَةُ al-madīnah al-munawwarah/al-madīnatul munawwarah
- طَلْحَةَ talhah

E. Syaddah (Tasydid)

Syaddah atau tasydid yang dalam tulisan Arab dilambangkan dengan sebuah tanda, tanda syaddah atau tanda tasydid, ditransliterasikan dengan huruf, yaitu huruf yang sama dengan huruf yang diberi tanda syaddah itu.

Contoh:

- نَزَّلَ nazzala
- الْبِرُّ al-birr

F. Kata Sandang

Kata sandang dalam sistem tulisan Arab dilambangkan dengan huruf, yaitu ال, namun dalam transliterasi ini kata sandang itu dibedakan atas:

1. Kata sandang yang diikuti huruf syamsiyah

Kata sandang yang diikuti oleh huruf syamsiyah ditransliterasikan sesuai dengan bunyinya, yaitu huruf “l” diganti dengan huruf yang langsung mengikuti kata sandang itu.

2. Kata sandang yang diikuti huruf qamariyah

Kata sandang yang diikuti oleh huruf qamariyah ditransliterasikan dengan sesuai dengan aturan yang digariskan di depan dan sesuai dengan bunyinya.

Baik diikuti oleh huruf syamsiyah maupun qamariyah, kata sandang ditulis terpisah dari kata yang mengikuti dan dihubungkan dengan tanpa sempang.

Contoh:

- الرَّجُلُ ar-rajulu
- الْقَلَمُ al-qalamu

- الشَّمْسُ asy-syamsu
- الْجَلَالُ al-jalālu

G. Hamzah

Hamzah ditransliterasikan sebagai apostrof. Namun hal itu hanya berlaku bagi hamzah yang terletak di tengah dan di akhir kata. Sementara hamzah yang terletak di awal kata dilambangkan, karena dalam tulisan Arab berupa alif.

Contoh:

- تَأْخُذُ ta'khužu
- شَيْءٌ syai'un
- النَّوْءُ an-nau'u
- إِنَّ inna

H. Penulisan Kata

Pada dasarnya setiap kata, baik fail, isim maupun huruf ditulis terpisah. Hanya kata-kata tertentu yang penulisannya dengan huruf Arab sudah lazim dirangkaikan dengan kata lain karena ada huruf atau harkat yang dihilangkan, maka penulisan kata tersebut dirangkaikan juga dengan kata lain yang mengikutinya.

Contoh:

- وَ إِنَّ اللَّهَ فَهُوَ خَيْرُ الرَّازِقِينَ Wa innallāha lahuwa khair ar-rāziqīn/
Wa innallāha lahuwa khairurrāziqīn
- بِسْمِ اللَّهِ مَجْرَاهَا وَ مُرْسَاهَا Bismillāhi majrehā wa mursāhā

I. Huruf Kapital

Meskipun dalam sistem tulisan Arab huruf kapital tidak dikenal, dalam transliterasi ini huruf tersebut digunakan juga. Penggunaan huruf kapital seperti apa

ABSTRAK

JUAL BELI BARANG BEKAS DARI LUAR NEGERI (THRIFTING) MENURUT FIQH MUAMALAH (STUDI KASUS TOKO THRIFT DI MATARAM)

FARHANI PUTRI HANDAYANI
NIM: 19421107

Barang bekas adalah barang yang telah dibeli atau digunakan oleh orang lain, yang kemudian dijual kembali dalam kondisi baik dan layak digunakan. Pembelian dan penjualan barang bekas menjadi sebuah *trendy* dan sangat digemari oleh pedagang pakaian karena harga yang ditawarkan sangat terjangkau bagi pembeli serta kualitas yang masih bagus untuk disebut pakaian bekas. Akan tetapi, beberapa barang memiliki kecacatan pada produknya, yang mana dalam ketentuan Islam terutama *fiqh muamalah*, terdapat rukun dan syarat objek jual beli yang harus dipenuhi. Penelitian lapangan (*field research*) dengan menggunakan pendekatan kualitatif untuk mengumpulkan data lapangan penelitian dilakukan melalui wawancara dengan narasumber dan melakukan pengamatan di tempat transaksi jual beli. Dari praktik jual beli pakaian bekas di Pasar Karang Sukun Mataram, dalam hal Fiqh Muamalah, transaksi jual beli antara pedagang dan pembeli telah memenuhi *syari'at* karena penjual memilah barang bekas dan transparan tentang kondisi barang yang dijual. Sementara itu, dalam hal objek, pembelian dan penjualan karung dilarang membeli dan menjual karena mengandung unsur *gharar* (ketidakpastian) tentang objek baik kualitas maupun kuantitas. Akan tetapi, membeli dan menjual sistem karung tidak memenuhi salah satu pilar dan kondisi validitas jual beli karena berpotensi menimbulkan kerugian akibat ketidakpastian kuantitas dan kondisi barang yang diperdagangkan.

Kata Kunci : Jual Beli, Fiqh Muamalah, Pakaian Bekas Luar Negeri

ABSTRACT

BUYING AND SELLING USED GOODS FROM ABROAD (THRIFTING) ACCORDING TO FIQH MUAMALAH (CASE STUDY OF THRIFT SHOP IN MATARAM)

FARHANI PUTRI HANDAYANI

NIM: 19421107

Used goods are goods that have been purchased or used by others, which are then resold in good condition and are worth using. The purchase and sale of used goods became trendy and was very popular with clothing traders because the price offered was very affordable for buyers and the quality was still good to call used clothes. However, some items have defects in their products, which, in Islamic provisions especially fiqh muamalah, are reconciled and the terms of the object of sale must be met. Field research using a qualitative approach to collect research field data is conducted through interviews with informants and observing at the place of sale transactions. From the practice of selling used clothes at Karang Sukun Mataram Market, in terms of Fiqh Muamalah, the transaction between traders and buyers has fulfilled sharia because sellers sort out used and transparent goods about the condition of the goods sold. Meanwhile, in terms of objects, the purchase and sale of sacks are prohibited from buying and selling because they contain elements of harar (uncertainty) about objects of both quality and quantity. However, buying and selling sack systems do not meet one of the pillars and conditions of validity of sale because they have the potential to cause losses due to uncertainty in quantity and conditions of goods traded.

Keywords: Buying and Selling, Fiqh Muamalah, Aboard Used Clothes

PREFACE

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

الْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ، وَبِهِ نَسْتَعِينُ عَلَى أُمُورِ الدُّنْيَا وَالْآخِرَةِ، وَالصَّلَاةُ وَالسَّلَامُ
عَلَى أَشْرَفِ الْأَنْبِيَاءِ وَالْمُرْسَلِينَ وَعَلَى آلِهِ وَصَحْبِهِ أَجْمَعِينَ، أَمَّا بَعْدُ

All praise and deep gratitude to Allah, the One True Almighty God, for his blessing and guidance; thus, this thesis can be finished on its time, the time Allah has decreed. *Salawat* and greetings are always devoted to the prophet Muhammad SAW, who brought the light out in the dark era and removed all the ignorance, hence existed the freedom of learning for all gender, and found many discoveries until created this civilization.

The process arranging and finishing this thesis, titled “ Buying and Selling Second-hand Goods From Abroad (Thrifting) According to Fiqh Muamalah (Case Study Thrift Shop in Mataram) “, is not separated from the support, guidance, suggestion and supervision of several involved parties till this thesis can be finished properly. Thus, incredible gratefulness is sincerely given to the honorable :

1. Prof. Fathul Wahid, S.T., M.Sc., Ph.D., as the Rector of Universitas Islam Indonesia
2. Dr. Drs. Asmuni, M.A, as the Dean of the Faculty of Islamic Studies Universitas Islam Indonesia
3. Dr. Anton Priyo Nugroho, S.E., M.M., as the Head of the Department Islamic Studies Faculty of Islamic Studies Universitas Islam Indonesia
4. Krismono, SHI., MSI., as the Head of Diploma Program in Family Law (Ahwal Syakhshiyah)
5. As the thesis supervisor, Dr. Mukhsin Achmad, S.Ag,

M.Ag., has supervised me comprehensively and patiently during these several months.

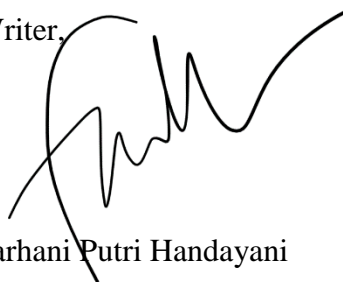
6. As the academic supervisor, Fuat Hasanudin, Lc., MA., supervised and advised me in my educational journey in this Department.
7. All lectures of the Study Program in Family Law (Ahwal Syakhshiyah) Faculty of Islamic Studies Universitas Islam Indonesia and academic civitas of Faculty of Islamic Studies who have been giving helpful knowledge until this thesis can be finished.
8. All my friends who always support and pray for me. to those of you who understand my situation and who are together in facing the world, especially Spazing, AS IP 2019, KKN 65 Unit 348 and my friends in various parts of the world.
9. My BIAS a.k.a Someone that I being inspired and addicted to, NCT 127 especially Johnny Suh, Thank you for bringing back my passion for learning foreign languages and makes me want to be a better person day by day. And also thank you for one and only Taylor Swift because of her meaningful songs lyrics that help me how to feel and describe through words even understanding my own feelings, so that I don't feel alone in this world.

10. And to all parties who contributed in preparing this thesis which I cannot mention one by one. Thankyou.

The arrangement of this thesis is far from the perfect word because all the perfectness is Allah's own. Thus, I wish all dearest readers to give supportive suggestions and criticism for improving and revising this thesis so that this thesis can be valuable and helpful later on.

Yogyakarta, 8th August 2023

Writer,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end.

Farhani Putri Handayani

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CHAPTER I

INTRODUCTION

A. Background

Buying and selling is a transaction that is commonly carried out by the community, both to meet daily needs and for investment purposes. The forms of transactions also variation, ranging from traditional to modern forms through financial institutions. Regarding the issue of buying and selling, we also have to know about the existence of laws and rules of buying and selling themselves, whether the buying and selling carried out is in accordance with *Islamic law* or not. Therefore, someone who carries out the business world must understand and know matters related to buying and selling legally or not. Islamic too teaches that human relations in society must be carried out on the basis of considerations that bring benefit to humans and avoid harm. As social beings who always live in society, humans will interact with each other help in all matters both world affairs and the hereafter, then in this case Islam provides a solution in the efforts that are fulfilled his life in a *Muamalah* way.¹

Trading is a *Muamalah* activity that is inherent in the pattern of social life in ancient times and now. Trading activities are closely related to human activities to meet the needs of life, one of the ways humans try to meet their needs is by buying and selling. Buying and selling or trading in *fiqh* terms is called *al-ba'I*,

¹ Syaikh, Ariyadi dan Norwili, Fikih Muamalah : Memahami Konsep Dan Dialektika Kontemporer,(Yogyakarta : K-Media, 2020), 43.

which according to etymology means selling or changing. Meanwhile, according to *Shara'* buying and selling is exchanging goods for goods or for money by releasing property rights from one to another on the basis of mutual consent.

Buying and selling is basically permissible by *Islamic* teachings, this permissibility based on the word of Allah SWT, letter An-Nisa 'verse 29 which reads:

مَا أَیُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا أَمْوَالَكُم بَيْنَكُم بِالْبَاطِلِ إِلَّا أَنْ تَكُونَ تِجَارَةً عَنْ تَرَاضٍ مِنْكُمْ ۗ وَلَا تَقْتُلُوا أَنْفُسَكُمْ ۗ إِنَّ اللَّهَ كَانَ بِكُمْ رَحِيمًا

It means:

“Oh you who believe, do not eat each other's wealth in a vanity way, except by way of commerce that applies with mutual consent between you. And do not kill yourselves; verily Allah is Most Merciful to you.” (Surah An-nisa;29)²

The verse above indicates that Allah SWT forbade the people *Muslims* to eat other people's wealth unjustly, this context has The broad meaning is to carry out conflicting economic transactions with *syara'* such as usury, speculative (*maysir/gambling*) or contain elements of *gharar*, apart from that this verse also provides an understanding that every transactions carried out must pay attention to the element of willingness for all party.³

Clothing is an important basic human need. Clothes can protects humans from heat and cold, and adds beauty as well good looks personality. Clothing is

² Al-Qur'an, 4: 29

³ Dimyauddin Djuwaini, Pengantar Fiqh Muamalah, (Yogyakarta: Pustaka Pelajar, 2008).

something used by humans to cover and protect all or part body from heat and cold, such as shirts, sarongs, turbans, shirts, pants, and the like. Clothing is understood as a tool to protect the body and facility to beautify the appearance.⁴

Used clothing is an object or item worn by humans to cover their bodies but has been worn by others. Used clothes in the Thrift Shop located In Mataram, there is a market in Karang Sukun that specializes in selling imported used clothes, bags and many fabrics at varying prices depending on the quality. Karang Sukun Market is very famous for selling imported used clothes that are visited by many people even by employees. Although the floor is only plaster, it is clean and tidy so it is comfortable to visit. The place is spacious, made like a los as in general, the large enough land can accommodate around 53 stalls of used imported clothes that are ready to be offered.⁵

Thrift goods are used goods that are sold in good condition and are still suitable for reuse. Thrift itself has many terms that are used not only as used goods but among them are second item, second-hand. With thrift, the goods offered are usually goods from well-known or branded brands and are marketed at relatively low prices. Thrift goods are not only in the form of clothing, but can be in the form of electronics, or other heritage objects that are still of value and most of them are leftover products from exports or imports that have not been sold for a long time.

The process of setting the selling price of used clothes is measured by the condition of the goods, it is also possible that the goods being sold are set at a price

⁴ Ansharullah, "*Pakaian Muslimah Dalam Perspektif Hadis Dan Hukum Islam*", DIKTUM : Jurnal Syariah Dan Hukum, Volume 17 Nomor 1 Juli 2018, (Makasar : UIN Alauddin Makasar, 2018), 66.

⁵ Interview with Putri one of second-hand employee via WhatsApp 5th June 2023, at 14:00 PM

according to the brand of the goods. In transactions between sellers of used goods and distributors who send these used goods, In terms of the ratio of used goods, it is inseparable from the nature of the defect, apart from seeing the goods being sold, the buyer needs a place, so that he can see the goods directly and identify the defects in the goods according to whether or not the deficiencies of the goods being sold, because defects according to language can eliminate the occurrence of an item which causes a reduction in the authenticity of the item.⁶ However, some sellers if there is damage to the goods, the seller is not responsible to the buyer because it is the buyer's responsibility to actually buy used goods. In this case, there is uncertainty in the sale and purchase transactions of used clothes in Mataram area, related to the quality of the goods, the method of transaction, and the status of the use of used goods in terms of *Islamic Law*. In this case the researcher is interested in examining how the *Fiqh Muamalah* on Buying and Selling Second-hand Goods Abroad/Thrifting on Thrift Shop at Mataram.

In this research, the author uses qualitative research methods, the primary data source comes from the results of the author's interviews with employees/owners of thrift stores. By digging up information on how the system and the beginning of the establishment of this thrift shop. The secondary data sources come from reference books and websites that have to do with the cases that exist in this study. From this, the author can conclude that the reality that exists in the sale and purchase of second-hand goods often clashes with the rules of *Islamic law* even though it is said to be a valid sale and purchase according to the general

⁶ Ahmad Azhar Basir, *Azas-Azas Muamalah*, (Yogyakarta: Fakultas UII, 1993),Page 83.

public but not necessarily with the sharia and the sale and purchase transaction.

Therefore, the researcher feels the need and interest to further research into a thesis.

B. Research Questions

Based on the background above, the problem can be formulated as follows :

1. How is the practice of buying and selling second-hand goods abroad at thrift shops in Mataram and how is the people in Mataram practiced of buying and selling second-hand goods?
2. How prespective *Fiqh Muamalah* regarding the practice of buying and selling thrift goods/ abroad second-hands goods at thrift shops in Mataram ?

C. Research Purpose and Benefits

1. Research Purpose

Based on identifications of the problem above, the purposes of this research is :

1. To find out about the practice of buying and selling foreign thrift goods at thrift shops in Mataram.
2. To describe the practice of buying and selling thrift goods abroad according to *fiqh muamalah*.

2. Research Benefits

Benefits that can be taken in this research is :

1. Theoretical Benefit

- a. As a useful information and increase knowledge in the field of *Muamalah*, especially in understanding and applying it in social life about buying and selling second-hand foreign goods while still relying on *Islamic law*.
 - b. Provide input or material that can be used as further study in terms of buying and selling.
2. Practical Benefit
- a. Can be used as information and provide motivation as well as to create a scientific work that can be beneficial for the development of science.
 - b. Can be used as information about problems that occur in society against *Muamalah law*.

D. Discussion Systematic

In order for this research to be easier to understand, a coherent systematic discussion is needed, broadly speaking, the discussion in this thesis is divided into five parts, namely the Introduction, Literature review and Theoretical Framework, Research method, Discussions and Conclusion. Each part in the chapter each contains sub-chapters. The arrangement is as follows:

The first chapter, is an introduction to the research which describes the Background of the Problem which explains the problematics related to the problem of buying and selling foreign second goods according to *Fiqh*.

Muamalah at Thrift Shop in Pasar Karang Sukun Mataram, which can provide objectives to readers so that readers understand the objectives of this research.

Chapter Two, contains Literature Review and Theoretical Framework, which in the Literature Review explains the results of research that has been carried out previously by previous researchers who have a relationship with the research being conducted. The theoretical framework in this chapter explains the history and perspective of the problem in the study, and discusses relevant theories related to the theme of the thesis.

Chapter three, in this chapter contains Research methods which in this research method contains the type of research applied, the research location studied, research informants, informant determination techniques, data collection techniques, data validity and data analysis techniques.

The fourth chapter, which is a Discussion of the benefits of research, Buying and Selling Second-hand from aboard according to *Fiqh Muamalah* which has been systematically arranged.

The fifth chapter, as a closing in this writing consists of conclusions obtained from the final results of research and suggestions for the future in further related research.

CHAPTER II

LITERATURE REVIEW AND THEORETICAL FRAMEWORK

A. Literature Review

To find out the cause of the research that is the same as the title above. Is necessary to do a literature study on research that is the same as research on Buying and Selling Second-hand Goods Abroad According to *Fiqh Muamalah*.

Thesis with the title *Fiqh Muamalah Overview of Buying and Selling Used Clothes with Sack System Case Study Palembang National Housing Market Griya Musi*, written by Dwi Alifa (2017), From this research it can be concluded that the research contains an analysis of the review of *fiqh muamalah* on the sale and purchase of used clothing. In buying and selling used goods, especially used clothing at Griya Musi Perumnas Market, this is done between sellers of used clothing and agents. The agent in this case is the party who buys clothes in large quantities/containers. The agent gets the used clothes from the distributor and the distributor gets these used clothes from the manufacturer or first hand. What is meant by a Distributor is a trader who buys or gets merchandise products from the first hand or manufacturer directly. Producers here mean suppliers of goods or used clothing. In connection with buying and selling with a sack system in the Griya Musi Perumnas Market in the *Fiqh Muamalah* review as explained above that the

majority of scholars divide buying and selling into 2 types, namely buying and selling that is categorized as valid and buying and selling that is categorized as invalid or void. A valid sale and purchase is a sale and purchase that fulfills the provisions of *Shara'*, both the pillars and conditions, while an invalid sale and purchase is a sale and purchase that does not fulfill one of the conditions and pillars so that the sale and purchase becomes damaged or invalid.⁷ Traders in buying used clothes from agents, the full quality of the goods is not known by the traders, so sometimes there are some traders who experience losses because the quality of the clothes in the sacks is unknown. Used clothing in Griya Musi Market has experienced shrinkage so it is not surprising if some of the clothes in the sacks are damaged or torn.⁸

Thesis entitled *Buying and Selling Used Clothes in the Prespective of Islamic Economics at the Palopo Commercial Center*, written by Suhaemi Sudin (2019) in the study said that the implementation of buying and selling used clothes at the Palopo Commercial Center is carried out between distributors and buyers of used clothes. In this case the distributor sends the used clothes to the buyer and the seller sells them to the public. Each shipment of goods has the code of each item which means that the goods come from various regions such as, PB, which is clothing imported from Korea, Hong Kong, which is clothing imported from China, Oxan, which is clothing imported from Japan. The price per bale depends on the type of

⁷ Rahmat Syafei, *Fiqh Muamalah*, (Bandung: Pustaka Setia, 3rd printing, 2006), Page 91

⁸ Dwi Afifa, A Thesis : “*Tijauan Fiqh Muamalah Terhadap Praktek Jual Beli Pakaian Bekas dengan Sistem Karungan(Study kasus Pasar Griya Musi Palembang)*” (Palembang : UIN Raden Fatah, 2017), Page 46

clothing in it can be obtained for 1000 - 40,000 rupiah.⁹

Thesis with the title *Islamic Law Review of the Used Clothing Sale and Purchase System in Alley Punthuk Madiun*, written by Nafiah Friska Ramadhani (2021) in this study provides the results that the sale and purchase carried out by traders in alley Punthuk Madiun with distributors seen from the pillars and conditions of the valid sale and purchase is in accordance with *Shara'*. However, there is something related to the valid terms of sale and purchase which lies in the terms of the object of sale and purchase. The object of sale is used clothes and not unclean or *haram* objects. However, used clothing traders do not know how many items, the quality of the goods and the condition of the goods in the sack. At the time of the transaction. Traders pick up used clothes that have been ordered in advance. The used clothes are put into sacks. This creates uncertainty about the quantity and quality of the object of sale and purchase of used clothing.¹⁰

Furthermore, the Journal of Islamic Economics entitled *Selling and Buying Used Clothes in the Perspective of Fikih Muamalah Iqtishodiyah*, written by Ahmad Fauzi (2019) According to *Hanafiyyah* scholars, buying and selling is the exchange of property (objects) for property based on a special (permissible) method.¹¹. As for according to *Shara'*, the best definition that has been expressed is that *ba'i* is giving up the right of ownership of a valuable item by means of barter / exchange that has received *Shara'a* approval or giving up the right of ownership of

⁹Suhaeni Sudin, A Thesis. "*Jual Beli Pakaian Bekas menurut Ekonomi Islam di Pasar Palopo*" (Palopo : IAIN Palopo,2019), Page 80

¹⁰ Nafiah Friska Ramadhani, A Thesis: "*Review of the Used Clothing Sale and Purchase System in Alley Punthuk Madiun*" (Ponorogo: IAIN Ponorogo, 2021) Page 80

¹¹ Alaudin Al-kasyani, *Badai' Ash-Shana'ifi Taritb Asy-Syara'I*, Juz v. Page 133

a permissible benefit, permanently in exchange for a valuable asset. Selling and buying that is permitted by *Shara'* has three conditions for the goods being traded, (1) Can be seen by the buyer. (2) The nature and condition can be known, (3) Clean and useful. In buying and selling must fulfill the conditions of buying and selling, and also regarding the forms of buying and selling that are prohibited in Islam and those that are permitted, which have been justified by religion. Objects or goods that will be used as objects must fulfill the conditions, namely: knowing the goods being dealt with, clean goods, and whether the goods are clean / unclean. The purpose of all these conditions, among others, is to avoid conflict between people, maintain the interests of the people who are doing the contract, avoid buying and selling *gharar* (there is an element of fraud), and others.¹²

The results of the thesis research written by Faizatul Adibah (2017) entitled "*Buying and Selling Imported Used Clothes at Tugu Pahlawan Surabaya City, In carrying out muamalah activities*", many things must be considered regarding the validity and invalidity of the *muamalah* contract carried out. A valid contract can be seen from the fulfillment of the pillars and conditions of the sale and purchase transaction according to *Islamic law*. In Islam, the contract is carried out by the person who carries out the transaction practice where the seller is in a position as a person who makes *ijab* or a statement on the goods he sells to the buyer and the buyer is in a position as the recipient of the *ijab* who then continues in various ways such as sign language, writing and also actions without any words, in this case the

¹² Ahmad Fauzi, buying and selling used clothes in the perspective of muamalah iqtishodiyah" Iqtishodia: Journal of Islamic Economics Vol 4 (Malang: Institute of Islamic Religion (IAI) Al-Qolam Malang, 2019)

practice of buying and selling imported used clothing at Tugu Pahlawan, the contract requirements have been fulfilled, they make a contract based on their own initiative with willingness and without coercion from other parties.

From the explanation of the mechanism of buying and selling used imported clothing at Tugu Pahlawan Surabaya, it can be seen that the nature and law of the selling of used imported clothing is included in the *ghairu shahih* contract, because one of the pillars or conditions in this sale and purchase is not fulfilled where it is explained in the practice of buying and selling used imported clothing between distributors and retailers that retailers can only see the clothes ordered based on the code printed on the sack. In Islam, it has been explained about the requirements for the object of sale and purchase to be known both in quantity, weight, measure or other measurements clearly so that fraud does not occur. Review of "*Trade Law No. 7 of 2014 and Fiqh Muamalah*" (2017), in the study it is said that in the implementation of buying and selling used clothing according to *Trade Law No. 7 of 2014 and Ministry of Trade Regulation No. 51 / M-DAG / PER / 7/2015* concerning Prohibition of Imports of Used Clothing in articles 2 and 3 it has been expressly stated that used clothing is prohibited from being imported in the territory of the Unitary State of the Republic of Indonesia. if you violate the provisions of the legislation, you are subject to a criminal sanction of 5 years in prison and a fine of 5 billion rupiah according to Article 111 of Trade Law No. 7 of 2014. While in *Fiqh Muamalah*, the sale and purchase of imported used clothing at Tugu Pahlawan Surabaya, the pillars and conditions of the sale and purchase are not appropriate because there is an element of *tadlis* quality. That is, the object being traded cannot

be clearly known both in quantity, size, quality, and so on.¹³

This research with the title "*Used Clothing Sale and Purchase Transactions with the sack System in the Prespective of Fiqh Muamalah, Study at Panorama Market, Bengkulu City*" written by Seli Oktavia (2021), Based on the results of this study, there are conclusions obtained, Transactions in *fiqh muamalah* are the same as contracts, namely the relationship between *ijab* (which is conveyed by one of the parties to the contract) and *qabul* (which is conveyed by the other party) which has an effect on the object of the transaction. Every transaction in *muamalah* must be based on the principle of willingness between the two parties and they must have the same information so as not to cause suspicion (feel cheated) when the goods purchased do not match expectations.¹⁴

Istianah's research (2015) in a thesis entitled "*Review of Islamic Law on the Sale and Purchase of Used Clothes at Bringharjo Market Yogyakarta*" can be explained in several sub-discussions, namely problem formulation, research methods and conclusions. Researchers explained several points. First, how is the practice of buying and selling used clothes at Beringharjo Market Yogyakarta. Second, how is the review of *Islamic law* on the sale and purchase of used clothing in the Bringharjo Market Yogyakarta. The type of research used is field research, the conclusion made by Istianah's researcher shows that based on the analysis conducted by the author using the normative approach of Islamic law both from the

¹³ Faizatul Adibah, A Thesis: "*Jual Beli Pakaian Bekas Impor di Tugu Pahlawan Kota Surabaya Menurut Tinjauan Undang-Undang Perdagangan No. 7 Tahun 2014 dan Fiqh Muamalah*" (Malang: UIN Maulana Malik Ibrahim Malang, 2017)

¹⁴ Seli Oktaviana, A Thesis: "*Transaksi Jual Beli Pakaian Bekas dengan Sistem Timbangan dalam Perspektif Fiqh Muamalah*" (Bengkulu: IAIN Bengkulu, 2021)

Qur'an and hadith as regarding gharar, the practice of buying and selling used clothes in Beringharjo Market using the wholesale system is not in accordance with the provisions of Islamic law, especially in the field of *muamalah*, because of the uncertainty of used clothes being traded, encouraging speculation¹⁵

Research conducted by Hafifah Agustina (2018) with the title "*Perspective of Islamic Law on Buying and Selling Used Clothes (Study at Perumas Way Halim Market, Bandar Lampung)*", the results of this study state that the practice of buying and selling used clothing when viewed from the subject is legal in Islam but the sale and purchase of used clothing is not. Used clothes when viewed from the subject is valid in *Islam* but canceled with the object because the sale and purchase of used clothes is canceled because it is prohibited in the regulation of the Minister of Trade regarding the prohibition of imports of used clothing which can harm buyers, the industry in Lampung, which can harm buyers, domestic industries and cause various diseases.¹⁶

Journal of Tawazun: *Sharia Economic Law entitled Selling and Buying Used Clothes in the Perspective of Islamic Law*, written by Danang Kurniawan (2019) From the explanation, it can be concluded that the law of buying and selling used clothing must be in accordance with the pillars and conditions. The majority of scholars in Nasrun Haroen, 2007: 115 states that there are four pillars of buying and selling four, namely: there are people who do the contract or *almuta'qidain*

¹⁵ Istianah, "Tinjauan Hukum Islam Terhadap Jual Beli Pakaian Bekas Di Pasar Beringharjo Yogyakarta". Skripsi, (Yogyakarta: Universitas Islam Negeri Sunan Kalijaga 2015).

¹⁶ Hafifah Agustina, "*Perspektif Hukum Islam Tentang Jual Beli Pakaian Bekas (Studi di Pasar Perumas Way Halim Bandar Lampung)*". Skripsi, (Jurusan Muamalah Fakultas Syariah Universitas Islam Negeri Raden Intan Lampung, Lampung 2018)

(sellers and buyers), there is shigat (memorization of *ijab and qabul*), there are goods that are traded and there is an exchange rate. Goods that are traded and there is an exchange value for goods. In the pillars there are several conditions, namely the seller / buyer must be reasonable, *ijab* must be in accordance with *qabul* and puberty, goods traded ownership rights, the goods must be clear (substance) and pure, there is a price that has been agreed upon by both parties. That has been agreed upon by both parties. In terms of *khiyar*, trade or buying and selling in Islam is allowed to choose (*khiyar*), whether the seller and buyer will continue or cancel it. The right of *khiyar*, which is the right to choose whether or not to continue the sale or purchase, is due to a matter for both parties. because there is something for both parties (Muhammad Fu'ad Abdul Baqi: 2013). Based on what is contained in the *Qur'an, Hadith* and the opinion of the scholars, the activity of buying and selling used clothes is allowed with the provisions of the pillars and conditions of buying and selling used clothes are fulfilled and mutual consent between the seller and the buyer.¹⁷

B. Theoretical Framework

1. Buying and Selling

a) Definition of Buying and Selling

Buying and selling is a human activity that continues to experience development from time to time. The *fiqh* issues that arise in buying and selling continues to grow along with the development of buying and selling methods

¹⁷ Kurniawan Danang, “*Prespektif Hukum Islam Tentang Jual Beli Pakaian Bekas*”
Tawazun: Journal of Sharia Economic Law Vol 2 (Kudus: Institut Agama Islam Negeri Kudus, 2019)

that continue to change. changes. Buying and selling or trading in fiqh terms is called *al-ba'i* which means selling or replacing, Wahbah al-Zuhaili defines it linguistically as "exchanging something for something else". Etymologically buying and selling can be defined as the exchange of something for something (else). The word *al-ba'i* in Arabic is sometimes used for its opposite meaning, namely the word *al-syira'* (buy)¹⁸ Buying and selling in *fiqh* terms called *al-bai'* which means selling, replacing, exchanging something else and in etymology, buying and selling is goods for goods. *fiqh scholars*, although the substance and purpose of each definition are the same.

Each definition is the same. Sayyid Sabiq, defines it as:

بَادِلُهُ مَالٍ بِمَالٍ عَلَى سَبِيلِ التَّرَاضِي أَوْ نَقْلُ مِلْكٍ بَعْوَضَ عَلَى الْوَجْهِ الْمَأْدُونِ فِيهِ

"buying and selling is the exchange of property for a property on the basis of a mutual willingness". Or, "transferring property for justifiable compensation".

In the definition above, there are the words "property", "ownership", "with" "compensation" and "justifiable" (*al-ma'dzun fih*). What is meant by property in the definition above is everything that is owned and useful, then excluded that does not belong and is not useful; what is meant by belonging in order to be distinguished from that which does not belong; what is meant by compensation in order to be distinguished from grants (gifts); while what is meant can be justified (*al- ma'dzun fih*) in order to be distinguished from

¹⁸ Abdul Rahman Ghazaly, others, *Fiqh Muamalat* (Jakarta: kencana, 2010), Page. 67

the sale and purchase is prohibited.

Another definition is put forward by Hanafiyah scholars quoted by Wahbah al-Zuhaily , 'buying and selling is:¹⁹

The word bai'i is a fraction of the word *baa'un* (goods), because each seller and buyer provides goods with the intention of giving and receiving. Sale and purchase (*bai'*) is called *shaafaqoh*, which is a transaction characterized by shaking hands between the seller and the buyer. Selling buying is an agreement to exchange goods that have value and are voluntarily between the seller and the buyer based on provisions that are justified by shara' and agreed upon.

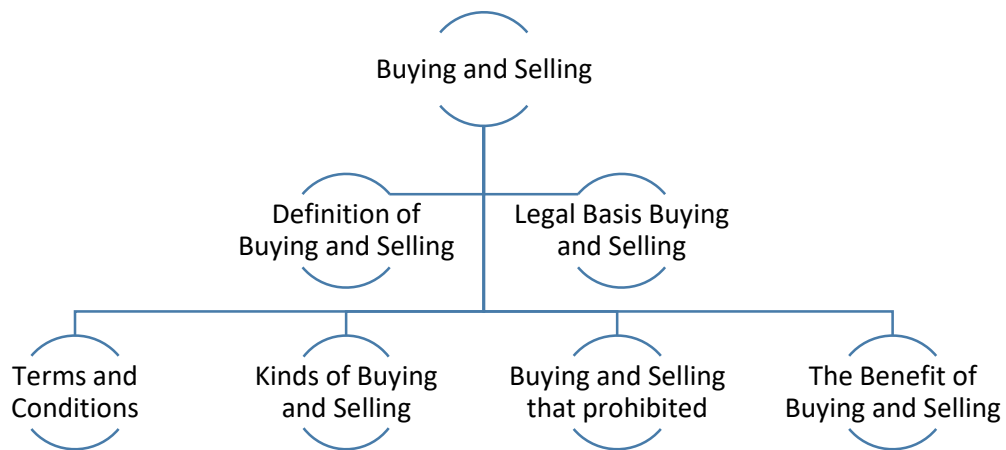


Figure 2.1 Definiton of buying and selling

Buying and selling must be in accordance with the provisions of *Shara'* ,

¹⁹ Wahbah al-Zuhaily, *Al-Fiqh al-Islami wa Adillatuh*, (Damaskus: Dar al-Fikr al-

meaning that it must meet the requirements, pillars, and other matters requirements, pillars, and other matters related to buying and selling so that if the conditions and requirements, pillars, and other matters that are related to buying and selling so that if the conditions and conditions and pillars are not fulfilled, it means that it is not in accordance with the will of *Shara'*.

b) Legal Basis of Buying and Selling

Buying and selling as means of helping between fellow human beings has strong foundation in the vers of the Qur'an and Sunnah of the Prophet *Muhammad SAW*. who speaks of buying and selling, namely:

1. Surah Al-Baqarah, verse 275:

أَحَلَّ اللَّهُ الْبَيْعَ وَحَرَّمَ الرِّبَا ... (البقرة : ٢٧٥)

Allah has justified buying and selling and forbidden riba..

2. Surah Al-Baqarah, verse 198:

لَيْسَ عَلَيْكُمْ جُنَاحٌ أَنْ تَبْتَغُوا فَضْلًا مِنْ رَبِّكُمْ (البقرة : ١٩٨)

There is no sin for you to seek a bounty (sustenance from trade) from your Lord.

3. Surah An-Nisa', verse 29:

...إِلَّا أَنْ تَكُونَ تِجَارَةً عَنْ تَرَاضٍ مِنْكُمْ ... (النساء : ٢٩) ...

...Except by the way of trade which is consensual between both of you...

The legal basis for buying and selling on the Sunnah of the Prophet, namely:

1. Hadiths narrated by Rifa'ah ibn Rafi' :

سُئِلَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: أَيُّ الْكَسْبِ أَطْيَبُ؟ فَقَالَ: عَمَلُ الرَّجُلِ بِيَدِهِ وَكُلُّ بَيْعٍ مَيْزُورٍ.

(رواه ابزار والحاكم)

“Prophet Muhammad saw, was asked by one of his companions what is the best job (profession). The Prophet replied: The work of one’s own hands and every blessed trade” (HR. Al-Bazzar and Al-Hakim)

2. Hadist from al-Baihaqi, Ibn Majah and Ibn Hibban, The Prophet Muhammad saw. Stated:

إِنَّمَا الْبَيْعُ عَنْ تَرَاضٍ (رواه البيهقي)

“Buying and selling is based mutual consent”

3. Hadist narrated by al-Tirmidzi, the Prophet said:

التَّاجِرُ الصَّادِقُ الْأَمِينُ مَعَ النَّبِيِّينَ وَالصِّدِّيقِينَ وَالشُّهَدَاءِ

(رواه الترمذي).

“Traders who are honest and trustworthy are equal (their place in heaven) with the Prophets, Shaddiqin, and Syuhada”

c) The Law of Buying and Selling

From the verses of the Qur’an and the words of the Prophet above, the Scholars of *fiqh* says that the original law of buying and selling is *mubah* (permissible). However, in certain situation according to *Imam Al-Shathibi*, *Maliki* the *Fiqh* expert, the law may change to mandatory, *Imam Al-Shathibi*, gave an example when the practice of *ihtikar* (hoarding of goods so that stocks disappear from the market and the prices up significantly) If a person performs *ihtikar* and cause soaring prices of goods that are hoarded and stored, then

according to him, the government can force traders to sell their goods in accordance with the price before the price spike. In this case, according to him, the merchant is obliged to sell his goods in accordance with government regulations.²⁰ This is in accordance with the principle of *Al-Shathibi* that if it is permissible to completely abandon it, then the ruling may become mandatory. If a group of large traders boycott do not want to sell rice again, the government may force them to trade rice and these traders are obliged to implement it. Similarly, in other circumstances.

d) Terms and Conditions of Buying and Selling

1. Terms of Buying and Selling

Buying and Selling has pillars and conditions that must be fulfilled so that the buying and selling can be said to be valid by *shara'*. The majority of scholars state that there are four pillars of buying and selling, namely:

- 1) There is a *shighat* (recitation of *ijab and kabul*)

Akad is a bond of words between the seller and the buyer, buying and selling is not said to be valid before *ijab and kabul* are carried out, because *ijab kabul* shows willingness (*keridlaan*), basically *ijab kabul* is done verbally, but if it is impossible, such as mute or something else, then it is permissible to make *ijab qabul* by correspondence containing the meaning of *ijab and qabul*.²¹

²⁰ Abu Ishaq al-syathibi, *Al-Muwafaqat fi Ushul al-Syari'ah*, (Beirut: Dar al-Ma'rifah, 1975), Volume II, Page 56.

²¹ Drs.H. Hendi S, M.Si., *Fiqh Muamalah* (Jakarta: PT RajaGrafindo Persada, 2002), Page 70.

Ijab qabul is an action that shows the willingness of two parties to transfer their respective property to the other party, by hand over their respective property to the other party, by using words or actions. The existence of willingness cannot be seen because willingness is related to the heart, therefore willingness can be known through external signs, a clear sign that shows willingness is *ijab and qabul*, *Rasulullah SAW* said:

عَنْ أَبِي هُرَيْرَةَ رَضِيَ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ لَا يَخْتَرِقَنَّ ائْتَانِ إِلَّا عَنْ تَرَاضٍ
(رواه ابوداود و الترمذی)

"Abi Hurairah (may Allah be pleased with him) reported that the Prophet (peace and blessings of Allah be upon him) said: 'Let not two people who are buying and selling separate until they are mutually satisfied'" (narrated by Abu Daud and Tirmidhi).

2) There are people who have a contract or *al-muta'qidain* (sellers and buyers).

People who have a contract or *al-muta'qidain*, who did the contract, i.e. sellers and buyers. In general, as described in the previous section on contracts, the seller and buyer must be competent persons. about the contract, the seller and buyer must be people who have *ahliyah* (competence) and *waliyah* (power)

3) *Ma'qud Alaih* (Object of Buying and Selling Agreement).

Ma'qud Alaih or the object of the sale and purchase contract is the item being sold (mabi") and price/money (tsaman).

2. The Conditions of contracting person

The conditions of buying and selling follow the pillars of buying and selling, which are as stated by the *Jumhur Ulama*, namely as follows expressed by the *Jumhur Ulama* are as follows:

1. The condition of the contracting person
 - a. Reasonable. Hence, the buying or selling made by a child who is not of sound mind and a madman is not valid. As for The majority of scholars are of the view that the person doing the sale and purchase contract must have reached the age of puberty and be of sound mind. If the contractor is mumayiz, then the sale is not valid, even if his guardian gives permission.
 - b. The person doing the contract is a different person. This means that a person cannot act at the same time as a seller and a buyer. For example, if Jamal sells and buys his own goods, the purchase is not valid.
2. Conditions Related to *Ijab and Qabul*.
 - a. The person who utters it has reached puberty and is of sound mind.
 - b. *Qabul* is in accordance with *Ijab*.
 - c. *Ijab and qabul* are done in one assembly. which means

that both parties to the sale and purchase agreement are present and discussing the same matter with the same purpose.

3. Terms of what is being traded.
 - a. The goods exist, or are not on the spot, but the seller declares his/her undertaking to procure the goods.
 - b. Can be utilised and is useful for humans.
 - c. Owned by someone. Goods that nature has not owned someone, not may be traded, such as trading fish in the sea, gold in the ground.
 - d. Can be delivered at the time of the akad takes place or at a time that has been mutually agreed upon when the contract takes place.
4. There is an exchange rate for the goods.
 - a. The price agreed upon by both parties must be clear.
 - b. Can be done at the time of the aqad (transaction), even if legally such as payment by cheque or credit card. If the goods are paid for later in debt. Then the time of payment must also be clear on time.
 - c. If the sale is made by barter, then the goods used as exchange value are not goods that are prohibited by shara', such as pork and alcohol, because both types of

goods are worthless in the view of shara'.²²

e) Kinds of Buying and Selling and The prohibited

a. *Salam* Trading (take a order)

According to the custom of the merchants, this contract is for a sale that is not in cash. This contract is initially a loan of goods or something equivalent for a certain price, meaning that it is an agreement in which the delivery of goods is deferred to a certain period of time, in exchange for a price that has been determined at the time of the contract.²³

b. *Muqayadhah* trade (barter)

Muqayadhah buying and selling is buying and selling by exchanging goods for goods, such as exchanging clothes for shoes. goods for goods, such as exchanging clothes for shoes.

c. *Mutlaq* Trade

Mutlaq trade is buying and selling goods with something that has been agreed upon as a means of exchange such as money. agreed upon as a means of exchange such as money.

d. Sale of an instrument of exchange for an instrument of exchange

Buying and Selling of an instrument of exchange for

²² Mustafa Ahmad Zarqa', *Al-Madkhal al-Fiqh al-'Am*, Volume III, page 67

²³ Drs.H. Hendi S, M.Si., *Fiqh Muamalah* (Jakarta:PT RajaGrafindo Persada,2002), Page 76.

an instrument of exchange is the buying and selling of goods that are commonly used as means of exchange with other means of exchange, such as silver money for gold money. other means of exchange, such as silver money for gold money.²⁴

The *Hanfiyah* scholars categorize buying and selling based on the legal basis and classify it into:

a) *Shahih* Buying and Selling (*Halal*)

If the sale is permissible, which meets the terms and conditions that have been determined. conditions and pillars that have been determined, the goods do not belong to someone else, and are not related to *khiyar* anymore, then the sale is *shahih* and not related to *khiyar* anymore, then the buying and selling is *shahih* and binding on both parties. For example, someone buys an goods, all the pillars and conditions of the sale and purchase have been fulfilled. Then, the goods have also been inspected by the buyer and there are no defects, and the money has been handed over and the sale is binding on the parties. defects, and the money has been handed over and the goods have been received. and there is no *khiyar*.²⁵

b) *Fasid* Buying and Selling (Broken)

²⁴ Rachmat Syafe'I, *Fiqh Muamalah*, (Bandung : CV Pustaka Setia, 2001), Page 101.

²⁵ Hendi Suhendi , *Fiqh Muamalah*, Page 78.

A *fasid* sale is a sale that is not contrary to *Shara'* in principle, but there are certain characteristics that prevent it from being valid. hinders its validity. For example: 1) Buying and selling goods that exist but are not presented at the time of the contract. when the contract takes place. 2) Buying and selling goods by intercepting merchandise from outside the city or market, i.e. controlling the goods before they reach the market in order to buy them at a low price. 3) Buying goods by purchasing them to stockpile them, then selling them when prices rise due to scarcity. will be sold when prices rise due to the scarcity of these goods. 4) Buying and selling booty or stolen goods, as appropriate.

c) Bathil Buying and Selling (*Haram*)

Unlawful buying and selling is buying and selling that does not fulfill the pillars and conditions of buying and selling and conditions of the sale, and this is not permitted by *Shara'*. This trade is prohibited and void. Examples of forbidden trades are:

- 1) Buying and selling goods that do not exist (*bai' al-ma'dum*), such as buying and selling fetuses in the mother's stomach and buying and selling fetuses in the mother's stomach. (*bai' al-ma'dum*), such as buying and selling a fetus in the mother's stomach and

buying and selling fruit that cannot be seen.

- 2) Buying and selling goods whose substances are *haram* and unclean, such as pigs, carrion, and alcohol.
- 3) Conditional buying and selling, which is a buying and selling in which the consent is linked to certain conditions that have nothing to do with the sale and purchase.
- 4) Buying and selling that causes harm, such as buying and selling, that harm someone or the buyer itself.
- 5) Any sale or purchase that results in abuse is prohibited, such as selling a young animal that is still dependent on its mother. dependent on its mother.²⁶

2. Fiqh Muamalah

Mu'amalat (معاملات) is the plural of the word *muamalah* (معاملة), which is a masdar form of the word 'amala, yu'amilu, muamalatan. Which is the same language (Arabic) and means the same as *mufa'alah* derived from the word *fa'ala, yufa'ilu, mufa'alatan*, which means mutual action, mutual action, and mutual charity or also means activity or work. This word describes an activity or activities carried out by one or more people in fulfilling their respective needs.²⁷

²⁶ Masyfuk Zuhdi, *Masailul Fiqiyah*, (Jakarta: CV: Haji Masagung, 1993), Page 122

²⁷ Abdussattar Fathullah Sa'id, *al-Mu'amalat fi Al-Islam*, (Makkah: Rabithah al-'Alam al-Islami, Idarah Kitab al-Islami, 1402 H.), Page. 12; Ibn Manzur, *Lisan al-'Arab*, (Beirut: Dar Lisan al-'Arab, t.th.), volume 2, Page. 887.

In terminology, the scholars provide various definitions, both in terms of purpose and scope. Some define muamalah in a broad sense, and others define muamalah in a limited sense. In a broad sense, *mu'amalat* is defined as follows: "Laws relating to human legal actions in worldly matters."²⁸

A similar definition is also put forward by Yusuf Musa, that *Muamalah* is "God's rules intended to regulate human life in worldly affairs or affairs related to worldly and social affairs." However, there is also another definition, *muamalah* is "legal rules that regulate the relationship of rights and obligations in social life."

These definitions are often referred to as the definition of *fiqh muamalat*. This definition illustrates that the scope of discussion of *muamalah law* is very broad, including issues of marriage, divorce, buying and selling, agreements, justice, testimony and matters related to justice and testimony, crimes and sanctions, grants, waqf and the like, inheritance and so on. The Shafii school of thought limits muamalah to the narrow field of *Baryw'* or buying and selling. *Al-Bakri*, one of the jurists of the *Shafi'i* scholar, clearly called the book on buying and selling *muamalah*.²⁹

Meanwhile, Muhammad Uthman Syubair argues that *muamalah* is not limited only to the issue of buying and selling but includes all areas of law governing human relations relating to property (*al-mal*). He states, "*Muamalah* is the law of the shari'a that regulates human legal relations in the

²⁸ Muhammad Farid Wajdi, *Da'irah Ma'arif al-Qurn al-'Isyrin*, (Beirut: Dar al-Ma'rifah, 1971), j. 6; Page. 748.

²⁹ Al-Bakri, *l'anatu Ath-Thalibin*, (Kairo: Isa Al-Halabi), Vol. I, Page. 21 and Vol. III, Page. 2.

field of property, such as buying and selling, renting, *waqf*, grants, *rahn*, *hiwalah* (transfer of debt) and so on. "³⁰ This opinion is generally supported by the majority of scholars including Al-Zarqa'.³¹

In *muamalah*, we discuss the definition of objects and their kinds, human relations with objects and their kinds, human relations with objects concerning property rights, revocation of property rights to certain agreements, such as buying and selling, debts, leases, and so on.³²

3. Second-hand goods

Goods are a tangible object while the meaning of the word used is the rest of the exhausted, something that becomes the rest of use. So used goods can be interpreted as objects that have been used (leftovers), whose usefulness is not the same as new objects (Yuniar, 1997). Second hand goods are defined as a type of item that has been purchased and used by the previous owner, even in daily activities repeatedly. In the second goods business, some types of goods sold are usually manufactured goods from well-known brands in various countries. Some types of second-hand goods that are commonly traded include bags, clothes, shoes, accessories and various types of objects that have other values.

³⁰ Muhammad Utsman Syubair, *al-Mu'amalat al-Maliyyah al-Mu'ashirah fi al-Fikh al-Islami*, (Yordan: Dar al-Nafa'is, 1996), Page. 10.

³¹ Mushthafa Ahmad al-Zarqa', *al-Madkhal al-Fikihi al-'Amm al-Fikh al-Islami fi Tsubih al-Jadi*, (Damsyiq: Mathabi' Alif Ba' al-Adib, 1968), filid 1, Page. 55

³² Ahmad Azhar Basyir, *Asas-Asas Muamalah*, Yogyakarta: Ull Press, 2000, Page. 12



Figure 2.1 Second-hands goods seller



Figure. 2.2 Second-hand goods buyers

4. Thrift Shop

Thrift comes from an English word that means savings, while shop is a shop/place to shop. Therefore, a thrift shop is a store that sells used goods so that customers can buy at a lower price and avoid waste. According to *Merriam Webster's* dictionary, a thrift shop or thrift store is a store that sells second-hand goods, especially clothing, usually for charitable purposes. This type of store relies on donations from people around. Thrifting, on the other

hand, is defined by *Fleura Bardhi* in *Thrill of the Hunt: Thrift Shopping for Pleasure* as shopping activities carried out in second-hand places, such as garage sales and thrift shops.



Figure 2.3 Thrift Shop at Mataram

Buying at thrift shops is a cheaper alternative to clothing consumption that supports sustainable living. According to the World Wide Fund for Nature (WWF), sustainable living is a lifestyle that balances local and global efforts to meet basic human needs while preserving the natural environment from degradation and destruction.³³

There are several types of thrift stores other than thrift shops. In a book called *The Art of Thrifting* written by Nazura Gulfira, thrift stores are categorized as follows.

³³ Katadata.com, "*Tren Thrift Shop yang Membawa Dampak Positif Bagi Lingkungan*", <https://katadata.co.id/safrezifitra/berita/611e01f0031c2/tren-thrift-shop-yang-membawa-dampak-positif-bagi-lingkungan>, (diakses pada 9 Agustus 2023, ,pukul 00.46)

a) Garage Sale



Figure 2.4 Flaming garage

Garage sale is a term for items sold in a garage. The term originated in the US because in the 1950s until recently, people who cleaned out their homes would sell their unused items by setting up an exhibition in their garage. The items sold are usually home-made, leftover, rejected or unsold so the prices are very low.

b) Vintage Shop



Figure 2.5 Vintage Shop at Bandung

Vintage shop, also known as antique shop, is a shop that sells goods or clothes that are still of good quality and have a unique design. Items sold in vintage shops usually contain high selling points because they are hard to find and exclusive.

c) Second-hand Goods Shop



Figure 2.6 Second-hand Goods Shop at Mataram

Second-hand goods shop is a shop that sells items that have been used or owned before. However, what distinguishes second-hand stuff shops from thrift shops is that in second-hand stuff shops, the items sold are privately owned.

d) Car Boot Sale



Figure 2.7 Car boot sale at Sunday Morning

This type of goods sale is the same as thrift shops. However,

the difference is the place of sale. Usually the seller offers used goods using a private car.

e) Charity Shop



Figure 2.8 Shopping Charity with a charity group

Charity shop is a charity shop managed by an organization or community engaged in the humanitarian field. The goods sold are the result of donations from the community. The proceeds are used for social activities.

f) Flea Market



Figure 2.9 Flea Market at Jakarta

This flea market has a similar concept to a car boot sale. However, flea markets are much larger and are usually held regularly by renting a certain place. Apart from second-hand goods, flea markets also offer new items that are personally made in small quantities.

in this study refers to one of the types of thrift shop above, namely Second-hand goods, which is a place where used clothing buying and selling transactions take place in Pasar Karang Sukun Mataram.

CHAPTER III

RESEARCH METHOD

A. Types of Research and Approaches

The type of research conducted is empirical research. Empirical research is defined as any research where conclusions of the study is strictly drawn from concretely empirical evidence, and therefore “verifiable” evidence. Empirical research analysed using qualitative or quantitative methods. In this qualitative research method are used to gather non numerical data. It is used to find meanings, opinions, or the underlying reasons from its subjects. These methods are unstructured or semi structured. The sample size for such a research is usually small and it is a conversational type of method to provide more insight or in-depth information about the problem. Some of the most popular forms of methods are focus groups, experiments, interviews, etc.

Library research is also used which comes from library data such as books on Fikih Muamalah and other book literature related to research.

Observation is also used as a data collection method where the researcher or collaborator records information as they witness it during the research. It is intended as a way of collecting data through direct observation of situations or events in the field.

B. Research Object

1. Research Location

The location of this research is in two places located at Karang Sukun second-hand clothing market at Amir Hamzah St. Numer 16, Mataram and at Abdul Kadir Munsy St. Punia Mataram.

2. Research Informant

In order to obtain the data needed, the researcher's data collection here uses the interview method and is continued by looking for other information about the problem under study. In conducting research through direct interviews / through Whats App media. The research informant is the employee of Bu Celsii Thrift Shop at Pasar Karang Sukun and The Owner of Finneti.Co at Abdul Kadir Munsy St. Punia, Mataram

3. Determination Techniques Informant

The technique of determining informants in this study uses purposive sampling technique, namely by taking informants or sources with the aim of matching the research theme because the person is considered to have the information needed for research..³⁴

C. Data Source

In order to obtain the required data, data source uses the econdary data and primary data. According to Danang Sunyoto

³⁴ C. Narbuko and Abu achmadi, *Teori Meteodologi Penelitian*. (Jakarta: Bumi Aksara, 2011) Page 116.

(2013), primary data is original data collected by researchers themselves to specifically answer their research problems. Some methods of collecting primary data to conduct this research are the need for surveys, observations, personal interviews both directly and via whatApp and the documentation process. Meanwhile, secondary data is data sourced from existing records at the company and from other sources. which is where the researcher interviews directly with the informant concerned.

D. Data Validaty

To compile valid data, qualitative research that can be trusted by readers and approved by the truth, namely by compiling research with relevant data and in accordance with conditions and reality, by conducting in-depth research and research related to the research topic.

E. Data Analysis Technique

In the research as described above, data analysis is carried out using descriptive qualitative methods. Because this research uses facts about Fikih Muamalah on the buying and selling of second-hand goods abroad according to *Fikih Muamalah*.

F. Data Analysis in Qualitative Interview

Data analysis in qualitative interview is a process of tracking and systematically organizing field notes that have been obtained from interviews, observations and other materials so that researchers can

report research results.³⁵

³⁵ Firman, "*Analisis Data dalam Penelitian Kualitatif*". (Padang, Jurusan Bimbingan dan Konseling FIP Universitas Negeri Padang)

CHAPTER IV

RESULT AND DISCUSSION

A. Results of Interview with Research Informants

The presence of used clothes or what is commonly called *rombeng* clothes (*rombengan*) has its own appeal in society. In fact, not a few people do make used clothes as a primary product in choosing clothes. In addition to the low price, used clothes are also often sought after because they offer clothing products with well-known brands.

One of the centers for selling used clothes in Mataram City is Karang Sukun market at Jl. Amir Hamzah No.16, Mataram, Kec. Mataram, Kota Mataram, Nusa Tenggara Barat. open Every day, this location is crowded with buyers. Its location downtown of Mataram City makes access very easy to visit Not only the people of Mataram City, not a few people from outside the city on Lombok Island are willing to come all the way to this location. Karang Sukun used clothes market is quite extensive. At least, there are 83 kiosks / stalls selling used clothes at that location. Not only in the area inside the market, along the Karang Sukun market road is also crowded with used clothes sellers.

One of the used clothing stalls in Karang Sukun Market, namely (Toko Bu Celsii), carries out the process of buying and selling used clothing in Karang Sukun Market, namely by means of traders ordering goods to

distributors who are outside the city or within the city via telephone or if there are distributors in the city, traders sometimes directly survey directly to the distributor's place. Distributors here are referred to as traders who buy or get used clothes from producers or first hands. Distributors usually get used clothes with a large bale / sack system from abroad. For the amount of content in the sack, it can reach kg / ton with the number of items in it varying, then when the goods arrive and are immediately unloaded for display or can only be covered with a tarpaulin and the buyer can directly choose. Usually goods that are stacked with tarpaulin are offered at a lower price, not because there is damage but like the same type of goods such as only clothes or pants.³⁶

In the sacks that will be traded, not all are in good condition without any inherent damage, but some clothes are dirty, faded colors or torn and perforated, therefore used clothing traders carefully look at the damage that exists at the time of unloading the sacks. And if you find clothes that if the damage is severe or cannot be repaired it cannot be returned to the distributor but discarded.

However, there are still some traders who resell goods that have damage to the goods, selling them at half the price of the original sales price, and some buyers understand that if the damage contained in it is not visible or can be repaired by themselves, but it also depends on the clothing model if it suits the buyer's taste, with that the trader will at least get a profit even

³⁶ Interview with Putri (merchant/store employee) at Mataram, June 6th 2023

though it is half the original price.

The enthusiasts of these used clothes come from various groups such as children, adults to parents with various professions, with their opinion that these clothes can still be and are worth wearing and at an affordable price. The buyers or seekers of these used clothes are not only from Mataram City but from outside Mataram City such as Central Lombok, East Lombok, West Lombok, and even migrants from outside the island of Lombok.

These used clothing traders sell their wares with a retail system or price per outfit, but when some buyers want to buy more than 1 outfit, buyers can usually ask for a discount but depending on the quality of the material and the type of clothing they choose, with discounts ranging from Rp. 5000.00 to Rp. 15,000.00 per few pieces of clothing.

The second resource person is Online Thrift Shop (Finneti.Co). Thrift shops are located at the owner's house, namely on Jl. Abdul Kadir Munsyi No. 16 Punia Village, Mataram District, Mataram City, West Nusa Tenggara. Buying and selling activities in this thrift online shop are arguably very flexible, because this business is located at the home of the owner as well as the manager of the thrift shop, for the operating hours themselves starting from 09.00 WITA to 22.00 WITA. This thrift shop is one of the individual business thrift shops, where all the preparations are made by the owner herself.

The process of taking goods at used clothing stores in this Thrift shop is by means of traders ordering goods to distributors by telephone or

traders can come directly to the place. Distributor Is a trader who buys or gets used clothing from manufacturers or first hands, The types of clothing sold include crewneck, hoodie and sweater type clothing. Distributors will contact subscribed traders if there are new items coming in. After that the used clothing trader can take and choose for himself one by one the items to be resold not in the form of sacks, but if you want to take sacks of goods it can also depend on the used clothing trader.³⁷

After the trader gets the used clothes he gets from the distributor, the trader ensures that the clothes he chooses to resell are definitely in good condition without any damage at all. After the selection process and the clothes are already in the hands of the trader, after that before being traded the clothes are washed and ironed first, so when there are buyers who are interested, the clothes have been received in a neat and clean condition.

Marketing used by this thrift shop is through social media such as Instagram and WhatsApp or marketing verbally to friends and close relatives. Buyers can also see the catalog that has been provided on the thrift shop's Instagram profile, which makes it easier for buyers to shop online. For the types of clothing sold by this thrift shop, the enthusiasts are among young people and teenagers.

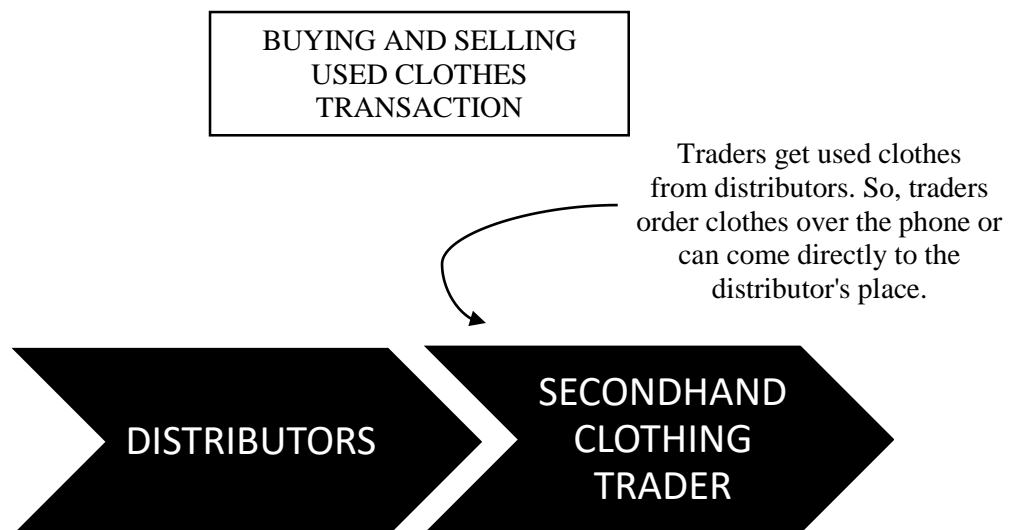
For the price offered by this thrift shop itself, it varies depending on the model and brand of the clothes in the range of Rp.60,000.00 to Rp.90,000.00. For the price of the clothes sold, it does not use a wholesale

³⁷ Interview with Indy (merchant/owner) at Yogyakarta by WhatsApp, June 3rd 2023.

system but the price per garment.

The system of buying and selling products from distributors is at the time of taking goods from distributors with direct payment or when the goods are delivered by the distributor. As for buyers who transact in this thrift shop, they can use several types of payments such as payment by cash or payment by transfer to the seller's personal account.

Based on the interview statements above, traders get used clothes from distributors within the city and some from outside the city. And the clothes ordered by traders in the form of packaged sacks / seeds that will be picked up directly by the trader / delivered by the distributor directly. After the trader receives the used clothes, the trader immediately pays with cash or transfers to the distributor's bank account according to the initial price set by the distributor and the trader. And used clothes are ready to be traded in stores or through online stores.



Once the goods are ready, the used clothes are delivered/picked up at the trader's premises second-hand clothes. The clothes are already in sacks. So, merchants cannot see the condition of the goods, the quality, and the quantity of the goods.

Figure 3.1 Transaction system of distributing and selling

B. Analysis of Fiqh Muamalah on Buying and Selling used goods at Mataram Thrift Shops

Islamic law is a law that based on rules-rules in accordance with Islamic teachings. Islamic law is developed by highly appreciating the use of reason to perform *ijtihad* while still respecting and even adopting local values. The involvement of the human mind in elaborating the law causes the rules contained in Islamic law cannot be separated from the influence of human perspectives, both personally and socially. However, not all human perspectives can be realized into Islamic law. A perspective that meets a number of requirements so that one thought can be accepted as a legal tradition.³⁸

In worship, the rule that applies is "Basically in worship must wait (order) and follow". But *muamalah* is also part of worship because it can be an element of mutual help between human life and other humans. What can be learned from the rule is that *muamalah* is a relationship and association between fellow human beings in the field of property is a worldly element, and the arrangement is left to

³⁸ Muhammad, *Aspek Hukum Dalam Muamalat*, (Yogyakarta: Graha Ilmu, 2007), h. 17-

humans themselves. Therefore, all forms of contracts and various ways of transactions made by humans are legal and permissible, as long as they do not conflict with general provisions.³⁹

The life of *mu'amalah* provides insight into economic policy. Many people fulfill their daily lives by doing business. In economics, a business is an organization that sells goods or services to consumers or other businesses for profit.⁴⁰

One of the businesses that is often done in the scope of society is buying and selling. Buying and selling is exchanging property for property. In the city of Mataram, most of the people carry out buying and selling activities, one of which is buying and selling used clothes, the location which is center of buying and selling used clothes located in Karang Sukun, it has become common that local people or outside the area shop for used clothes that are still worth wearing. Therefore, this market is very famous and a favorite among young people and adults to find used clothes that are suitable for use at prices that tend to be cheap.

However, it cannot be separated from damage or defects in the goods sold, if the goods are damaged from being received by the trader but with the type of damage that is still understandable, or not too visible, sometimes the goods are still sold at half price and therefore the damage that bears it is the buyer.

In the purchase of used clothing, the origin is unknown. of its use. Whether the clothes are used by infectious diseases or clothes of people who have died abroad.

³⁹ Ahmad Wardi Muslich, Page 3-4

⁴⁰ Fauzi, A. (2019). *Jual Beli Pakaian Bekas dalam Perspektif Fikih Muamalah Iqtishodiyah*. *Iqtishodia: Jurnal Ekonomi Syariah*, 4(2), Page 235-267.

Of course it is very frightening for consumers when they want to buy imported and branded used clothing. For security, safety, and health for consumers branded. For security, safety, and health for consumers, consumers should be precise in buying used clothing, which means that consumers must be appropriate means that consumers must buy carefully choose which clothes are worth wearing or not. Some things that consumers should do, so that used clothes are safe to use:

- i. After buying clothes, it is advisable not to immediately put in clothes that have just been bought in the wardrobe. Because it is to avoid contamination of bacteria on used clothes to the clothes in the closet.
- ii. It's best to soak the clothes in hot water first. The soaking process with hot water on used clothes aims to kill all bacteria and their eggs that stick to the used clothes.
- iii. After that, iron the used clothes that have been soaked and washed. This ironing can also kill bacteria that stick to your used clothes on your used clothes. or with another option by taking it to a laundry that uses a steam iron so that bacteria are more certain to be destroyed.⁴¹

In relation to buying and selling in sacks and buying and selling between sellers and traders in Karang Sukun Mataram Market according to fiqh muamalah,

⁴¹Quoted from, <https://www.popmama.com/life/fashion-and-beauty/rahayu-susilo/langkah-mudah-mencuci-baju-bekas-dari-thrift-shop>, accessed on date July 28th 2023

namely the majority of scholars divide buying and selling into two types, namely buying and selling that is categorized as valid and buying and selling that is categorized as invalid or void. A valid selling is a sale that fulfills the provisions of Shara', both the pillars and conditions, while an invalid selling is a sale that does not fulfill one of the conditions and pillars so that the sale becomes damaged or invalid.⁴²

In the sale and purchase of used sacks clothing, the trader in buying used clothes to distributor agents with the quality of goods that are not known by traders. Sometimes there are some traders who get used clothes with poor quality because they do not know the quality of the goods they buy so that the sale and purchase of used clothes in the sack system is included in the sale and purchase that contains the element of *gharar* so that the sale and purchase becomes an invalid sale and purchase.

As the prohibition of buying and selling *gharar* is contained in the hadist of the Prophet SAW :

نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ بَيْعِ الْحَصَاةِ وَعَنْ بَيْعِ الْغَرَرِ

"The Prophet SAW. Forbid the sale of *alhashah* and the sale of *gharar*." (Abu Hurairah)

In the buying and selling of used clothing carried out at Karang Sukun Market, traders have no other alternative but to buy used clothes used clothing

⁴² Siti Zubaidah, *Tinjaun Hukum Islam Terhadap Jual Beli Buah Duku Sistem Borongan (Studi Kasus di Kelurahan Pasar Surulangan Kecamatan Rawas Ulu Kabupaten Musi Rawas Utara)*, (Fakultas Syariah Institut Agama Islam Negeri (IAIN) Bengkulu, Bengkulu, 2018), Page 23

with a sack system because agent get clothes from the first distributor also with this system, so many of the traders buy directly with the sack system compared to choosing one by one from one distributor's shop to another distributor.

Based on the overall information above that has been explained, It can be concluded that the buying and selling of used clothing balbalan system in Panorama Market according to the perspective of fiqh muamalah is a prohibited sale and purchase because it contains the element of gharar so that the sale and purchase of used clothing is prohibited. perspective of fiqh muamalah is a prohibited sale and purchase because it contains the element of gharar so that it causes the sale and purchase to be invalid because it does not fulfill one of the pillars and conditions of sale and purchase, namely the of the pillars and conditions of buying and selling, namely regarding the object being traded unknown quality and quantity so that it can potentially potentially causing losses to both parties.

From the explanation of the mechanism of buying and selling used imported clothing at Karang Sukun Market in Mataram, the nature and law are included in the ghairu shahih contract, because one of the pillars or conditions in this sale and purchase is not fulfilled where it is explained in the practice of buying and selling used imported clothing between distributors and retailers that retailers can only see the clothes ordered based on the code printed on the sack. In Islam, it has been explained about the requirements for the object of sale and purchase to be known both in quantity, weight, measure or other measurements clearly so that fraud does not occur.

In carrying out muamalah activities, there are many things that must be considered regarding whether the muamalah contract is valid or not. A valid contract can be seen from the fulfillment of the pillars and conditions of the sale and purchase transaction according to Islamic law, therefore through this stage the author will analyze several things including the fulfillment of the pillars and conditions of sale and purchase.

a. Akad (ijab qabul)

In Islam, the contract is carried out by the person who carries out the transaction practice where the seller is in a position as a person who makes ijab or a statement on the goods he sells to the buyer and the buyer is in a position as the recipient of the ijab who then continues in various ways such as sign language, writing and also actions without any words, in this case the practice of buying and selling used imported clothes at Karang Sukun Market in Mataram, the conditions of the contract have been fulfilled they make a contract based on their own initiative with willingness and without coercion from any party.

b. People who do the contract

The terms and conditions contained in buying and selling are the existence of people who make a contract or al-muta'qidain, namely the person who makes the sale and the person who buys an item. For sales and buyers, it is required that they must be baligh, reasonable, capable. in doing tasharuf

(controlling property) and mutual consent⁴³. The person who makes the sale and purchase is required to have reached puberty and be of sound mind. Children who are *mumayiz* are allowed to make a contract with the permission of their guardian. Another requirement for the person doing the contract is the willingness of each party, if there is an element of coercion then the contract is invalid.⁴⁴ In the practice of buying and selling used imported clothing at Karang Sukun Market in Mataram, each party to the contract is a person who has reached puberty and is of sound mind. They also make a contract based on their own initiative with willingness and without coercion from the other party.

c. The object of sale and purchase

In terms of the object, the goods transacted are clear, namely imported used clothing transacted by distributors to traders. While the trader cannot inspect the clothes obtained from the distributor in the form of corals as a whole, the trader can only see the code printed on the sack according to his order.

In this case, there are traders who feel disadvantaged and do not feel disadvantaged because of the principle of mutual trust which is their agreement in conducting transactions in buying and selling used imported clothes inevitably have to accept the risk if there are defective clothes. In addition, the practice of buying and selling used clothing carried out by

⁴³ Hendi suhendi, *Fiqh Muamalah*, Page. 117

⁴⁴ Pasaribu dan Suhrawardi K. Lubis, *Hukum Perjanjian Dalam Islam*. (Jakarta: Sinar Grafika, 2004), Page. 35

retailers to consumers still has the element of hiding defects in the goods they sell or called *tadlis* in the sale and purchase they do not provide complete information on the clothes they sell.

In fiqh muamalah, if the seller commits *tadlis* in the sale contract, then *Islamic law* gives the buyer the right to *khiyar*, namely the right to choose to continue the sale contract / cancel it. The aggrieved buyer is given 3 days to realize his *khiyar* rights from the first time he learns of the *tadlis*.

Khiyar is very useful for sellers and buyers, so that they can think about the extent of the good and bad so that there are no regrets in the future. Usually regrets occur due to lack of caution, haste, and lack of thoroughness in conducting buying and selling transactions. The ruling on *khiyar* in buying and selling according to Islam is permissible. But if *khiyar* is used for the purpose of deceiving or lying then the law is haram. Regarding the permissibility of *khiyar*, the Prophet said which means, "You have the right of *khiyar* in every item you buy for three nights; if you like it, take it, and if you do not like it, return it to the seller." (HR. Ibn Majah).

One of the types of *khiyar*, namely *Khiyar Aibi*, this kind of *khiyar* is that the buyer has the right to choose whether to cancel the sale contract or continue with it because there is a defect in the goods he buys. The defect may reduce the benefit of the purchased item. The Prophet said: It means: "From Aisha R.A reported that a man bought a slave and lived with him for some time, then a defect was found in the slave, and he complained to the Prophet SAW. So the Prophet ordered that the slave be returned to him." (HR. Abu Dawud).

The conditions for goods to be called defective include:

- a) The defect is important to the item being purchased. For example, if you buy a goat for sacrifice, it turns out that its ears are torn off. This could invalidate the sacrifice.
- b) Difficult existing defects
- c) Defects occur when the goods are still in the hands of the seller.

It is forbidden for the seller to sell defective goods without explaining the defects to the buyer. As the Prophet's Hadith states that Meaning: "A Muslim is the brother of a Muslim, it is not lawful for a Muslim to sell his brother a defective item unless he explains it." (Ibn Majah).

So the practice of buying and selling used clothing carried out by distributors and retailers is prohibited because of the existence of the pillars and conditions of the object of sale and purchase that are not clear and are included in the sale and purchase prohibited in Islam, namely the *Tadlis* quality and the absence of *khiyar* in the sale and purchase of imported used clothing. In addition, there is also an appeal from the government not to buy used clothing because it is feared that the clothes are infected with the virus and harm the domestic garment industry. But on the other hand, this used clothing is very helpful for low-income people in meeting their dressing needs in their daily lives.

From what has been described above that Islam regulates human relations as well as possible. How to make buying and selling transactions properly, how in

a transaction no party is harmed, how rights and obligations are fulfilled, everything is regulated in Islam, namely through fiqh *muamalah*.

CHAPTER V

CONCLUSION AND SUGGESTION

A. CONCLUSION

Based on the results of this thesis study, the researcher can conclude that:

1. The buying and selling of imported used clothing at Karang Sukun Market in Mataram is carried out between traders/retailers of imported used clothing, distributors, and manufacturers/first hand. The purchase system is that traders order goods to distributors via telephone / WhatsApp. There are also traders who come directly to the silver port to buy imported used clothes. Traders buy imported used clothing at a price of Rp.3,000,000/sack. Then they sell it at prices ranging from 25,000 to hundreds of thousands of rupiah depending on the quality and brand of the goods. Traders sell them without washing the imported used clothes and some of the goods are selected and sorted out which ones are suitable for sale. The Goods arrive at the merchant's shop delivered by the courier in charge of delivering the used clothes.
2. Buying and selling used clothes at Karang Sukun Mataram Market according to fiqh muamalah in terms of ordering goods does not deviate because if the ordering clothes there are clothes and if that do not match like what their order technically it is caused by the agent and then the agent bears the risk. For the system of buying and selling transactions between traders and buyers has also fulfilled the Sharia because it is clear that the

seller sorts out good used goods and is transparent about the condition of the goods they sell. Meanwhile, when viewed in terms of the object, the sale and purchase of the sack is included in the forbidden sale and purchase because it contains an element of gharar (uncertainty) of the object regarding its quality and quantity. And The buying and selling sack system does not fulfill one of the pillars and conditions of valid buying and selling. The Buying and Selling of used clothes in sacks has the potential to cause losses due to It is unclear about the quantity and condition of the goods being traded so that it can cause losses to both parties.

B. SUGGESTION

In this thesis the author wants to provide advice and input for several parties involved in buying and selling used clothing, traders, buyers, distributor agents in distributing goods with a sack system at Karang Sukun Market with the aim of making it even better and becoming a consideration, including to be even better and become material for consideration including:

1. In the implementation of buying and selling, the distributor or seller should pay attention to the criteria for the object of buying and sellings. One of the best steps to increase sales is the distributor or seller used clothing must comply with Islamic law.
2. To sellers and buyers should be careful in choosing used clothes both in terms of cleanliness, and the condition of used clothes, so that no parties that loses and is disadvantages.

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APPENDIX

1. Interview questions and answers

Question 1: Nama dan Asal Narasumber

Informant 1	Nimas Aulia Putri (Pegawai Toko Thrift Bu Celsii di Karang Sukun, Mataram)
Informant 2	Anindya Aisyatur Amini (Pemilik Toko Online Thrift Fineti.Co Punia)

Question 2: Media apa saja yang digunakan untuk memasarkan Toko?

Informant 1	Media untuk memasarkan produk yang kami jual selain buka lapak di Pasar Karang Sukun, Mataram. Pemasaran juga melalui sosial media seperti Siaran langsung di <i>Facebook</i> dan <i>Instagram</i>
Informant 2	Media yang digunakan untuk memasarkan produk adalah media sosial seperti di laman <i>instagram</i> dan <i>WhatsApp</i> atau dengan memberikan informasi penawaran secara lisan/ langsung kepada teman atau kerabat dekat

Question 3 : Sitem Jual Beli dari Distributor, Penjual dan Pembeli. Dan Peminat pakaian bekas tersebut

Informant 1	Transaksi jual beli dari distributor kadang transaksi
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	<p>langsung ke tempat pengambilan barangnya jika berada di kota yang sama/ melalui telepon jika berada diluar kota dan transaksi pembayaran barang dengan sistem transfer dan dikirimkan dari luar kota menggunakan kapal dan akan diantar menggunakan truk bongkahan oleh kurirnya. Harga yang ditawarkan oleh distributor juga beragam tergantung berat per KG/TON dan kadang berbeda-beda setiap transaksi pengambilan barangnya.</p> <p>Untuk harga produk yang dijual oleh penjual ke pembeli berbeda-beda tergantung jenis barang dan kualitasnya.</p> <p>Untuk sistem grosir, seperti ambil lebih dari 2 potong pakaian harga bisa kurang sesuai negosiasi bersama.</p> <p>Peminat baju thrift ini dari bermacam usia seperti anak-anak, remaja, bahkan orang tua.</p> <p>Merk pakaian ada yang original bermerk luar negeri dan dalam negeri. Tapi untuk harga jual tidak ada perbedaan antara yang bermerk atau tidak.</p>
Informant 2	<p>System pembayaran produk ketika mengambil barang dari distributor dengan <i>Cash on Delivery</i> atau bayar ditempat dengan langsung memilidari karung/ barang yang sudah di pajang di toko distributor atau kadang transaksi melalu transfer ke rekening distributor. Dan</p>

	<p>kami mengambil barang dari beberapa toko di Mataram.</p> <p>Untuk system transaksi oleh pembeli di toko kami biasanya para pembeli jika berada diluar daerah atau melihat melalu media sosial melalu <i>WhatsApp</i> atau <i>Direct Mesage</i> di <i>Instagram</i>. Dan harga yang ditawarkan sekitar 60 ribu- 90 ribu dengan variasi barang yang berbeda-beda sesuai jenis/merk seperti pakaian dengan jenis kemeja, hoodie, jaket, jeans. Dan di toko ini tidak berlaku sistem grosir.</p> <p>Peminaa barang ini sekitaran remaja dewasa.</p>
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Question 4 : Kondisi barang yang diterima. Apa barang selalu dalam keadaan baik atau ada kerusakan? Jika ada apakah barang tersebut dijual kembali?

Informant 1	<p>Kondisi barang yang kami pesan dan terima dari Distributor yang berupa bal/karung besar, tidak semua dalam kondisi bagus/ mulus. Kadang ada yang cacat bahkan tidak layak dijual kembali, jika terdapat pakaian yang seperti itu tidak bisa kami <i>return</i> atau dikembalikan bahkan dijual kembali, jadi pakaian yang berkondisi deperti itu di buang.</p>
Informant 2	<p>Kondisi barang yang dijual sudah dipastikan dari</p>

	<p>pengambilan di distributor barangnya baik tanpa adanya kerusakan dan barang yang kami tawarkan sudah langsung di cuci bersih dan seterika terlebih dahulu sebelum sampai ke tangan pembeli.</p>
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Question 5 : Lokasi / Tata letak toko

Informant 1	<p>Lokasi toko thrift ini berada di Lapak Pasar Karang Sukun Jl. Amir Hamzah No.16 Karang Sukun, Mataram, NTB dengan Nama toko Bu Celsii</p>
Informant 2	<p>Lokasi Toko Thrift berada di rumah pribadi dan tidak ada ruko.</p>

Question 6 : Sitem pembayaran transaksi jual beli di toko

Informant 1	<p>Untuk Saat ini toko ini masih menggunakan sistem pembayaran uang dimuka/ <i>Cash</i></p>
Informant 2	<p>Pembayaran transaksi jual beli ini bisa melalui Transfer rekening atau ke platform pembayaran, dan bisa juga Cash On Delivery jika ada pembeli yang ingin untuk bertemu di suatu titik.</p>

2. Chat documentations

Informant 1

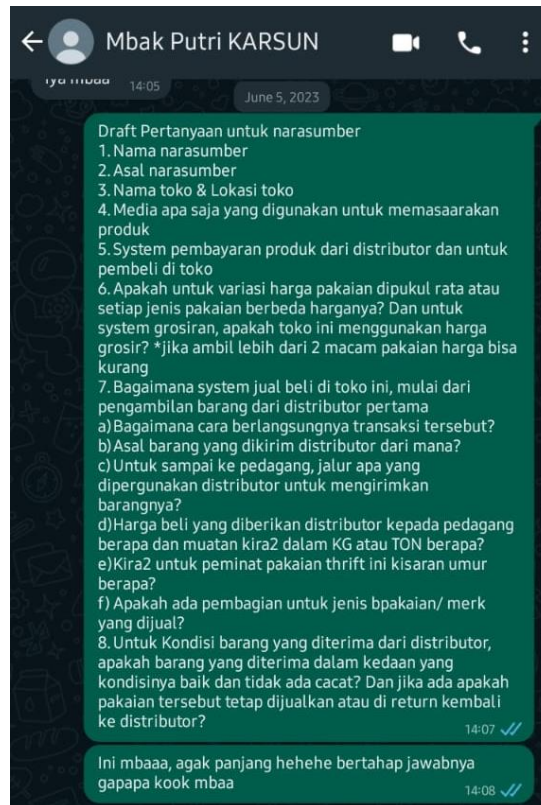


Figure 5.1 Interview via WhatsApp with Informant 1

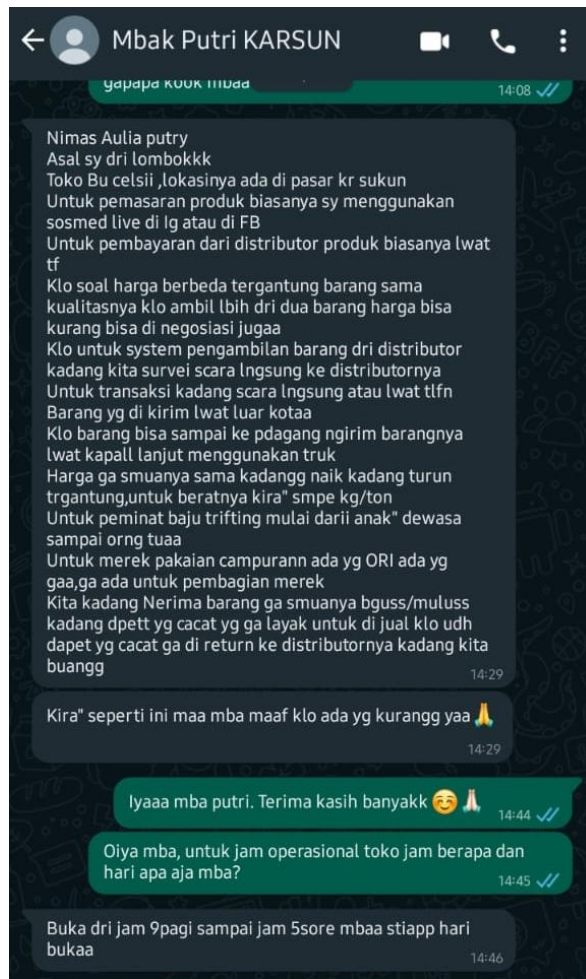


Figure 5.2 Interview via WhatsApp with Informant 1

Informant 2

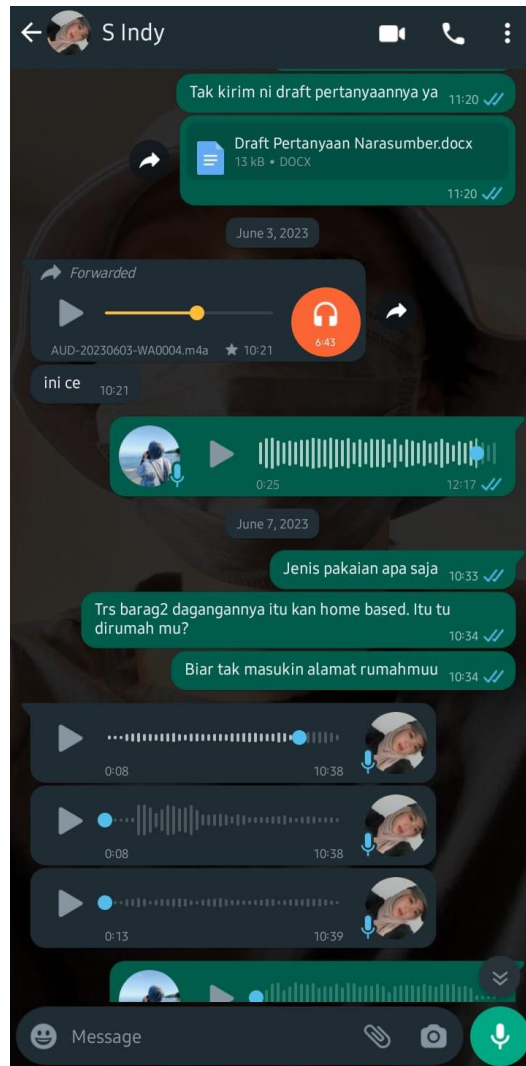


Figure 5.1 Interview via WhatsApp Voice Note with Informant 2

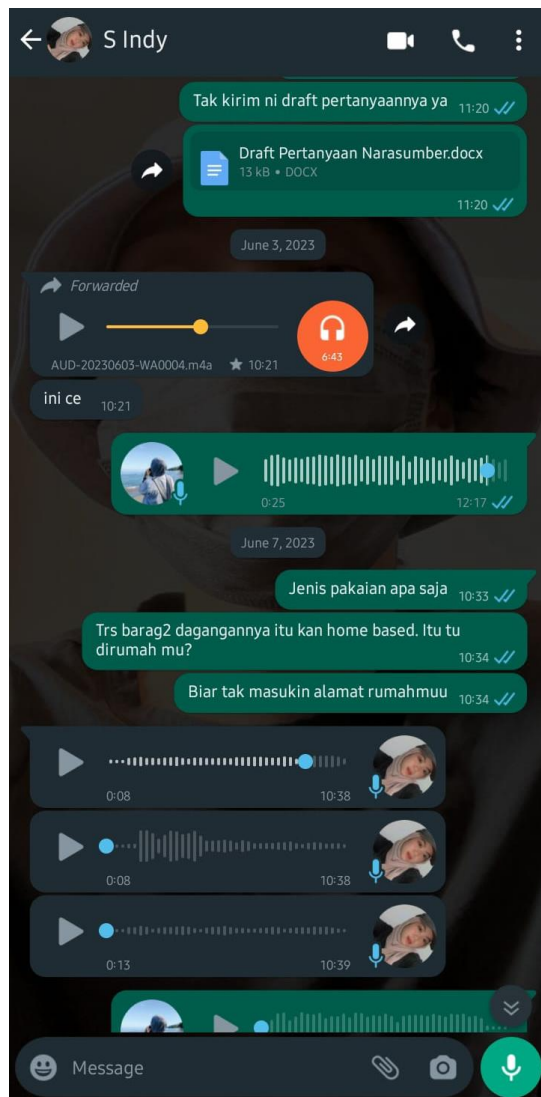


Figure 5.1 Interview via WhatsApp Voice Note with Informant 2

CURRICULUM VITAE

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MTsN 1 Mataram (2013-2016)
MAN 2 Mataram (2016-2019)
Universitas Islam Indonesia (2019-2023)