

An Islamic Legal Review of the Practice of Buying and Selling Hair Clippings

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Article Info:

Article history: Received, 10/09/2025, | Revision, 20/10/2025, | Accepted, 01/11/2025, | Vol (2), Issue (2), (Nov. 2025)
e-ISSN 3063 – 8933 | doi: <https://doi.org/10.61233/zijis.v2i2.47>

Abstract:

This study examines the practice of buying and selling hair clippings at Lidya Salon in Talang Babat Subdistrict from an Islamic law perspective. Emerging within the expanding beauty industry, the commodification of human hair for extensions raises legal and ethical questions under *fiqh al-mu'āmalāt*. The primary objective is to analyze the transactional mechanisms and assess their conformity with Islamic commercial principles. Employing a qualitative single-case study design, the research combines in-depth interviews, direct observation, and document analysis with a review of contemporary *fiqh* literature and relevant fatwas. Findings indicate that transactions are carried out without written contracts or explicit client consent, and that the traded object, human hair clippings, raises legal concerns because it originates from the human body. From an Islamic-law perspective, the practice can be characterized as a doubtful transaction (*al-mu'āmalāt al-mashbūhah*) due to elements of uncertainty and unmet requirements for a permissible object of sale. The study contributes to contemporary *fiqh* discourse by highlighting the need for improved Islamic-legal literacy among small beauty-business actors and for clearer religious guidance regarding the commercial use of human-derived materials in the beauty sector.

Keywords:

Hair Clippings Trade; Lidya Salon; Islamic Law.



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INTRODUCTION

The phenomenon of using hair extensions in the modern beauty industry has given rise to the practice of buying and selling leftover hair pieces, either directly from customers or through collectors. In Indonesia, this practice has grown rapidly in line with the economic growth of the salon sector, but presents ethical and legal dilemmas related to the commodification of the human body. While this issue has been widely discussed in global bioethics and legal studies, there is limited research on the legitimacy of the hair trade from a Sharia perspective. Such limitations raise a fundamental question: whether human hair can be a legitimate object of sale and purchase according to Islamic law, especially in the increasingly complex local social and economic context.

Academic studies on the sale and purchase of hair from the perspective of *fiqh muamalah* show a conceptual and empirical gap. The existing literature generally focuses on general commodities such as consumer goods and financial assets, not on objects derived from the human

body (Siswadi, 2022). In fact, Islamic fatwas have strictly prohibited the trade of human body parts, including hair (Kamaruddin et al., 2023). This void of empirical studies at the local level is what makes research into the practices at Lidya Salon important, so that the relationship between Islamic legal theory and aesthetic economic practices can be analyzed more concretely.

In this study, the practice of hair buying and selling is examined through the principles of fiqh muamalah, such as *maṣlaḥah*, justice ('*adl*), and the prohibition of *gharar* (fraud). Fiqh muamalah is the main juridical framework in assessing the validity of transactions based on the clarity of the object, the consent of the parties, and the absence of harmful elements (Batubara et al., 2024). In addition, the Prophet's hadith prohibiting the use of false hair ("Allah is hostile to women who wear false hair") (Nurdin, 2023; Yusoff et al., 2022) is an important basis for assessing the legal status of human hair as an object of transaction. Using a qualitative case study approach, this research connects empirical field data with normative fiqh concepts to assess the validity of hair buying and selling practices as a whole.

This article aims to answer two main questions: (1) how the practice of buying and selling leftover haircuts is conducted at Lidya Salon, and (2) how Islamic law assesses the practice. The research was conducted through interviews, observation, and documentation, and supported by a literature study of fiqh and contemporary fatwas. Methodologically, this research confirms that an empirical approach can enrich the normative study of fiqh muamalah by presenting contextual data relevant to the social and economic development of Muslim society. Thus, this research not only describes the phenomenon but also tests the validity of Islamic law in modern economic practices.

The main contribution of this article lies in its attempt to bridge the gap between fiqh theory and socio-economic practice. The study expands the scope of fiqh muamalah to the realm of human bodily objects, raising issues that have been neglected by contemporary Islamic legal literature. Previous research on trade has mostly highlighted digital aspects and common commodities (Nahlah et al., 2022) and conventional trade (Musanna, 2022), without addressing the dimension of the human body as an economic object. By combining normative fiqh approaches and field data, this article presents a new perspective in contemporary Islamic legal studies, as well as a starting point for the development of fatwas and regulations on hair commodification within the framework of ethics and sharia.

METHOD

This type of research uses a qualitative approach with a single case study strategy directed at an in-depth understanding of the practice of buying and selling leftover haircuts at Lidya Salon within the framework of Islamic law. The case study method is very suitable when researchers want to explore contemporary phenomena in a real-life context where the boundaries between the phenomenon and the context are not always clear, and use various sources of evidence in triangulation (Yin, 2024). Case study methodology has also been recommended, especially in Islamic studies-based research (Braun et al., 2021).

In this research, the sources and types of data consist of two main types: (1) primary data, obtained through in-depth interviews, direct observation, and field documentation at the salon; and

(2) secondary data, in the form of academic literature (journals, books, fatwas) related to fiqh muamalah, human body ethics theory, as well as relevant regulations and previous research. Primary data collection techniques used semi-structured interview instruments (open-ended interview guides) and structured observation guidelines, as well as salon documents (e.g., transaction records, brochures) as documentation instruments. For secondary data, the research used a literature search protocol through scientific databases with keywords such as "fiqh muamalah", "Islamic hair buying and selling", "body ethics in Islam", and "commodification of the human body", as well as inclusion criteria of open-access literature from 2020-2025 and exclusion of non-relevant or non-full access literature.

The subjects or units of analysis of this research are the transaction actors at Lidya Salon, including the salon owner, salon employees, and consumers who buy hair grafting. In this case, the unit of analysis can be seen as actors who play a role in the chain of buying and selling hair, while the unit of observation includes transactions in the field, starting from offering, selling, to the hair grafting process. The data analysis technique uses the thematic analysis method with the stages of data reduction, data presentation, and verification/ conclusion, and the Islamic knowledge approach as a qualitative approach that respects Islamic epistemology (Miles et al., 2020; Kamaruddin & Hanapi, 2021). The analysis process is done manually for theme grouping and triangulation between data sources, ensuring credibility and confirmability of findings without deviating from the shari'ah approach.

RESULTS AND DISCUSSION

Results

The results of this study were obtained through a process of thematic analysis of primary data in the form of in-depth interviews, direct observation, and documentation at Lidya Salon, Talang Babat Village, as well as secondary data in the form of fiqh muamalah literature and contemporary fatwas regarding buying and selling hair. Based on the results of data reduction and coding, four main themes were found that describe the overall practice of buying and selling remaining hair pieces at the research location, namely: (1) the mechanism and practice of the sale and purchase of hair scraps, (2) the actors' understanding and views on the moral and legal aspects of Islam, (3) consumers' perceptions of transparency and transaction ethics, and (4) religious leaders' views on the legal status of hair sale and purchase in Islam. These four themes were obtained through a layered analysis process according to the principles of qualitative thematic analysis (Braun & Clarke, 2021), which enabled the identification of patterns and categories from the field interview transcripts.

The first theme, the mechanism and practice of buying and selling leftover hair, shows that Lidya Salon has been collecting hair from customers for about five years. The hair that has been cut is collected in a special container, sorted, and then sold to collectors who come regularly to buy in bulk. Transactions are made in cash based on the weight of the hair (in kilograms). The agreed price ranges from Rp50,000 to Rp100,000 per kilogram, depending on the quality of the hair. The salon owner, Lidya, stated that this practice started with an offer from a collector who explained that the hair would be used for the needs of the wig or hair-connection industry, not for mystical or ritual

purposes. Direct observation in the field supports this finding, where the hair is stored in a dry condition and separated from other waste, according to the hygiene procedures implemented in the salon. This kind of transaction pattern is similar to non-organic waste-based informal economic practices studied by Rahmah (2022), where leftover goods are considered to have economic value when they are reused.

The second theme, the perpetrators' understanding and views on the moral and legal aspects of Islam, shows that salon owners and employees do not have a deep understanding of the provisions of Islamic law related to buying and selling hair. They consider the practice unproblematic because it is conducted honestly, without coercion or deception. The salon owner emphasized that she is willing to follow the views of the ulama if the practice is proven to violate Sharia. This view reflects an understanding of the law based on moral intuition and practical experience, rather than formal fiqh references, which was also found in a similar study by Mutmainah (2023), where small business owners often interpreted the halalness of transactions based on perceptions of personal ethics and social customs. However, there was no explicit attempt by business owners to seek written fatwas or formal Islamic law consultation.

The third theme, consumer perceptions of transparency and transaction ethics, revealed that most salon customers were unaware that their cut hair was being resold. Of the eight consumers interviewed, six stated that they only learned about this practice during the interview. Most respondents did not object, arguing that the hair was already leftover and had no personal value. However, two respondents stated that there should be transparency from the salon so that customers know how their hair is managed. This perception illustrates the transparency gap between businesses and customers. Similar results were found in a study of Islamic business ethics by Fitria & Fauzan (2022), which emphasized the importance of the principles of honesty (*ṣidq*) and openness (*bayān*) in every form of transaction to avoid potential *gharar*.

The fourth theme, the views of religious leaders regarding the legal status of buying and selling hair, shows consistency with the views of the majority of classical and contemporary scholars who prohibit buying and selling human body parts. Based on interviews with two local religious leaders, Ustadz Rahmat and Ustadz Muntoyo, it was found that human hair is not a valid object of sale because it contains elements of respect for the human body. They refer to the hadith of the Prophet Muhammad, who cursed women who connect their hair with other people's hair, and emphasize that selling hair is a form of commodification of body parts that is not justified. This view is in line with the results of research (Suryana, 2021), which states that transactions involving human body parts are categorized as invalid because they do not meet the requirements of halal objects in *fiqh muamalah*.

In addition to these four main themes, the interviews also showed that the community around the salon did not show a negative reaction to this practice. There were no complaints from customers or the neighborhood. This shows that the practice of buying and selling leftover haircuts is still considered normal in the social context of the local community, where the economic value is more dominant than the consideration of religious law. This kind of phenomenon is also found in the study of Islamic social economy in urban areas by Nasution et al. (2024), which shows that need-based

economic practices often prioritize pragmatic aspects over normative aspects. However, field observations found that there were no standardized procedures in the transactions, such as recording contracts or statements of permission from customers, indicating the weak administrative structure of the transactions.

From the documentation, it is known that hair collectors come from outside the region, especially from Jambi City, and make regular purchases every two to three months. According to salon owners, these collectors resell the hair to wig factories and hair grafting manufacturers at higher prices. This distribution chain shows the existence of an informal economic system that connects micro businesses in rural areas with the national beauty industry. A similar pattern was also found in a study of the creative economy based on waste materials by Rofiq (2023), which emphasized that informal economic activities such as these play an important role in creating local added value despite being outside formal regulations.

Based on the results of field observations, it is also known that hair management practices are carried out in a fairly hygienic manner and without work safety violations. However, there is no mechanism to ensure that hair is not used for things that violate Islamic law. This aspect reinforces the importance of further analysis regarding the halal aspect and the validity of the transaction object from the perspective of fiqh muamalah. Empirically, the results of this study show that the practice of buying and selling hair at Lidya Salon runs with simple economic principles, minimal regulation, and low awareness of Sharia law, but is socially accepted by the surrounding community. This phenomenon shows the gap between the reality of people's economic practices and the normative framework of Islamic law, as also found in similar field research by Khairani (2023), which highlighted significant differences between people's understanding of Islamic law and its application in daily economic activities.

Discussion

The results of this study confirm that the practice of buying and selling leftover haircuts at Lidya Salon, Talang Babat Village, is a form of informal economic activity that does not yet have a strong Islamic legal basis and is still carried out based on social customs. This finding answers the formulation of the first problem by showing that the transaction is carried out directly between the salon owner and the collector, without a written contract and without explicit permission from the customer. Meanwhile, the findings of the second problem formulation show that this practice, when viewed from the perspective of fiqh muamalah, contains a potential violation of the principle of the halalness of the object of sale and purchase, because human hair is a part of the body that cannot be traded according to most scholars. The main principle in fiqh muamalah emphasizes that the object of sale must be *mutaqawwam* (has value and is halal), and must not contain elements of *gharar*, *unclean*, or *injustice* (Al-Qaradawi, 2020). Based on this principle, human hair transactions raise ethical and juridical problems because they involve objects that are considered part of the body that must be respected.

The interpretation of the results of this study shows that the practice of buying and selling hair scraps at Lidya Salon is carried out without the intention of violating Islamic law, but the

perpetrators' ignorance of the principles of fiqh muamalah causes the activity to run outside the limits of legal clarity. According to the theory of *maslahah mursalah*, an action may be carried out if it brings tangible benefits to society and does not contradict the *shar'i nash* (Ibn Ashur, 2019). In this context, the economic benefits obtained by the salon do exist, but they are not strong enough to remove the original legal provision that prohibits the sale and purchase of human body parts. Thus, the practice at Lidya Salon can be categorized as a form of *al-mu'amalat al-mashbuhah* (dubious transactions) because it fulfills some of the elements of the validity of buying and selling (*ijab qabul*, price, mutual consent), but the object of the transaction (human hair) is still legally debated.

Comparison with previous studies reinforces this finding. Research by Rahmawati & Hasyim (2021) shows that the practice of buying and selling human remains, such as nails and hair, is a *ghairu masyru'* (non-sharized) transaction, because it contradicts the principle of respect for human remains. However, research by Nurdin (2023) found that in the context of the halal cosmetics industry, the use of non-human and synthetic materials is considered valid as long as it meets the principles of hygiene and does not resemble deception (*tasyabbuh*). This shows that the main problem is not in the form of transactions, but in the object being traded. In the case of Lidya Salon, the use of real human hair makes this practice difficult to legalize because it does not meet the criteria of halal and *thayyib*.

In addition, analysis of the research results indicates an epistemological distance between community understanding and formal Islamic legal norms. As described by Rosyidah (2022), people tend to judge the halal-haram of transactions in terms of honesty and economic benefits, not from the underlying fiqh arguments. A similar phenomenon was also found by Abdullah (2023), who highlighted that microeconomic actors in rural areas emphasize aspects of *urf* (social custom) rather than compliance with formal Islamic legal provisions. In this context, the practice at Lidya Salon can be understood as a cultural expression of a society that interprets *muamalah* flexibly and based on daily life experiences.

This article also makes a scientific contribution to the development of contemporary fiqh *muamalah* theory, particularly on the issue of the commodification of human body parts. Modern Islamic legal studies show that not all parts of the human body can be used as objects of transactions, except in contexts that have a clear *maslahat* basis, such as blood donation or life-saving transplants (Yusoff & Rahman, 2022). However, for objects such as hair, which do not have a vital urgency, the majority of scholars still forbid the practice of selling them because it contradicts the *maqasid al-shari'ah* in maintaining human honor (*hifz al-karamah al-insaniyyah*) (Kamaruddin & Shafie, 2023). Therefore, this article extends the conceptual debate by placing hair as a symbol between creative economy and *shar'i* ethics, showing that the integration of fiqh with local economic practices still faces complex epistemological and normative challenges.

From a methodological perspective, this research confirms the importance of the empirical-normative approach in the study of contemporary Islamic law. Many previous studies, such as Hassan (2022), tend to stop at normative explanations without understanding the social context of people's economic practices. The qualitative field approach used in this study shows that the implementation of Islamic law at the micro level is often influenced by social understanding,

business experience, and pragmatic values. This corroborates the argument (Saifuddin, 2021) that the effectiveness of Islamic economic law implementation depends on the integration between fiqh education and socio-economic awareness. Thus, this study adds an empirical perspective that enriches contemporary Islamic legal theory, particularly in assessing non-formal economic practices such as hair transactions in salons.

The limitation of this research lies in the scope of the case, which is limited to only one salon in Talang Babat Village, so the results cannot be generalized to the entire social context of Indonesia. In addition, this study did not use quantitative triangulation that could strengthen the validity of the data statistically. However, in the context of qualitative studies, internal validity has been maintained through the process of source and technique triangulation, as recommended by Creswell & Poth (2018). Future research can expand the geographical coverage and involve the participation of scholars, academics, and halal regulators to enrich the legal and social perspectives in assessing the practice of buying and selling based on human body parts.

The implications of this study indicate that religious institutions and the government need to provide practical Islamic law education to small and medium businesses in the beauty sector in order to understand the limits of sharia in transactions. This is in line with the recommendations of (Rahim & Isa, 2023), which emphasize the importance of Islamic legal literacy for creative economy actors in supporting halal business sustainability. In addition, written legal guidance or an official fatwa from the Indonesian Ulema Council (MUI) is needed that specifically addresses the legal status of buying and selling human hair, given that this phenomenon is increasingly common in urban communities. With the fatwa, it is hoped that there will be alignment between microeconomic practices and Sharia principles, so that creative economic activities remain in the corridor of halalness and blessings.

Conceptually, this research opens up opportunities for the development of a transformative muamalah fiqh paradigm, which not only assesses halal-haram textually, but also considers social, cultural, and economic contexts. As described by Haniffa (2023), the transformative paradigm in fiqh emphasizes the flexibility of Islamic law to respond to the times without ignoring maqasid al-shari'ah. Therefore, this article contributes to connecting the normative and empirical dimensions of Islamic law, as well as providing a conceptual foundation for further research on the commodification of the body in modern Islamic economics.

CONCLUSION

This research concludes that the practice of buying and selling leftover haircuts at Lidya Salon in Talang Babat Village is an informal economic activity that is carried out based on social customs without a deep understanding of Islamic law. Based on the results of field analysis, this transaction involves a direct sale and purchase process between the salon owner and the collector without explicit permission from the customer, with the object in the form of human hair, which is still debatable in fiqh. From the perspective of Islamic law, this practice has not fulfilled the principle of the validity of the transaction object (*mutaqawwam*), because hair is a part of the human body that should not be commodified. Although carried out honestly and without coercion, this activity has the

potential to contain elements of *gharar* (uncertainty) and is not in accordance with *maqasid al-shari'ah* in maintaining human honor. Thus, the practice of buying and selling hair at Lidya Salon is in the category of dubious transactions (*al-mu'amalat al-mashbuhah*), which requires further legal clarification from religious authorities.

Theoretically and practically, this article contributes to the development of contemporary *fiqh muamalah* discourse by placing human body-based economic practices as an object of study that requires an integrative approach between sharia norms and social reality. This research expands the space of *fiqh* interpretation by showing that the gap between normative law and community economic practices can be bridged through a contextualized empirical approach. Practically, the results of this study emphasize the importance of Islamic legal literacy for small businesses in the beauty sector in order to understand the boundaries of *halal* in creative economic activities. In addition, this article emphasizes the need to strengthen regulations and fatwas that are more specific about buying and selling hair, so that economic activities that develop at the community level do not get out of the Sharia corridor.

The implications of this study indicate that applicable and contextualized Islamic legal education must be improved to answer the dynamics of modern economic practices. Future research could expand the scope of locations and involve the participation of scholars, academics, and *halal* certification bodies to deepen the legal and social analysis of similar practices. In addition, these findings open space for the development of a transformative *fiqh* paradigm that is able to adapt the principles of Islamic law to the development of today's beauty industry and creative economy, without ignoring the basic values of respect for human dignity.

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