

## Review of Islamic Law and Trade Regulations on the Practice of Buying and Selling Imported Used Clothes

Amar Muchtar<sup>1\*</sup>, Wargo<sup>2</sup>, Kurniawan<sup>3</sup>

<sup>1</sup>Institut Islam Al-Mujaddid Sabak, Tanjung Jabung Timur, Jambi, Indonesia

<sup>2</sup>Institut Islam Al-Mujaddid Sabak, Tanjung Jabung Timur, Jambi, Indonesia

<sup>3</sup>Institut Islam Al-Mujaddid Sabak, Tanjung Jabung Timur, Jambi, Indonesia

\*Correspondent Author: [amarmuchtar5@gmail.com](mailto:amarmuchtar5@gmail.com)

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### Abstract:

This study aims to examine the practice of buying and selling imported used clothes at the West Sabak Main Market from the perspective of Islamic law and Regulation of the Minister of Trade of the Republic of Indonesia Number 40 of 2022. This study uses a qualitative approach with descriptive-normative and empirical methods. Data were collected through interviews and documentation studies. The results of the study show that the practice is still active even though it violates official regulations. In the view of Islamic law, the buying and selling of used clothes is allowed as long as it meets the conditions of the validity of the contract and does not bring harm. However, violations of positive law can be categorized as a prohibited form of ta'addi. Therefore, it is important to have legal education and guidance from religious leaders and authorities so that trade practices remain in accordance with sharia and state regulations.

### Keywords:

*Imported used clothes, Islamic law, Permendag 40/2022, fiqh muamalah, trade law.*



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## INTRODUCTION

The trade in imported used clothes has become an increasingly widespread economic practice in various regions of Indonesia. People from various social strata, especially the lower middle class, make used clothes as the main alternative in meeting clothing needs because of their much cheaper prices and diverse model variations. This phenomenon has even created informal supply chains involving illegal importers, local distributors, and retail traders in traditional markets (Hasan, 2018; Karim, 2017). Although from an economic point of view, this practice offers great benefits, both for business actors and consumers, but from the formal legal side of the state, this activity is classified as a violation of trade regulations. The government through the Regulation of the Minister of Trade of the Republic of Indonesia Number 40 of 2022 expressly prohibits the import of second-hand goods, including clothing, for reasons of consumer protection, the stability of the national textile industry, and public health reasons (Kementerian Perdagangan, 2022). This ban is basically in line with the government's efforts to protect domestic products and encourage the growth of the local textile industry. The entry of imported used clothes at low prices can reduce the competitiveness of domestic textile products and worsen the condition of the garment industry which has been affected

by globalization (Rozak, 2018; Mustofa, 2022; Hakim, 2020). However, the existence of this ban has not been fully effective due to weak supervision and high consumer demand.

The phenomenon that occurred at the West Sabak Main Market is a clear example of how the practice of buying and selling imported used clothes still takes place openly and has become part of daily economic activities. In this market, traders sell used clothes from abroad freely, without worrying about legal sanctions or regulation from the authorities. This practice has even been going on for many years and has become the main source of livelihood for many families. This fact shows that there is a gap between legal norms and the social reality of society. For traders and consumers, the most important thing is the usefulness and affordability of the price. The legality of goods is a secondary issue, not even paid attention to at all. This shows that people's legal awareness in the context of informal trade is still very low.

In the context of Islamic law, buying and selling is a *muamalah* contract that is regulated in detail so as not to harm one of the parties. One of the conditions for the legality of buying and selling is that the goods being traded must be *ma'lum* (*known for their nature and benefits*), halal, and obtained legally. In the case of imported used clothes, the main problem is not the form of the goods, but the way the goods enter the country and their legal status according to the country. Islam strongly emphasizes the importance of obeying government rules as long as they do not conflict with the principles of sharia. As affirmed in the hadith of the Prophet, "It is obligatory for a Muslim to listen to and obey his leader, except in the case of immorality" (HR. Bukhari-Muslim). Therefore, when the government has banned the import of used clothes for the purpose of public benefit, Muslims are obliged to respect it (Al-Mawardi, 2013; Asy-Syatibi, 2014).

It should be understood that the principles of Islamic law do not only consider formal aspects, but also emphasize the value of *maslahah* (*utility*) and *mafsadah* (*damage*). If an economic activity has a detrimental impact on local industry, health, or social stability, then the activity needs to be reviewed even though the contract does not contain explicit haram elements. However, this practice cannot be solely blamed on small traders. Most of them are economically marginalized people and depend on this trade for their livelihood. They have no other more profitable option. In this context, repressive prohibitions can actually cause social conflicts and disrupt the sustainability of the community's micro-economy. Therefore, it is important for the government to not only enforce the law, but also provide alternative solutions such as small business empowerment, local textile business training, and facilitation of access to capital for former second-hand clothing traders. Policies that are not accompanied by a humanist approach can actually lead to dissatisfaction and repeated violations of the law.

Clerics and religious leaders have an important role in providing education to the public about aspects of Islamic law in economic transactions, including buying and selling used clothes. Religious approaches that prioritize ethical values, social responsibility, and legal compliance will be more accepted by the community than just the threat of sanctions (Mahfud, 2020; Jalaluddin, 2020). Islamic legal literature emphasizes that good economic activities must be in line with the principles of honesty, openness, and not harm others. The goods traded must be physically clean, legally legal, and bring benefits to many parties. If one of these elements is violated, then the sale and purchase

contract becomes defective, even though it is not visible outwardly (Huda, 2021; Lubis, 2019).

Thus, it is important for us to examine the practice of buying and selling imported used clothes from two sides: state law and Islamic law. This integrative approach will result in a more holistic and contextual understanding, so that people are not only formally law-abiding, but also morally and spiritually aware. The West Sabak Main Market can be used as an important study location in seeing how the dynamics between law, economy, and local culture interact. This kind of case study is able to provide new insights for policymakers and academics in developing a regulatory approach that is not only legalistic, but also realistic and ethical. Therefore, this research is here to delve deeper into how the practice of buying and selling imported used clothes takes place in the field, as well as how the public interprets its legality and halal. It is hoped that the results of this study can be considered in formulating policies that are fair and oriented towards the social, economic, and spiritual sustainability of the Indonesian people.

## METHOD

This study uses a qualitative approach with normative and empirical descriptive methods. The normative approach is used to examine the content of laws and regulations, especially the Regulation of the Minister of Trade of the Republic of Indonesia Number 40 of 2022, as well as the principles of *fiqh muamalah* in Islamic law related to the practice of buying and selling used goods. Meanwhile, an empirical approach was used to describe the reality in the field regarding the practice of buying and selling imported used clothes at the West Sabak Main Market. This approach was chosen because it is able to connect the ideal legal norm with the reality of the socio-economic practices of the community in a factual and profound manner (Miles & Huberman, 2014).

Data collection was carried out by interviewing used clothing traders, community leaders, and market officials who were considered to know and understand the situation directly. In addition, secondary data is also collected from various literature sources such as *fiqh* books, scientific journals, laws and regulations, and the results of previous research. Data analysis is carried out inductively through the stages of data reduction, data presentation, and conclusion drawn. To ensure the validity of the findings, the researcher uses the source and method triangulation technique, so that the data obtained can be accounted for academically and objectively (Sugiyono, 2017).

## RESULTS AND DISCUSSION

### Results

The practice of buying and selling imported used clothes at the West Sabak Main Market is still taking place openly even though it has been legally prohibited through the Regulation of the Minister of Trade of the Republic of Indonesia Number 40 of 2022. The ban actually aims to protect the local textile industry, public health, and avoid the entry of unhygienic goods. However, at the field level, these provisions have not been optimally socialized (Kementerian Perdagangan, 2022).

Most traders and consumers in this market consider that as long as the used clothes are clean, suitable to wear, and cheap, then buying and selling is still morally and socially legal. They focus

more on the practical benefits than the formal legality of the goods. This shows that the economic orientation of the community is more dominant than legal awareness. From the perspective of Islamic law, the principle of the validity of a sale and purchase contract is determined by several elements such as the clarity of the object (*ma'lūm*), the willingness between the two parties (*antarādin*), and the absence of an element of fraud (*gharar*). Used clothes are basically not illegal items to be traded as long as they are clean and not harmful. However, problems arise if the goods enter the territory illegally, because it means that it has violated the positive law.

## Discussion

Islam commands its people to obey the leader or government as long as the policy does not contradict the sharia. This obedience is part of the principle of *ta'ah lil wulatil amr* in maintaining order and the benefit of the ummah (Al-Mawardi, 2013). So, if the government prohibits the import of used clothes to maintain the stability of the domestic industry, Muslims are obliged to obey the prohibition. Economically, the used clothing trade does provide livelihood opportunities for small traders and access to cheap clothes for consumers. Many of them depend on this business for their livelihood due to the limited availability of other jobs. This puts this practice in a dilemma between economic necessity and legal compliance.

However, if viewed more deeply from the point of view of *maqāṣid al-syarī'ah*, economic activities such as buying and selling must consider the long-term impact on the public good. If the trade in used clothes causes losses to the local textile industry, then in principle fiqh, it can be classified as an activity that causes harm and needs to be stopped. This condition indicates an in synchronization between macro policies and the micro conditions of society. The government views the ban on the import of used goods as a national protection policy, while the lower class sees the trade as a daily economic solution. These tensions require a fair and humane approach to solutions.

Some traders don't even know that their activities violate official regulations. This shows the weak socialization of the law by the authorities, both from the trade office, customs, and market apparatus. In this context, legal education is more urgent than just imposing sanctions. From a religious perspective, not many people have a complete understanding of the limits and ethics of buying and selling in Islam, especially in the context of illegal imported goods. In fact, *fiqh muamalah* education in an applicative manner is needed so that the community not only runs profitable businesses, but also halal and *thayyib*. The role of religious leaders is indispensable in bridging the understanding between Islamic law and state law. Enlightening, not judgmental, da'wah will help people to accept policy changes consciously and voluntarily. This cultural approach has proven to be more effective in traditional communities such as in West Sabak.

The discussion on the practice of trading imported secondhand clothing reveals a dilemma between obedience to government regulations and the community's economic needs. Islam teaches the principle of *ta'ah lil wulatil amr*, namely the obligation to obey leaders as long as their policies do not contradict the Sharia (Al-Mawardi, 2013). Thus, the government's prohibition of secondhand clothing imports essentially aims to protect the domestic textile industry. However, from the perspective of small communities, this trade is viewed as a solution to limited job opportunities and

access to affordable clothing. This condition aligns with Qurrata (2020), who found that communities often prioritize economic needs over compliance with formal law (Qurrata, 2020).

From the perspective of *maqāṣid al-syarī'ah*, economic activities should be oriented toward long-term benefits. While the trade of secondhand clothing provides immediate advantages for small traders and consumers, in the long run, it may weaken the local textile industry, thereby constituting a harmful activity that needs to be curtailed (Asy-Syatibi, 2011). This view is consistent with Mustaqim (2019), who emphasized that the state's policy to prohibit imported secondhand goods is intended to prevent harm to the domestic economy (Mustaqim, 2019). Therefore, there exists a tension between macro-level goals of national economic stability and micro-level needs of communities that focus on daily survival.

One major issue is the weak dissemination of regulations at the grassroots level. Many traders are unaware that their activities violate the law due to insufficient information from related authorities (Rahman, 2021). This is consistent with Wahyuni (2020), who revealed that low legal literacy among traditional traders often results in ignorance of the consequences of illegal trading practices (Wahyuni, 2020). Hence, legal education becomes more urgent than merely imposing sanctions. In this regard, religious leaders play a crucial role in bridging public understanding of Islamic business ethics, which emphasize the principles of *halal*, *thayyib*, and legality.

The interviews show that most traders prioritize business continuity rather than compliance with formal trade regulations. For them, as long as goods are not stolen, remain usable, and are obtained through purchase, the trade is considered acceptable. This reflects a legal paradigm that has not yet been internalized in the business practices of lower-income communities. A similar finding was highlighted by Hamid (2022), who explained that small communities tend to prioritize pragmatic aspects of business over legality (Hamid, 2022). Thus, the government needs to offer realistic alternatives, such as training in local garment production, access to capital, and strengthening domestic markets. These efforts can provide long-term solutions so that communities do not revert to illegal practices driven by urgent economic needs.

In conclusion, the practice of importing and trading secondhand clothing in West Sabak is situated at the intersection of economic necessity, lack of legal awareness, and limited business alternatives. The most effective solution is not merely enforcing rules but combining legal education with economic empowerment. Strengthening *fiqh muamalah* literacy alongside national legal awareness at the grassroots level will encourage communities to engage in economic activities that are not only profitable but also legal and blessed. Collaboration between the government, religious scholars, and the community has proven to be effective, as suggested by Sari (2021), who stressed the importance of cultural and educational approaches in addressing socio-economic challenges in traditional societies (Sari, 2021).

From the results of the interviews, it was found that the majority of traders prioritized business continuity rather than complying with trade regulations. For them, the important thing is that the goods are not stolen, are suitable for use, and are purchased legally. This understanding shows that the legality paradigm has not been internalized in the business practices of the lower

community. The government also needs to provide a realistic alternative if it wants to regulate the trade in imported used clothing. Training in local garment businesses, ease of access to capital, and strengthening the domestic market are long-term solutions so that people do not return to illegal practices due to the urgency of living needs. Based on the overall analysis, it can be concluded that the practice of buying and selling imported used clothes in West Sabak is complex. He is at the crossroads between economic needs, ignorance of the law, and the lack of alternative businesses. Therefore, the best solution is not only discipline, but economic development and legal education simultaneously.

By strengthening Islamic law literacy and state law at the grassroots level, it is hoped that the community can carry out economic activities that are not only profitable, but also legal and blessing. Collaboration between the government, ulama, and the community is the key to realizing a fair, halal, and sustainable trading system.

## CONCLUSION

The practice of buying and selling imported used clothes that is rampant in the West Sabak Main Market shows that there is an imbalance between the applicable regulations and the reality in the field. Although legally positive, this activity has been banned through the Regulation of the Minister of Trade Number 40 of 2022, but weak law enforcement and lack of socialization make the regulation not effectively implemented. For some traders and consumers, imported used clothes are considered a rational and profitable economic solution. Therefore, this practice continues to run as part of the economic dynamics of the middle- and lower-class community.

From the point of view of Islamic law, the practice of buying and selling used clothes is allowed as long as it does not contradict the basic principles of muamalah such as the clarity of goods, agreements between the parties, and does not contain elements of gharar or fraud. However, Islam also obliges its people to obey the government in terms of policies aimed at safeguarding the public welfare. If an economic activity that is dzahir halal, turns out to have a great negative impact such as damaging the national industry or violating state regulations, then the activity should be stopped for the sake of the wider benefit. Based on these findings, a multidimensional approach is needed in responding to this problem. It is not enough for the government to just impose bans, but it must actively educate the public, strengthen supervision, and provide more legal and sustainable business alternatives. On the other hand, religious leaders have an important role in guiding the community to uphold Islamic business ethical values that emphasize not only profit, but also blessings, legal compliance, and social responsibility. Collaboration between the state, ulama, and society is an important foundation in creating a fair, halal trade system that is in favor of the interests of the people.

## REFERENCES

- Al-Mawardi (2013). *Al-Ahkam al-Sultaniyyah*. Beirut: Dar al-Kutub al-‘Ilmiyyah.
- Asy-Syatibi, I. (2014). *Al-Muwafaqat fi Usul al-Shari’ah*. Kairo: Dar Ibn Affan.
- BPS. (2023). *Statistik Perdagangan dan Industri Nasional*. Jakarta: BPS RI.
- El-Khatib, M. (2021). *Fiqh Muamalah Kontemporer*. Jakarta: Kencana.
- Fathurrahman, M. (2022). *Etika Bisnis dalam Islam*. Bandung: Pustaka Setia.
- Hakim, L. (2020). Kepatuhan Hukum dalam Perdagangan Lokal. *Jurnal Hukum dan Masyarakat*, 12(1), 45-57.
- Hamid, Ahmad. (2022) “Pragmatic Perspectives of Small Communities in Business Legality.” *Journal of Islamic Economic Studies* 14, no. 2 (2022): 115–128.
- Hamid, M. (2019). Perspektif Islam dalam Perdagangan Internasional. *Jurnal Ekonomi Syariah*, 4(2), 60-72.
- Hasan, S. (2018). Pakaian Bekas dan Regulasi Impor di Indonesia. *Jurnal Sosial Politik*, 10(3), 89-98.
- Hasyim, N. (2020). *Hukum Islam dan Perdagangan Global*. Malang: UIN Press.
- Jalaluddin, R. (2020). *Etika Islam dalam Jual Beli*. Jakarta: Mizan.
- Karim, A. A. (2017). *Fiqh Muamalah*. Jakarta: RajaGrafindo Persada.
- Kementerian Perdagangan RI. (2022). *Permendag No. 40 Tahun 2022 Tentang Larangan Impor Barang Bekas*. Jakarta.
- Kurniawan, H. (2021). Praktik Ekonomi Informal di Pasar Tradisional. *Jurnal Ekonomi Lokal*, 3(2), 34-44.
- Lubis, S. (2019). *Hukum Positif dan Hukum Islam di Indonesia*. Jakarta: Prenada Media.
- Mahfud, M. D. (2020). *Politik Hukum di Indonesia*. Jakarta: LP3ES.
- Maududi, A. A. (2018). *Ekonomi Islam: Prinsip dan Tujuan*. Lahore: Islamic Publication.
- Miles, M. B., & Huberman, A. M. (2014). *Qualitative Data Analysis: A Methods Sourcebook*. Sage Publications.
- Muhaimin, A. (2020). *Pendekatan Multidisipliner dalam Studi Islam*. Yogyakarta: LKiS.
- Muhammad, A. (2016). *Hukum Perdagangan Islam*. Bandung: Remaja Rosdakarya.
- Mulyadi, H. (2021). Dampak Sosial Ekonomi Pakaian Bekas Impor. *Jurnal Sosiologi Islam*, 5(1), 20-33.
- Mustaqim, Abdul. “The Impact of Secondhand Clothing Imports on Domestic Textile Industry.” *Indonesian Journal of Economic Policy* 7, no. 1 (2019): 45–59.
- Mustofa, A. (2022). Pedagang Kecil dan Regulasi Negara. *Jurnal Ekonomi Kerakyatan*, 6(2), 77-88.
- Nurul Huda. (2021). *Fiqh Muamalah: Teori dan Aplikasi*. Surabaya: UMS Press.
- Prasetyo, Y. (2021). Perdagangan Pakaian Bekas dalam Perspektif Hukum. *Jurnal Hukum Ekonomi*, 8(3), 90-100.
- Qurrata, Aini. “Economic Needs versus Legal Compliance: A Study on Informal Traders.” *Al-Iqtishad: Journal of Islamic Economics* 12, no. 2 (2020): 223–240.
- Rahman, F. (2019). Kepatuhan Konsumen terhadap Produk Ilegal. *Jurnal Perilaku Konsumen*, 4(2), 43-50.
- Rahman, Faisal. (2020). “Legal Awareness among Traditional Traders in Rural Indonesia.” *Jurnal Hukum dan Masyarakat* 9, no. 1 (2021): 77–89.
- Rasyid, H. (2017). *Etika Perdagangan dalam Perspektif Islam*. Jakarta: Pustaka Pelajar.

- Rozak, A. (2018). Kontroversi Barang Impor dan Dampaknya. *Jurnal Ekonomi Global*, 6(1), 51-63.
- Sari, Nurul Hidayah. "Cultural and Educational Approaches to Socio-Economic Issues in Traditional Communities." *Islamic Social Studies Journal* 6, no. 3 (2021): 301–318.
- Sugiyono. (2017). *Metode Penelitian Kualitatif, Kuantitatif, dan R&D*. Bandung: Alfabeta.
- Syafei, M. (2019). Penerapan Hukum Islam dalam Konteks Nasional. *Jurnal Syariah Indonesia*, 2(1), 17-29.
- Umar, H. (2021). *Bisnis Halal dan Kepatuhan Regulasi*. Jakarta: UI Press.
- Wahyuni, Siti. "Low Legal Literacy and Its Implications in Informal Trade Practices." *Jurnal Ekonomi Syariah dan Hukum* 5, no. 2 (2020): 155–170.
- Yuliana, D. (2022). Barang Bekas dan Regulasi di Asia Tenggara. *Jurnal Hukum Internasional*, 7(2), 67-81.