



ONLINE BUYING AND IMPORTED USED CLOTHING FROM ISLAMIC LEGAL PERSPECTIVE

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ABSTRACT

Human needs in the modern era are increasingly diverse, very fast with the changing times related to contemporary styles. Used clothing is one of the goals of society to get a different style and not out of date. The rapid development of information technology no longer limits the buying and selling process of both products and services. In buying and selling, the terms and conditions must be fulfilled and harmony between the seller, the buyer and the goods that are used as the object of buying and selling. The purpose of this study is to find out how buying and selling imported used goods *online* is carried out by the Instagram account *@ar.secondthrift2* from the perspective of Islamic law. This research uses a type of field research or field research with a qualitative approach method. Then the researchers used primary data obtained from interviews with informants who were in accordance with the research problems. While secondary data, researchers obtained from books, journals, articles from the internet, DSN-MUI Fatwas and theories related to Islamic law to facilitate the research process. The results of this study note that the products to be marketed are sorted first based on the defects, which are then treated by washing them first. The practice of buying and selling used clothes *online* by the Instagram account *@ar.secondthrift2* is allowed because it fulfills the requirements and pillars of buying and selling knowing that the clothes being sold by prospective buyers do not contain negative elements or fraud.

Keywords: Online Buying and Selling, Used Clothing, Perspective of Islamic Law

INTRODUCTION

Background

Basically, human needs consist of the need for clothing, food and shelter. Human needs in the modern era are increasingly diverse, people's needs revolve around changing times, cultural developments, and following changes in clothing styles. Used clothes are one of the targets for people to get a style that is different from others, because used clothes have well-known brands abroad with clothing models that are not marketable.



The majority of people want a stable life to support themselves and others. Shopping is something that almost everyone wants to improve their lifestyle in order to keep up with the current evolution of fashion. Most people don't want to be said to be behind the times in their clothing style.

The large number of used clothes entering Indonesia, such as from Japan, China, Hong Kong and Korea, has become a business opportunity for some people. These clothes are priced at a very affordable price compared to the price of new clothes, this is one of the reasons some people prefer to buy used clothes. ¹Used goods cannot be separated from defects or damage which means the authenticity of the goods is reduced. Apart from seeing the goods being sold, buyers also need a place to be able to see the goods directly and identify whether or not the defects in the goods correspond to the shortcomings of the goods being sold. Used clothing also contains bacteria and mold (fungus) which can certainly harm human health.

Piling up used clothes in a warehouse for a long time causes mold or other germs to stick to clothes that did not come from the previous owner. These germs and bacteria can be a source of disease that attacks the skin and irritates the skin. ²Buying imported used clothes can save money, but there is a risk of causing skin disease, remembering that clothes are objects that stick directly to the body. This is because potential buyers do not know the previous owner of the clothes, whether they have a skin disease or not. Fungal infections can occur because some diseases can be transmitted indirectly through clothing.

Rapid advances in information technology no longer limit business processes in terms of buying and selling products or services. In this day and age, many people have taken advantage of technology by conducting buying and selling business via *online platforms*. With a wider product market reach, *online buying and selling* can also shorten long-distance purchasing time. In *online* buying and selling transactions, sellers and buyers need a third party to deliver goods by the seller and money transfers by the buyer.³

Islam has explained that a buying and selling transaction must meet the requirements, namely the fulfillment of the terms and conditions of buying and selling. Buying and selling must avoid defects, such as not knowing the criteria for the goods being traded, both the type, quality and

¹ Risma Nur Arifah, "Obstacles in Preventing Trade in Imported Used Clothing in Malang City," *Journal of Sharia and Law*, vol 7 No.1 (2015), 91

²Kompasiana, " *Negative Impact of imported used clothing* ", 30 May 2021, 17:34.

³*Online Buying and Selling Business in an Islamic Perspective*" AL-YASINI (Vol. 5 No. 1 May 2020), 60



quantity, unclear price amounts, buying and selling that contains elements of coercion, fraud, loss, and other conditions that make buying and selling damaged or illegal. Islamic teachings, especially in the field of muammalah, are clear that buying and selling must pay attention to the benefit aspect and no one should hide defects in an item when buying and selling.

online buying and selling of imported second-hand clothing, the factors that influence people to choose second-hand clothes, as well as the views of Islamic law regarding the buying and selling system used if it is not in accordance with sharia provisions which should have the potential to become a bad sale. forbidden.

THEORETICAL FRAMEWORK

Buy and sell

According to language, buying and selling means exchanging something for something. ⁴In terms of terminology, buying and selling is the exchange of goods for goods or goods for money by relinquishing property rights to one another on the basis of mutual agreement. According to Sayyid Sabiq in his book *Fiqh Sunnah*, defines buying and selling as exchanging objects for other objects by exchanging or transferring property rights to a successor in a permitted manner.⁵

The legal foundation that governs buying and selling is that God says through QS. Al-Baqarah verse 275 which means " *Allah permits buying and selling and prohibits usury* " and in QS. An-Nisa verse 29 which means " *O you who believe, do not consume your neighbor's property in a false way, except in a way of business that happens with mutual consent among you* ". ⁶In addition, there is also a hadith narrated by Bukhari and Muslim which means " *Say to the person you invite to buy and sell, "You must not deceive* ".⁷

There are three pillars of buying and selling, namely; transaction actors (aqidain) sellers and buyers, transaction objects (ma'qud alaih) prices and goods, and contracts (all actions carried out by both parties that indicate they are carrying out a transaction). ⁸Conditions for buying and selling include avoiding conflict between people, maintaining the benefit of the person entering into the contract, avoiding buying and selling that contains elements of *gharar* (fraud) and so on. Terms of sale and purchase include; The conditions for the person making the contract are that they must be

⁴Enang hidayat, " *Fiqh of Buying and Selling, fiqh muammalah* " PT Teen Rosdakarya, Bandung, 2015 , 9-10

⁵Wati Susiawati, "Buying and Selling in the Current Context" *Journal of Islamic Economics* (vol 8, No. 2, November 2017)

⁶Ri Religious Affairs Department , *Al Quran and Translation* , (Semarang: Kumudasmoro Grafindo, 1994), 69

⁷Imam An-Nawawi, *Sharah{ S{ah{>h Muslim* , Terj Darwis, et al (Jakarta: Darus Sunnah, 2010), Volume VII, 562.

⁸Nasrun Haroen, " *Fikih Muammalah* ", (Jakarta: Gaya Media Pratama, 2007), 112



mature and wise, of their own free will, have full property rights and both are not wasteful or wasteful, then the conditions relating to consent and qabul, then the conditions for the goods being bought and sold, namely that the goods must be pure or clean, can be used, can handed over, belongs to the person making the contract, can be known and the object being contracted for is in hand, then there is a condition for the exchange value (price of the item), namely the amount agreed upon by both parties must be clear and can be handed over at the time of the contract (transaction).⁹

There are various types of buying and selling which are divided into 4, namely;¹⁰

1. Buying and selling is seen based on the object of goods, namely;
 - a. *absolute ba'i al*, namely exchanging goods for currency.
 - b. *ba'i al-salam*, namely exchanging money for goods or selling goods by making payment in advance with delivery of the goods at the end.
 - c. *ba'i al sharf*; namely exchanging currency for other currencies, whether in the same form or not or exchanging gold for gold or silver for silver.
 - d. *ba'i al muqayyadah (barter)*; namely exchanging assets for assets other than gold and silver. This sale and purchase is required to have the same amount and contents.
2. Judging based on the exchange value of goods, they are divided into three, namely:
 - a. *ba'i al musawamah*, namely buying and selling carried out by the seller without stating the original price of the goods purchased.
 - b. *ba'i al muayyada*; that is, the seller shows the price of the goods in the market, then the goods are purchased by the buyer at a higher price than the original price as shown or mentioned by the seller.
 - c. *ba'i al-amanah* ; namely sales where the price is limited or reduced from the initial price.
3. Buying and selling based on the replacement exchange value of the goods, namely;
 - a. *ba'i munjiz al-tsaman*, namely buying and selling which requires payment in cash.
 - b. *ba'i muajjal al-tsaman*; namely buying and selling carried out with credit payments.
 - c. *Ba'i Muajjal Al-Mutsman* ; namely buying and selling which is similar to *ba'i al-salam* .
 - d. *Ba'i Muajjal al-'Iwadhain* , namely buying and selling debt with debt. This is prohibited by syara'.
4. Based on the law, buying and selling is divided into four, namely;

⁹ Ahmad Wardi Muslich, *Fiqh Muamalat* , (Jakarta: AMZAH, 2010), 190-193

¹⁰ Enang Hidayat, " *Fiqh of Buying and Selling , Fiqh of Muamalah* " , 48-50



- a. *ba'i al-munaqid*, namely buying and selling that is prescribed (permitted by sharia')
- b. *ba'i al-salih*, namely buying and selling that meets the requirements of the Sharia.
- c. *ba'i al-nafidz*; namely authentic buying and selling carried out by people who are able to carry it out like adults and of sound mind.
- d. *ba'ial-lazim* ; namely perfect authentic buying and selling and there is no *khiyar* in it.

Online Buying and Selling

E-commerce or buying and selling transactions in cyberspace is a product of the internet which is a computer network that is connected to each other via communication media, such as telephone cables, optical fiber, satellites, or frequency waves.¹¹ *E-commerce* is one implementation of *online business* . *Online* business cannot be separated from transactions, such as buying and selling via the internet. These transactions became known as electronic commerce, which is more popularly known as *e-commerce*.¹² *E-commerce* is the activity of buying, selling, marketing and serving products and services offered via computer networks. The information technology industry sees it as an electronic business application that refers to commercial transactions.

Online buying and selling is an activity where sellers and buyers do not have to meet to negotiate and transact directly. So what do sellers and buyers use to communicate online, *such* as via chat on mobile phones, computers, telephones, SMS and so on. In *online* buying and selling transactions , sellers and buyers need a third party to deliver goods by the seller and money transfers by the buyer.

online buying and selling , there are three types of *online* buying and selling transactions that are commonly carried out in Indonesia, namely: The first transaction, namely between banks, is the most common and popular type of transaction used by *online* sellers . The second transaction is also *Cash On Delivery* in the COD system actually still adheres to the old method, namely by the seller and buyer meeting. The third transaction is a Joint Account. The last type of *online buying and selling transaction* is using a joint account or what is called *escrow*.¹³

online buying and selling mechanism can go through several stages, namely; information sharing, is the earliest process in transactions, then there are *online order* , namely the ordering stage from potential buyers who

¹¹Imam Mustofa, "Electronic Transactions (E-Commerce) in the perspective of Fiqh", *Islamic Law Journal* , (Vol 10, No.2 December 2012) , 36

¹² Ridwan Sanjaya and Vishnu Sanjaya, *Building an Online Business Empire (Practical Guide to Becoming an Online Businessperson)* , (Jakarta: Kompas Gramedia, 2009), 36.

¹³Desy Safira, " *Online Buying and Selling Business from an Islamic Perspective* ". 63



are interested in the products (goods or services) being offered, apart from that there are *online transactions*, namely the buying and selling process which is carried out *online*.¹⁴ The practice of B2C (*Business to Consumer*) buying and selling is growing rapidly due to the support of marketplaces, namely buying and selling service providers *on line* which can cut the distribution chain through various platforms, including: *Shopee, Lazada, Facebook, Instagram and WhatsApp*.

Imported Used Clothing

Clothing has the main function, namely to maintain the wearer's comfort, protect invisible parts of the body, function as protection from damaging elements including rain, hot sun, snow and wind. Used clothing is an object or item that is used by someone to cover their body but the item has been used by someone else. Used clothes that are often found in various clothing stores have their own characteristics, including: There are various models, the models found in used imported clothes are very diverse and not marketable, the clothes smell, have color spots and are a little dirty and dull.¹⁵

In Law Number 7 of 2014 concerning Trade, which is stated in Article 47 paragraph (1), which reads "Every importer is obliged to import goods in new condition," regulations prohibiting the import of used clothing actually already exist. for a long time, then reaffirmed in the Minister of Trade Regulation Number 51/M-DAG/PER/7/2015 concerning the Prohibition of Importing Used Clothes, which is stated in Article 2 which reads "Used clothing is prohibited from being imported into the territory of the Unitary State of the Republic of Indonesia".¹⁶

The negative impacts resulting from consuming used clothing originating from abroad, based on the Regulation of the Minister of Trade are as follows: the large number of bacteria that are detrimental to health, used clothing causes layoffs in the textile industry, domestic industry dies, and used clothing imported from abroad is considered illegal.¹⁷

RESEARCH METHODS

The type of research used in this research is field research *using* a qualitative method approach. The data collection techniques used were

¹⁴Online Buying and Selling Business (*Online Shop*) in Islamic Law and State Law". *Scientific Journal of Islamic Economics*. (Vol.3. No.1. 2017)

¹⁵ Ahmad Fauzi, Buying and Selling Used Clothes in the Perspective of Muamalah Fiqh Iqtishodiyah, *Iqtishodia : Journal of Sharia Economics* (Vol. 4, No. 2, September 2019). 260

¹⁶Regulation of the Minister of Trade of the Republic of Indonesia, concerning the Prohibition of Importing Used Clothing. Number 51/M/-DAG/PER/7/2015

¹⁷Agus Budianto, Formalin in the Study of the Health Law; (Food Law and Consumer Protection Law) *Al-'Adalah Journal of Islamic Law*, (Faculty of Sharia IAIN RIL, Vol.9, No.I, June 2010), 160



observation, interviews and documentation. The use of this method is because the qualitative method is the most appropriate to use and suits the needs of this research.¹⁸

The informants in this research are account owners, buyers and religious figures who understand muamalah. Apart from that, information was obtained through the *Instagram account @ar.secondthrift2* itself to find out more about the provisions of the mechanism for buying and selling imported used clothing.

RESULTS AND DISCUSSION

Online Buying and Selling Practices of Imported Used Clothes on Instagram Accounts @ar.secondthrift2

The practice of buying and selling imported used clothing at the *online shop @ar.secondthrift2* is a buying and selling process which in practice uses a *first pay first get system*, meaning whoever pays first will get the goods. The buying and selling practice carried out by the *online shop @ar.secondthrift2* is to choose clothes that are currently trending with well-known brands which are sold at cheaper prices than other *online shops* but the goods sold are of high quality.

Based on the results of interviews with the owner of the *@ar.secondthrift2 account* who sells imported second-hand clothing, the mechanism for buying and selling practices carried out by the *@ar.secondthrift2 account* is through an *Instagram account* as a platform for promotion, through the following stages:

- a. Buy items to be sold first by selecting items with minimal defects.
- b. Clothes to be sold are first washed, then uploaded and marketed via the *Instagram platform*.
- c. Upload photos of used clothes to *your Instagram feed*, showing which parts of the item have defects.
- d. There is only one item in each type and model of clothing.
- e. Write a description of each uploaded photo in the form of; availability of goods, price, size, color, type, condition of goods, shortages and there is a note "*to be careful about the goods you want to buy in as much detail as possible, because we do not accept refunds*".
- f. The system for buying and selling on the *ar.secondthrift2 Instagram account* is '*first pay first get*', which means whoever pays first will get the item.
- g. Payment can be made via transfer from several types of *platforms* according to the buyer's request.

¹⁸Suharsimi Arikunto, *Research Management*, (Jakarta: Rineka Cipta, 2005), 152



In marketing the uploaded goods, it shows the details of the goods, such as the model of the clothes, the brand on the clothes, the size of the clothes, the color of the clothes and shows the parts that have defects.

Mechanism of buying and selling practices on *online shop @ar.seconidthrift2* carried out since 2021 via platforms *Instagram*, everyone can access to see the products for sale and make purchases. In practice, *online shop @ar.seconidthrift2* sells imported used clothing of various types and well-known foreign brands. In marketing, the goods to be sold are uploaded inside *Instagram feeds* by showing the defective parts of the goods and writing the information and description of the goods clearly. Every sale of goods Only one model is available for each type of clothing. Before being marketed, the clothes to be sold are washed first to make it easier for buyers to wear the items immediately when they are received. There are some platforms used *online shop @ar.seconidthrift2* in making payments, namely, bank transfer, *mobile banking*, *shopee (shopeepay/spaylater)* and FUNDS which will make it easier for buyers to make payments.

The buying and selling system according to Islam, the practice of buying and selling used imported clothes online, *the pillars of buying and selling* have been fulfilled according to Islam, namely:

- a. There are parties who enter into a contract, namely the seller and the buyer. In a buying and selling transaction, of course there are subjects who carry out the buying and selling, or are called *ba'i* (seller) and *mustari* (buyer). Then the *ijab qabul* contract will be carried out by both parties. In the practice of buying and selling imported used clothes on the *Instagram account @ar.seconidthrift2*, this means that the seller is the owner of the online shop account *@ar.seconidthrift* while the *Instagram platform user* is the buyer.
- b. *S hingat* (greeting of consent and qabul). Words between consent and qabul that determine both parties without coercion in a way that is justified by *syara'*. In the mechanism for buying and selling imported used clothes on the *Instagram account @ar.seconidthrift2*, contracts or agreements are made in writing, because the *Instagram application itself has a chat* room so that sellers and buyers can communicate directly via *chat*. If the buyer has agreed then the consent and qabul have been carried out.
- c. There are items for sale. There is an object being traded so that the sale and purchase is valid. Many goods are sold on the *Instagram application*, but the goods are already available in the seller's warehouse and the seller agrees that the goods will be available when the buyer agrees, then this third pillar is fulfilled. In the buying and selling mechanism on the *@ar.seconidthrift2 account*, the objects being traded are imported used



clothes with various types of clothing, namely jackets, trousers , jumpsuits , t-shirts and sweaters .

- d. There is an exchange value for goods, meaning something that can be used as a medium of exchange when purchasing goods. In buying and selling transactions on the @ar.seconidthrift2 account , the payment method used uses several online payment platforms such as DANA, Shopeee (shopeepay/Spaylater), and Mbanking or bank transfer.¹⁹

online buying and selling of imported used clothing, if viewed through the terms of buying and selling in Islam, is as follows:

- a. The person making the contract must be an adult and of sound mind, with his own will, there is full property rights from the seller and buyer.²⁰ In the practice of buying and selling on the Instagram account @ar.seconidthrift2 , sellers and buyers who are mature and of sound mind are the parties who carry out the contract, without applying pressure or coercion to either party, so that the buying and selling transaction is carried out according to their own will.
- b. In a transaction that binds both parties, consent and qabul need to be expressed clearly .²¹ In the practice of buying and selling on the Instagram account @ar.seconidthrift2 , consent and qabul have been stated clearly in written form including the price of the goods and an agreement has been reached which ultimately results in the willingness of both parties.
- c. The goods being traded must be pure and clean, usable, handable, identifiable and the goods agreed upon are in hand. ²²In the practice of buying and selling on the Instagram account @ar.seconidthrift2 , the goods being bought and sold are used clothes that are not unclean, can be used as coverings for the human body and to meet clothing needs. In practice, the form and quantity of goods used as objects of sale and purchase are in accordance with what was agreed at the time of delivery. In the practice of buying and selling on the @ ar.seconidthrift2 account , used clothing is used as an object that can be identified in terms of quality and quantity, without hiding the nature of the item.
- d. The exchange value (price of goods) must be clear and can be submitted at the time of the contract (transaction) agreed upon by both parties. ²³In the practice of buying and selling on the Instagram account

¹⁹ Nasrun Haroen, " *Fikih muamalah* " , (Jakarta: Gaya Media Pratama, 2007) , 112-113

²⁰ Saleh al-Fauzan, " *Everyday Fiqh* " , (Jakarta: Gema Insani Press, 2005), 367

²¹ Nasrun Haroen , *Muamalah Fiqh* , 97

²² Nasrun Haroen , *Muamalah Fiqh* , 119

²³ Muhammad Ali Hasan, *Various Types of Transactions in Islam (Fiqh Muamalat)* , (Jakarta: PT. Raja Grafindo Persada, 2003) , 125



@ar.seconidthrift2, the price of the goods is very clearly stated in the information in the product description, then payments made at the online shop @ar.seconidthrift2 are also made when an agreement has been reached or at the time the contract is entered into between the seller and buyer.

- e. When buying and selling, you must avoid *disgrace*, namely ambiguity (*al-jahalah*), coercion (*al-ikrah*), time restrictions (*at-tauqif*), fraud (*al-gharar*) and harm (*adh-dhahar*). In the practice of buying and selling on the Instagram account @ar.seconidthrift2 avoid *embarrassment* with the condition and description of the goods being bought and sold as well as the prices listed being clear. In sales on account @ar.seconidthrift2, namely prioritizing service and the buyer's right to buy or cancel, where there is no element of coercion in the sale and purchase. In practice, the goods being traded are clear, do not hide defective parts and send the goods in accordance with the terms and description of the product so that in buying and selling on the @ ar.seconidthrift2 account there is no element of *gharar* or fraud.

Factors that Influence People Buying Imported Used Clothes

In this modern era, human needs are increasingly diverse. The needs of modern society vary with changing times, cultural developments, and are closely related to contemporary styles. In following clothing style, nowadays the majority of people don't want to be said to be less *updated* or out of date.²⁴

Well-known foreign brands found in imported used clothing making people prefer second-hand clothes to meet their needs. Trends in clothing styles that are going viral on social media by wearing used clothes can also make people want to follow developments so they don't become out of date. Lots of it The type or model of clothing available also greatly influences people to buy imported second-hand clothing. The types of clothing provided are very varied, clothing styles that are not marketable, old fashioned clothing models, trendy clothing models, the various colors create a special attraction for people in clothing styles.²⁵

On the other hand, imported second-hand clothing also has a price tag that is not too expensive. Considering the income of village people who are classified as middle to lower, they prefer to consume imported second-hand clothing for everyday style. College students or students who on average do not have their own income and have pocket money given by

²⁴ Mulyadi Nitisusastro, *Consumer Behavior in an Entrepreneurial Perspective*, (Bandung: Alfabeta, 2012), 97

²⁵ Imam Mustofa, " *Electronic Transactions (E-Commerce) from a Fiqh perspective* ", 40



their parents will prefer to save money by buying second-hand imported clothes as their dressing style, because the prices are quite affordable for branded and quality goods. Imported second-hand clothing is still suitable for wearing and it is not visible if the item is second-hand, some parts of used clothing have defects, but these defects can still be hidden and are suitable for use.

View Islam Against Buying and Selling Practices *On line* Imported Used Clothing on *Online Shop @ar.secondthrift2*

In Islamic law buying and selling is done *on line* permitted, but there must be clarity and understanding between the seller and the buyer when a good agreement is entered into regarding the goods being sold, then the price of the goods and the method of payment by transfer. In buying and selling practice *online*, the seller will upload or market the products being sold on social media platforms, with information on the goods and the price of the goods, where there is no element of fraud or hiding defects in the goods being sold. sold, in this case according to Islamic law it is permissible and buying and selling is legal.

online buying and selling must fulfill the terms and conditions of buying and selling, one of which is *ijab qabul*, where both parties must be in the same place, which is *halal* and permissible. In *ijab qabul*, even though both parties are not present in the same place, the seller and buyer must have continuity in knowing each other. Therefore, in the context of meetings, using online media is permitted because one place not only meets physically, but is allowed online *because* an agreement will be reached in buying and selling by having a space for communication between sellers and buyers making transactions. ²⁶In practice, the *@ar.secondthrift2 account* is related to consent and *qabul*, namely the seller offers goods on the *@ar.secondthrift2 account* and the *qabul* is by the buyer agreeing by placing an order to carry out the transaction.

Buy and sell *on line* Imported second-hand clothing is a legal sale and purchase if the practice of buying and selling complies with the provisions of Islamic law, namely fulfilling the pillars and conditions of sale and purchase. The pillars of buying and selling in Islam are the existence of a seller, a buyer, the goods being sold and the contract. Some of the conditions are that there is room for bargaining between the seller and the buyer to find common ground to reach an agreement in a transaction. Apart from that, in this contract the buyer must also know about the product specifications and product form through photos uploaded by the seller. If there is uncertainty about the product, the buyer can confirm with the seller

²⁶ Munir Salim, " *Online Buying and Selling According to the View of Islamic Law,*" *Al Daulah: Journal of Criminal Law and State Administration* 6, no. 2 (December 25, 2017): 372.



via *chat* for confirmation regarding the product *gharar* does not happen, other than that in the bargain. When an offer is made between a seller and a buyer, it must be clear, for example the goods received do not comply with the product specifications, then the goods can be submitted for return. Buying and selling must contain an element of mutual sincerity and surrender from the initial agreement regarding the clarity of the goods from both parties.²⁷

In the Ash-Shafi'i school of thought, it is permissible to buy and sell provided that the goods have been previously witnessed or only to trade in goods whose characteristics are known and the goods are guaranteed by the seller. Buying and selling is permitted as long as the goods being traded conform to the specified characteristics and the type and nature of the goods to be purchased can be known. With advances in information technology, product specifications can be made in advance, either in the form of images or videos. The buyer may make *khiyar*, if the goods do not conform to the previously mentioned characteristics.²⁸

Online buying and selling according to the Nahdlatul Ulama fatwa, for example telephone, electronic mail (*email*), social media *Facebook*, *Instagram* , *SMS*, or *online* buying and selling applications , is legally permitted and the contract is valid. Buying and selling is considered *hukm ittihad al-majlis* (in the position of one assembly) because the harmony and conditions for buying and selling are fulfilled, namely the presence of *muta'qidani* (both parties in the transaction, seller and buyer) who know each other, the object is known to be known so that there is no element of *gharar* , and there is *ijab qabul* which is based on agreement (*taradhin*).²⁹

According to Wahbah Zuhaili, the basic principles of muamalah transactions and the conditions related to them are permissible as long as they are not prohibited by the sharia or contrary to the *dalil* or *qath'i* texts. Therefore, based on the principle of legal *mashlahah*, online transactions or *e-commerce* are permitted, because human needs are increasing along with advances in technology which should be utilized to improve living standards through online buying and selling businesses . Meanwhile, ³⁰online buying and selling according to Sheikh Muhammad Bakhit al-Muthi'i is justified for the following reasons: (1) based on the opinion of many previous

²⁷ Junaidi Abdullah (Religious Figure), interview by researcher, 20 February 2023, interview 5, transcript.

²⁸ Wahbah Zuhaili, *Fiqh al-Islam qa Adillatuh* , volume 4, (Beirut: Dar al-Fikr, 1985), 343-348.

²⁹ Ahkamul Fuqaha , Solutions to Actual Problems in Islamic Law in the Decision of the Congress, National Conference, Konbes Nahdlatu Ulama 1926-2010 AD (Surabaya: Lajnah Ta'lif Wan Nasyr (LTN) Executive Board of Nahdlatul Ulama and Khalista, 2011), 890.

³⁰ Wahbah Zuhaili, *Fiqh al-Islam qa Adillatuh* , volume 4, 350



scholars, transactions carried out online are legal *and* if the approval (statement of the first party) is valid after the letter arrives in hand the second party. (2) In Shafi'i jurisprudence, according to him, it is required that there be a time when two people transacting carry out a real and uninterrupted transaction. So, for two people to transact in one place is not a necessity.³¹

In this research, the researcher will explain the buying and selling of imported used clothing on the account @*ar.secondthrift2* if reviewed through the DSN-MUI Fatwa No.110/DSN-MUI/IX/2017 concerning sales and purchase contracts as follows:

a. *Shigat Al Aqd*

sellers and buyers must clearly state the buying and selling card so that it can be understood properly . It can be done in writing, orally, in gestures and actions, as well as electronically, a sale and purchase agreement in accordance with sharia and applicable laws and regulations. In the practice of buying and selling on the @*ar.secondthrift2* account, it is very clear about how to reach an agreement between the seller and the buyer, regarding the price of the goods given and done online .

b. *Mutsman Mabi 'i*

Mutsman/Mabi'i can be in the form of goods and/or in the form of rights and are wholly owned by the seller, *Mutsman/Mabi'i* must be in the form of goods/rights which according to sharia and statutory regulations can be utilized and traded. *Mutsman/Mabi'i* must have a definite or specific form that can be submitted when the sale and purchase contract is made or at an agreed time if the contract is made with a salam sale and purchase agreement or an *istishma* sale and purchase agreement . In practice, what @*ar.secondthrift2* does is selling products in the form of goods and these are goods that are needed by the community, receiving goods after the contract takes a minimum of 1-2 days and can be more depending on the frequency of the recipient of the goods.

c. *Tsaman*

At the time of the sale and purchase agreement, the price must be stated clearly, whether determined by offer, auction or tender. In buying and selling, payments can be made in cash, in installments and in installments, the credit buying and selling price cannot be the same as the cash price. In practice, carried out by @*ar.secondthrift2* , the price is stated at the time the contract takes place, in buying and selling imported used clothing, payment can be made in cash.

³¹ Imam Mustofa, *Contemporary Mu'amalah Fiqh* , Raja Grafindo Persada, Jakarta, 2016 ,



According to DSN-MUI Fatwa No.110/DSNMUI/IX/2017, DSN-MUI places great emphasis on the clarity of the sale and purchase contract so that it can be understood by the seller and buyer, so that the goods sold can be utilized. Then payment can also be made in cash. Meanwhile, based on the practice of buying and selling imported used clothes in @ar.secondthrift2 Basically, the items being sold are very clear because they are available on *Instagram posts* and there are product descriptions. Then payment is made in cash, whereas if payment in installments is higher than cash, this is permitted by the DSN-MUI Fatwa regarding payment in installments which is more expensive than cash payments because the credit price is different from the cash price.

The practice of buying and selling imported used clothing carried out by the account @ar.secondthrift2 is legal and permitted because the terms and conditions for buying and selling have been fulfilled, there is a process for caring for the goods from washing to ironing and there are no complaints from buyers regarding clothes that have been used. Even though the buying and selling of used clothes on the @ar.secondthrift2 account does not apply the concept of *khiyar*, prior to approval of the goods, defects or deficiencies in the goods have been explained so that the buyer already knows and still wants to continue the transaction, which indicates that the buyer has agreed to buy the goods.

CONCLUSION

online buying and selling used clothes on the *Instagram* application account @ar.secondthrift2 is to take care of the goods to be sold and then sell them according to the nature and condition of the goods accompanied by a clear product description. The level of community consumption is high, with village community incomes that are classified as middle to lower, they will prefer to consume second-hand clothes to meet their daily clothing needs and follow clothing styles so as not to be out of date, accompanied by several factors, namely; small income, cheaper prices, many types of clothing with models that are not marketable, has well-known brands from abroad and influence from social media.

The perspective of Islamic law on the practice of buying and selling used clothes online on the *Instagram account* @ar.secondthrift2, if seen from Islamic law, the implementation of the practice in the mechanism meets the requirements and is harmonious for buying and selling. Even though buying and selling used clothes on the @ar.secondthrift2 account does not apply the concept of *khiyar*, prior to approval of the goods, defects or deficiencies in the goods have been explained so that the buyer already knows and is still willing to continue the transaction, which indicates that the buyer has agreed to buy the goods.



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The 3rd International Collaboration Conference Of Law Sharia and Society
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Malang, 14-15 Sept 2023