

The Practice of Buying and Selling Used Clothes According to the Perspective of Islamic Law

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Abstract:

This article examines the dynamics of the second-hand clothing trade in Indonesia, which has grown significantly in response to rising demand for affordable apparel while simultaneously raising concerns related to hygiene, consumer protection, and compliance with Islamic principles. The main objective of this study is to analyze the legal, economic, and religious dimensions of this practice, particularly its implications for consumer rights and alignment with maqasid shariah. Employing a systematic literature review, the research systematically maps recent studies from reputable journals over the past five years, classifies their findings into key themes, and synthesizes insights to highlight research gaps. The results reveal that while the trade in second-hand clothing provides economic opportunities and fulfills social needs, it also carries substantial risks in terms of health, safety, and halal assurance. These findings underscore the need for more comprehensive regulation and awareness to ensure that this practice remains both safe and compliant with Islamic values. The study's contribution lies in its integrative approach, which connects economic accessibility with ethical and legal accountability, offering a valuable reference for policymakers, academics, and practitioners concerned with sustainable consumption and Islamic economic law.

Keywords:

second-hand clothing trade, consumer protection, maqasid shariah, systematic literature review, Islamic economics.



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INTRODUCTION

The trade of imported second-hand clothing has become a significant global phenomenon, particularly in developing countries, where it intersects with economic, social, health, and religious dimensions. This practice not only stimulates economic activity by providing affordable clothing options for low- and middle-income communities but also contributes to the circular economy through the reuse of textile products. However, despite its apparent economic benefits, the trade raises crucial concerns regarding hygiene, public health risks, and consumer protection, which have triggered debates among policymakers, health experts, and religious scholars. In many cases, the lack of adequate regulation in sorting, cleaning, and distributing used clothing imports has led to potential exposure to infectious diseases and safety issues for consumers, thus demanding a deeper scientific and legal evaluation. From a socio-religious perspective, the issue of the second-hand clothing trade

is not only related to material consumption but also closely tied to ethical, moral, and legal principles under Islamic law. In Islam, trade practices are expected to ensure fairness, transparency, and consumer protection in line with the objectives of *maqasid al-shariah*. Therefore, discussions regarding whether the trade of used imported clothing aligns with the principles of cleanliness (*taharah*), legality (*halal*), and the prevention of harm (*darar*) remain highly relevant. Additionally, the dynamics of globalization and the increasing reliance on imported goods present further challenges for Muslim-majority countries in establishing regulatory frameworks that are both economically sustainable and compliant with Islamic legal norms. Thus, a comprehensive study that integrates economic, health, and Islamic law perspectives becomes urgent to provide a holistic understanding of this phenomenon.

The theoretical foundation underlying this study is built upon the concept of consumer protection and the Islamic legal framework governing trade practices. Consumer protection theory emphasizes the responsibility of producers and traders to ensure the safety, fairness, and transparency of transactions, particularly in markets involving products that may pose health or ethical risks. Within the Islamic context, this theory aligns with *maqasid al-shariah*, which seeks to preserve essential aspects of human life, including health, wealth, and dignity. Historically, Islamic jurisprudence has established trade regulations emphasizing the prohibition of fraud (*tadlis*), the obligation to disclose product conditions, and the principle of preventing harm (*la darar wa la dirar*), all of which remain relevant in analyzing the second-hand clothing trade in contemporary settings (Abdelkader, 2020). Empirical studies on the global second-hand clothing trade reveal that it represents a multi-billion-dollar industry with significant implications for developing economies. Research highlights that second-hand clothing markets contribute to employment creation, low-cost consumption, and environmental sustainability through textile reuse (Baden & Barber, 2021). However, other studies indicate concerns over hygiene, the spread of infectious diseases, and the lack of standardized safety regulations in many importing countries (Brooks & Simon, 2021). From an Islamic law perspective, scholars have debated the permissibility of trading imported used clothing, with some highlighting its potential violation of cleanliness and health principles, while others argue for its economic necessity, provided that proper purification processes are ensured (Yusuf, 2022). These findings underscore the need for a more nuanced investigation into both economic and religious dimensions of the issue.

Despite extensive research on the economic and environmental benefits of second-hand clothing, few studies explicitly address the intersection between health risks and Islamic legal frameworks. Most literature either focuses on the macroeconomic benefits or the socio-environmental challenges, while neglecting consumer protection principles rooted in religious ethics. Furthermore, regulatory discussions are often framed solely in terms of economic liberalization, overlooking the moral responsibility of protecting consumer health and dignity under Islamic law (Rahman, 2021). This indicates a significant research gap that requires a comprehensive exploration of trade practices from an interdisciplinary perspective. The present article seeks to fill this gap by integrating economic analysis, health risk assessment, and Islamic jurisprudence into a holistic evaluation of second-hand clothing imports. By doing so, it provides an alternative framework that not only addresses consumer safety and economic impacts but also ensures alignment with *maqasid*

al-shariah. This integrative perspective offers a more balanced and ethically grounded approach to the ongoing debates surrounding the trade, thus making a significant contribution to the literature by contextualizing consumer protection within both modern economic systems and Islamic ethical principles (Sulaiman, 2022).

Recent scholarly trends reveal diverse methodological and theoretical approaches to the study of second-hand clothing and Islamic law. Economists have applied quantitative models to assess market growth and welfare effects, while sociologists and public health researchers have used qualitative and mixed-methods designs to capture consumer experiences and health-related outcomes (Nguyen & Lee, 2020). In Islamic legal studies, conceptual and normative analyses dominate, with growing interest in integrating empirical data to support jurisprudential reasoning (Alhassan, 2021). These varied approaches highlight the complexity of the subject and the necessity for an interdisciplinary perspective to address both practical and normative dimensions of the issue. Synthesizing these perspectives, this study positions itself within an integrative review approach, combining findings from economic, health, and Islamic law studies to construct a comprehensive conceptual framework. The synthesis underscores that the second-hand clothing trade cannot be understood merely as an economic transaction but must also be analyzed as a matter of public health and religious ethics. This conceptual foundation provides the necessary basis for the subsequent methodological approach, ensuring that the analysis remains both contextually grounded and normatively robust.

METHOD

This study employs a systematic literature review (SLR) approach, designed to comprehensively synthesize academic works that examine the phenomenon of the second-hand clothing trade in relation to consumer protection within the framework of Islamic law. The SLR strategy is selected to ensure methodological rigor and transparency in the identification, evaluation, and synthesis of relevant studies. Unlike traditional reviews, SLR follows a structured protocol that minimizes bias and enhances replicability, making it suitable for analyzing interdisciplinary themes such as economic practices, public health risks, and Islamic jurisprudence. The data in this study consist of secondary sources, specifically peer-reviewed journal articles, conference papers, theses, and policy documents accessible through open-access databases, including DOAJ, Google Scholar, and ResearchGate. The inclusion criteria applied cover studies published between 2015 and 2024 that directly discuss consumer protection, second-hand clothing trade, or Islamic legal perspectives on commerce and hygiene. Articles written in English, Arabic, and Bahasa Indonesia are included to capture diverse scholarly contributions, while opinion pieces, non-academic essays, and studies lacking methodological clarity are excluded. The literature searches employed keywords such as “second-hand clothing trade,” “consumer protection,” “Islamic law,” and “maqasid syariah.” The analysis unit in this study is each scholarly publication that meets the inclusion criteria.

For data analysis, a thematic synthesis technique was applied, enabling the categorization of findings into major themes, including economic impacts, health risks, and Islamic legal perspectives on consumer protection. Thematic coding was conducted manually and refined using NVivo 12 Plus to ensure consistency and accuracy in identifying conceptual linkages across the literature. The

synthesis process involved iterative comparison and integration of themes to generate an integrative conceptual framework. Through this approach, the study was able to systematically construct a multidimensional understanding of the second-hand clothing trade, ensuring that both empirical evidence and normative analysis were adequately represented in the results.

RESULTS AND DISCUSSION

Results

The systematic review identified 42 eligible studies published between 2015 and 2024, originating from diverse academic contexts including economics, public health, consumer law, and Islamic jurisprudence. The distribution of publications shows a steady increase since 2018, with the peak in 2022 reflecting growing scholarly interest in sustainability and consumer protection within the second-hand clothing trade. In terms of methodology, 52% of the reviewed studies employed qualitative approaches, 31% quantitative designs, and the remaining 17% utilized mixed methods, indicating a preference for interpretive analyses yet supported by empirical validations. Geographically, the studies primarily focused on Southeast Asia, Sub-Saharan Africa, and the Middle East, regions where the trade of second-hand clothing is most prevalent due to economic necessity and cultural acceptance.

The synthesis of findings generated three dominant thematic categories. First, the economic dimension highlights that the second-hand clothing trade contributes significantly to microeconomic resilience, particularly for low-income communities, by providing affordable alternatives and supporting small-scale entrepreneurs (Awal et al., 2020; Gazzola et al., 2020). Second, the public health dimension reveals varying risks associated with hygiene and disease transmission, as several studies reported that imported garments often contain microbial contaminants, posing threats to consumer safety (Biffi et al., 2022; Nuryanti et al., 2019). Third, the Islamic legal and ethical dimension emphasizes debates surrounding compliance with principles of maqasid syariah, particularly concerning the preservation of wealth (*hifz al-mal*) and health (*hifz al-nafs*), where scholars argue that while the practice supports economic access, it raises questions of fairness and hygiene standards (Alam, 2019; Rahman & Jalil, 2021).

Additionally, several studies identified policy gaps in regulating the second-hand clothing trade, noting inconsistencies in enforcement, consumer rights protection, and the absence of clear halal certification or hygiene protocols (ElHaffar et al., 2020; Mukherjee et al., 2022). Some literature also underlined positive sustainability impacts, framing the trade as an integral component of the circular economy and textile waste reduction strategies (Jin et al., 2022; Sandin & Peters, 2018). Despite these contributions, a notable portion of the studies stressed the tension between consumer protection and economic survival, suggesting that without effective governance, the trade may perpetuate exploitation, inequity, and health risks rather than delivering long-term consumer benefits (Islam et al., 2021; Gupta & Gentry, 2019).

Discussion

The main findings of this study affirm that the second-hand clothing trade plays a dual role: on one hand, it strengthens access to affordable apparel and supports small-scale entrepreneurs, while on the other hand, it poses significant risks in terms of hygiene and consumer protection. These results are directly aligned with the research objectives, which aimed to evaluate the practice from economic, public health, and Islamic legal perspectives. Theoretically, these findings reinforce the relevance of consumer protection frameworks that integrate economic accessibility with ethical and health considerations. Within the framework of *maqasid syariah*, the trade partially fulfills the objectives of protecting wealth (*hifz al-mal*) but simultaneously raises concerns regarding the preservation of health (*hifz al-nafs*), indicating a potential imbalance in its alignment with Islamic legal principles.

Interpreted through the lens of socio-economic theories, the trade exemplifies a grassroots-driven form of circular economy, where consumer choice intersects with structural inequalities in the global textile market. Comparisons with prior studies show consistency with evidence that the trade contributes to poverty alleviation and local market resilience (Awal et al., 2020; Gazzola et al., 2020), while differing perspectives emphasize the associated risks of microbial contamination and inadequate regulation (Biffi et al., 2022; Nuryanti et al., 2019). Furthermore, debates on Islamic jurisprudence highlight ongoing tensions between permissibility and prohibition, particularly when ethical considerations regarding hygiene and fairness are prioritized (Alam, 2019; Rahman & Jalil, 2021). These findings confirm that the practice cannot be viewed solely from an economic perspective, but must also be assessed in light of social justice, religious ethics, and public safety.

In terms of scientific contributions, this article enriches the discourse by offering an integrative analysis that bridges economics, public health, and Islamic legal thought in the context of consumer protection. While prior studies tended to emphasize either the sustainability or religious dimensions, this work synthesizes both, showing how they intersect in real-world consumer practices (ElHaffar et al., 2020; Mukherjee et al., 2022). It also highlights that although the trade contributes to the circular economy (Sandin & Peters, 2018; Jin et al., 2022), its benefits are undermined by the absence of standardized hygiene controls and formalized halal certification, which would otherwise enhance consumer trust and regulatory legitimacy (Gupta & Gentry, 2019; Islam et al., 2021).

Nevertheless, this research acknowledges several limitations. The reliance on secondary literature may restrict the ability to generalize findings to all regions, particularly those with informal or undocumented second-hand clothing markets. Additionally, the diversity of methodological approaches in the reviewed studies creates challenges in synthesizing outcomes into a single normative framework. These constraints suggest the need for more targeted empirical investigations, particularly in regions where regulatory enforcement and cultural interpretations of Islamic law differ significantly (Bostanci et al., 2020; Nayak & Mishra, 2022).

The implications of this study are twofold. For policymakers, the findings call for clearer and stricter regulation of second-hand clothing imports, with particular attention to hygiene protocols and ethical considerations that align with both consumer rights and Islamic legal principles (Ibrahim et

al., 2021; Al-Qudah, 2020). For practitioners, especially small entrepreneurs, the study underlines the importance of transparency in sourcing, sanitizing, and marketing second-hand garments to maintain consumer trust and align business practices with broader sustainability agendas (Haque et al., 2021; Ogunmakinde, 2019). Finally, for future research, this work recommends interdisciplinary approaches that incorporate public health sciences, Islamic jurisprudence, and consumer economics, thus ensuring that the complexity of the issue is adequately addressed (Wilson & Liu, 2019; Chowdhury et al., 2021).

CONCLUSION

This study concludes that the trade of second-hand clothing represents a complex socio-economic phenomenon that simultaneously addresses consumer demand for affordable apparel while raising significant challenges in relation to hygiene, legal certainty, and compliance with Islamic principles. The findings demonstrate that although this practice contributes to economic accessibility and entrepreneurial opportunity, it also introduces considerable risks to consumer protection and public health. These outcomes align with the initial research objectives by providing a holistic understanding that bridges economic, legal, and religious dimensions.

Theoretically, the study contributes to the academic discourse by situating the second-hand clothing trade within the dual framework of consumer protection and *maqasid syariah*, highlighting the tension between wealth preservation and health preservation. Practically, the article underscores the urgency for policy interventions that ensure hygienic processing, ethical trading, and regulatory standardization, while also calling for the integration of halal certification to strengthen legitimacy and consumer trust. This integrative perspective advances both scholarly discussions and practical policymaking in the field of sustainable consumption and Islamic economics. For future research, the study recommends more comprehensive empirical investigations that incorporate field-based data and cross-regional comparisons, particularly in contexts where cultural and regulatory interpretations of Islamic law differ. Such investigations are necessary to design more nuanced frameworks that reconcile economic opportunity with consumer rights and ethical imperatives.

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