

The Practice of Buying and Selling Used Clothing Imports on Perspective of Islamic Law and Positive Law: A Case Study of the Bang Jack Haurgeulis Store*

Cholisa Fitri¹, Irvan Iswandi²

Institut Agama Islam Az-Zaytun Indonesia

 [10.15408/jlr.v4i5.28910](https://doi.org/10.15408/jlr.v4i5.28910)

Abstract

During the development of the times, buying and selling is not merely undertaken between regions, but can also be undertaken between countries. This has become a separate business area for some middle to lower classes of society who want to open a business but with a capital that is not too large, namely by building stores with various types of imported used clothes. This study aims to find out how the practice between sellers and buyers of imported used clothing at Bang Jack store. This store is located on Jalan Raya Sumurwedi-Sumbermulya, Haurgeulis Sub District. The practice will be reviewed from the perspective of Islamic law using descriptive qualitative methods. Dealing with the results of research and discussion conducted by the researcher, it can be concluded that the practice of buying and selling at Bang Jack Haurgeuli's store is based on the pillars and conditions that were in accordance with Islamic law. Then, based on the positive law, the sale and purchase of imported used clothing have violated state regulations as regulated in the Regulation of the Minister of Trade Number 51/M-DAG/PER/7/2015 and Law Number 7 of 2014 due to it is detrimental to customs duties on the state.

Keywords: *Buying and selling; Imported Used Clothing; Islamic Law; Positive Law*

* Received: February 21, 2022, Revision: April 20, 2022, Publish: October 21, 2022.

¹ **Cholisa Fitri** adalah Mahasiswa pada Program Studi Hukum Ekonomi Syariah, Fakultas Syariah, Institut Agama Islam Az-Zaytun Indonesia. E-mail: Choo.lisa25@gmail.com

² **Irvan Iswandi** adalah Dosen bidang ekonomi dan akuntansi pada Fakultas Syariah, Institut Agama Islam Az-Zaytun Indonesia (IAI AL-AZIS), Indramayu. E-mail: irvan.iswandi10@gmail.com

A. INTRODUCTION

Islam is a perfect religion that regulates all aspects of human life, both in terms of faith, worship, and muamalah. One of the most important teachings is the field of muamalah/iqtishadiyah (Islamic economics). Apart from being a demand for life, economic activity is also an effort in terms of worship. However, in principle, all forms of muamalah are permissible or permissible unless there is evidence that forbids them. Islam justifies a Muslim to trade and doing business individually with buying and selling transactions (*al-bai'*) because trading is one of the ways for humans to fulfill their needs. Buying and selling are an activity of helping each other or ta'awun as humans should be created as social beings who must interact with each other and love each other.

To put it simply, human beings have practically infinite wants but finite means. As a result, they'll allocate their resources toward purchasing the items that offer the most potential for happiness at the lowest possible cost. Interdependence among individuals is essential since each individual has basic, secondary, and tertiary requirements that must be met. All other requirements pale in comparison to meeting these primary ones, without which human beings become extremely difficult to live. According to the thesis's title, the author will look into how people meet one of their fundamental needs: clothes.³

The import and export of previously used clothing is a thriving industry right now. The majority of the secondhand clothing that enters the territory of the Unitary State of the Republic of Indonesia originates in the countries of Japan, Malaysia, China, Hong Kong, Korea, and Singapore. Some people with enough wealth to import and sell a wide variety of pre-owned clothing have created a new market for their wares. Indeed, this industry flourishes in Indonesia, particularly in suburban areas and markets, where the prices of these garments are extremely low and can be considered dirt cheap when compared to the pricing of similar items sold elsewhere. clothing that has never been used, which is why some people, especially those of a middle class or lower socioeconomic status, choose to buy it instead of brand new clothing.

As such, the Bang Jack Shop on Jalan Sumurwedi-Sumbermula in Indramayu Regency, West Java Province, is of particular interest to the author for the purposes of this study. The December 2019 opening of Bang Jack Shop. Office shirts, flannel shirts, T-shirts, hooded sweaters, T-shirts, jeans jackets, jeans, cotton pants, and so on are just some of the imported garments that may

³ Rozalinda. *Ekonomi Islam (Teori dan Aplikasinya pada Aktivitas Ekonomi)*. Depok: PT RajaGrafindo Persada, 2017, hal. 105-106.

be found here. Due to the reasonable average price of clothing, the store attracts a diverse clientele including numerous teenagers, women, and men from a wide range of professions. H&M, Billabong, Lacoste, Zara, Adidas, Edwin, Gucci, Levi's, Guess, Disney, Vans, Dickies, Vans, Dickies, Vans, Dickies, Nice, Champion, Calvin Klein, and others are just some of the brands that can be found at the store.

The store's main draw is the fact that it sells branded items, which are still prohibitively expensive and out of reach for many people in developing countries. Among the many things that are banned or otherwise forbidden to enter the territory of the Unitary State of the Republic of Indonesia are secondhand garments bought from other countries (NKRI). This is in reference to the Prohibition of the Import of Used Clothing, as outlined in Regulation of the Minister of Trade Number 51/M-DAG/PER/7/2015. Meaning something that goes against the rules and regulations of a given nation. To protect the public's health, the government has banned its use. As germs and fungi may be present on previously worn garments, they pose a potential threat to the health of the wearer's skin.

Islamic scholars of fiqh state that a sale and purchase transaction is valid if the following conditions are met: the type, quality, and quantity are unknown; the price is clear; the sale and purchase does not contain elements of coercion, deception, harm, and the existence of other conditions that make the sale and purchase invalid are not present.

The author intends to do research and publish it under the title "The Practice of Buying and Selling of Imported Used Clothing from the Perspective of Islamic Law and Positive Law: A Case Study of Bang Jack Haurgeulis Store," which is based on the information presented above. As such, the author has decided to conduct research into and take note of the issues plaguing the used apparel import trade. In particular, in the application of Islamic law and positive law to commercial transactions. Research questions stemming from the aforementioned issues include: How often is it to buy and sell imported old garments at Bang Jack Haurgeulis Store? Where does Bang Jack Haurgeulis Shop stand after an examination of Islamic law and positive legislation pertaining to the purchase and sale of secondhand clothing imported from other countries?

B. METHODS

Qualitative research approaches, including observation, interviews, and documentation, will be used to gather information for this project. The research

process entails thorough observation, questioning, recording, and exploration of sources pertinent to the topic at hand. The author then quickly compiles the narrative form of the results collected both in writing and orally. The subjects of this research are the store's owner, three frequent customers, and an employee from Haurgeulis District, who stands in for the local government. Descriptive analysis, the method used in this study, seeks to provide a comprehensive account of the demographics and defining features of a study population. If there are simply a few samples and a descriptive survey.⁴

C. RESULTS AND DISCUSSION

1. Overview of Imported Used Clothing

Clothing, along with food and shelter, is one of the most fundamental necessities for human survival. Humans require clothing to shield their vulnerable skin from the elements and other dangers. Over the course of human history, however, clothing has come to serve as a representation of the wearer's social standing as well as a means of concealment and protection. Humans use clothes for a variety of reasons, one of which is to boost their self-esteem by changing how they look.⁵ Clothing's primary role is to insulate the wearer from potentially damaging environmental factors like the cold, wet, and wind; it also shields the wearer's skin and internal organs from the elements. Wearing protective clothing can lessen the likelihood of injury when working or working out. Insects, toxic chemicals, weapons, and so on are only a few examples of environmental dangers that can necessitate the usage of protective apparel.

The definition of utilized in the Big Indonesian Dictionary (KBBI) is a signal that has been abandoned (has been held, stepped on, passed, and so on). Also means something that has been handled or used by another person. Used, then, is something that has been touched or used by another person before. As defined by the KBBI, import is the process of bringing in foreign-made products. Importing, as defined in Permendag No. 87 of 2015 about Provisions on Importing Products, is the process of bringing products into a country's customs territory, and importers can be either natural persons or institutional or governmental or corporate or other types of legal entities.

⁴ Suryana, M. *Metodologi Penelitian Model Praktis Penelitian Kualitatif dan Kuantitatif*. Jakarta: Universitas Pendidikan Indonesia. 2010.

⁵ Diana, L. 2019. "Perdagangan Pakaian Bekas Impor Mengapa Masih Marak Terjadi?" *Riau Law Journal*. Volume 3: No.2, 288. Retrieved 04 25, 2020

According to Law No. 7 of 2014 on Trade and Regulation of the Minister of Trade No. 51/M-DAG/ PER/7/2015 on the Prohibition of the Import of Used Clothing, used clothing imported from abroad includes illegal goods or goods that are prohibited from entering the territory of the Unitary State of the Republic of Indonesia (NKRI). Article 2 of Ministerial Regulation 51/M-DAG/PER/7/2015 states, "Used clothing is prohibited to be imported into the territory of the Republic of Indonesia," and Article 3 states, "Used clothing arriving in the territory of the Unitary State of the Republic of Indonesia on or after the date of the Ministerial Regulation is prohibited." In such a case, destruction under the law is mandatory. According to Article 4, "Importers who breach the terms of the prohibition as referred to in Article 2 are subject to administrative sanctions and other sanctions according to the rules of the legislation."

The state has also regulated the provisions of producers or importers in carrying out buying and selling activities of imported used clothing as regulated in Law Number 7 of 2014 Article 32 which reads: (1) Producers or importers who trade goods related to security, safety, health and the environment must: a. Register traded goods with the Minister, and, b. Include the registration number on the goods and/or their packaging. (2) The obligation to register the goods as referred to in paragraph 1 is carried out by the producer or importer before the goods are circulated in the market. (3) The obligation to register goods as referred to in paragraph 1 letter a is exempted from goods whose registration has been regulated based on the provisions of laws and regulations. (4) The criteria for security, safety, health and the environment as referred to in paragraph 1 can be determined based on SNI or other recognized standards that have not been enforced compulsorily. (5) The goods as referred to in paragraph 1 are stipulated in a Presidential Regulation. (6) In the event that the goods as referred to in paragraph 5 have been compulsorily enforced by SNI, the said goods must comply with the provisions of the mandatory application of SNI.

If a manufacturer or importer fails to comply with Article 32 paragraph (1)'s requirements for product registration, they must immediately cease dealing in the product and remove it from the shelves of any wholesaler, retailer, or consumer. This is stated in Article 33. For purposes of subparagraph (2), the Minister is responsible for enforcing the order to cease trading activities and withdraw from the distribution of goods. Thirdly, the administration can revoke a company's license if the producer or importer in question does not comply with the requirements set forth in paragraph 1. Article 34 states, "Further rules governing the registration of goods as referred to in article 32

paragraph 1 and the cessation of goods trading operations and the withdrawal of goods as referred to in article 33 paragraph 1 shall be controlled by or based on a Presidential Regulation.

Then, it is also emphasized in the same Law that is located in Article 47: (1) Every Importer is obliged to import Goods in a new condition. (2) In certain cases the Minister may stipulate that the imported Goods are not new. (3) The stipulation as referred to in paragraph 2 is submitted to the minister who administers government affairs in the financial sector. (4) Further provisions regarding the determination of imported Goods in a non-new condition as referred to in paragraph 2 shall be regulated by a Ministerial Regulation. For the purposes of increasing exports, competitiveness, business efficiency, investment, and industrial relocation, infrastructure development, and/or re-export, "in certain cases" refers to the importation of goods needed by business actors in the form of non-new capital goods that cannot be fulfilled from domestic sources. Additionally, in the aftermath of a natural catastrophe, it may be necessary to acquire used products and equipment for the purposes of recovery and rebuilding, as well as for other reasons in line with the rules of applicable laws and regulations. Used clothing imported into or entering the territory of the Unitary State of the Republic of Indonesia on or after the date this Ministerial Regulation goes into effect must be in as-new condition.

Importers, however, rarely do this, and many times sell secondhand, low-quality clothing. In certain major cities throughout Indonesia, commercial activity is completely tax-free. For this reason, the trade in used clothing from abroad is also quite promising, as it is very profitable assisting those who are classified as economically weak to meet their daily needs without needing a lot of capital to open a business. This is because the majority of used clothes which are included in foreign products are cheaper than local products, so more people prefer foreign products to domestic ones.

2. The Practice of Buying and Selling Imported Used Clothing at Bang Jack's Store

Based on the general description and findings at the Bang Jack Haurgeulis store obtained through direct observation, interviews, and documentation, the research findings obtained are as follows:

a) Overview

The clothes that are traded in bang jack shops come from markets in big cities such as; Bandung Gedebage Market, and Jembatan Merah Plaza Surabaya Shopping Center. The types of clothing sold are of various kinds, including; trousers, shorts, t-shirts, sweaters, shirts, women's clothing and others. Sellers shop for imported used clothes from distributors with the condition that they order through the WhatsApp application, which previously got the distributor's phone number from the Facebook application with a code system where this code determines the contents of the item by type and weight. For example; with the code 12L/ACP for the type of cotton trousers for Rp. 6,800,000.00 per bale (sack) with approximately 150 pieces of clothing.⁶

b) General requirements

Clothes in Bang Jack Haurgeulis's shop is traded at prices ranging from 10,000 to 90,00 rupiahs per piece, which is in line with the going rate for imported worn clothing in the area but reflects the fact that the seller initially purchased the clothing in bulk (in the shape of a bale or bag). Some of the worn garments being swapped at the bang jack shop are in acceptable shape, but some are not, so I only bought what I knew to be good and decent. The seller has always been upfront about the fact that these are pre-owned imports. However, if there are flaws in the form of stains or holes in the clothes, the buyer can see them right away, and the seller will undoubtedly notify the customer and re-assure that the buyer is still sure to buy the clothes, so the buyer is satisfied with the quality of the clothes.

c) Buying and Selling Process

It is a process carried out by both parties between the seller and the buyer in selling imported used clothing at the Bang Jack shop with the following conditions:

- 1) Customers are required to use the ordering system, but they are given the option to make special requests if necessary. If an item the customer wants is out of stock, for instance, he can ask to be notified when more of that brand of clothing becomes available.
- 2) Purchasing system in practice in stores, buyers can buy either individually or in large quantities and there are those who buy for resale, commonly called resellers. However, for resellers, the seller provides his

⁶ Lestari. (2021, Mei 12). wawancara dengan penjual sekaligus pemilik toko Bang Jack. (Fitri, Interviewer)

own provisions, namely, the buyer can pick up the goods first, then pay later when all the goods have been sold or return if there are items left.

- 3) In the acquisition and sale of previously owned garments, it is usual practice for the buyer to make an initial offer and then negotiate with the seller for a lower price before reaching an agreement on the final purchase price.
- 4) The existence of *khiyar* rights granted by the seller to each buyer but only applies when both are still in one place, except in certain circumstances that have been previously agreed upon by the seller with a limit of the next day at the latest so it is only valid for one day. As an interview with one respondent stated that: "As far as I know it can be exchanged as long as the clothes in the hands of the buyer are not damaged and are not kept at home for too long."⁷ In certain circumstances, for example, there is a mother who wants to buy clothes for her child but her child does not come, then there is an agreement with the seller to exchange it if it does not match the size or desire of her child. Another thing that is excluded is the waiver to exchange for defective / inappropriate items but only applies to buyers who buy in bulk because after all, people who buy in large quantities may not be aware of the overall condition of the clothes.⁸
- 5) The bang jack shop accepts both cash and credit as forms of payment. It's possible to negotiate debt forgiveness in exchange for making an initial 50% down payment and agreeing to pay the remaining balance within three months. There is no documentation of payment, such as receipts, because the transaction is based on mutual faith, but the seller never forgets to record it if there are purchasers who owe. Although there are two payment methods applied at the Bang Jack shop, the seller said that most buyers buy in cash. Even if there are, those who make payments on debt are usually several regular buyers who each buy in large quantities for resale but are not resellers. In buying and selling on debt, if there are buyers who do not pay until the deadline ends, not even 50%, the clothes that the buyer ordered can be said to be forfeited so that the seller will put the clothes back in their original place. However, in reality the seller is often impatient, so if there are buyers who have not paid it by the

⁷ Sofy. (2021, Mei 14). Wawancara dengan pembeli tetap pakaian bekas impor di toko Bang Jack. (Fitri, Interviewer)

⁸ Lestari. (2021, Mei 17). wawancara dengan penjual sekaligus pemilik toko Bang Jack. (Fitri, Interviewer)

deadline, Ibu Tari will give a little relief by extending the deadline and continuing to warn the buyer via whatsapp.

2. Licensing of Buying and Selling Practices by Local Government

The government of Indonesia issues licenses for all commercial enterprises, big and small. Following the guidelines established by the federal and state trade ministers' respective laws and regulations. Small and medium-sized businesses (SMEs) are required by law to get a Trading Business Permit (SIUP) from their respective regional or municipal governments before they may begin trading (MSMEs). For all intents and purposes, this SIUP constitutes proof that your company is legally operating within the state.

The regional or local government, namely the Haurgeulis District, also regulates and accepts the application for SIUP for people who want to apply for it. However, the government here only regulates the making of micro and small business permits (UMK). In addition, the sub-district also regulates other matters, namely regarding permit services for crowds or entertainment, legalization of letters and services of recommendation letters, as well as certificates and letters of recommendation. This submission is intended so that the name of the store is registered and the government can help if there is a request for borrowing fees through the bank. The requirements for submitting a standard service for micro and small business licenses (UMK) include: (a) Bring a cover letter from the village, bring a completed form from the village which has been signed by the kuwu or clerk; (b) Photocopy of ID card or certificate; (3) Photocopy of family card (KK); (4) 2 pieces of 4x6 color photographs.

Based on interviews conducted by researchers in the Haurgeulis District to Mr. Kosim as one of the representatives of the regional or local government, he said that micro buying and selling has been regulated for a long time by the Haurgeulis District as an intermediary for people who want to register their business permits through the District which will afterwards sent to the central government in Indramayu district. However, the sub-district, which is one of the representatives of the local/regional government, has not yet taken care of the licensing of the trade of imported used clothing and he said that there are no people who have registered micro-enterprises regarding the sale and purchase of imported used clothes, and some have registered new micro-businesses. Then, the District does not know about the legal or illegal trade of imported used clothes, because according to Mr. Kosim most people

ask for permission to open a new clothing trading business, and no one has registered their business regarding the sale and purchase of used clothes.

So here it can be concluded that the regional or local government as one of the representatives of the Indonesian government does not know and understand whether or not it is permissible to buy and sell imported used clothes so that there are still people who practice it because there is no confirmation from the local government. Meanwhile, based on the Regulation of the Minister of Trade, there is an article that prohibits it, namely number 51/M-DAG/PER/7/2015 which is emphasized in Article 2 "Used clothing is prohibited to be imported into the territory of the Republic of Indonesia".

3. An Overview of Islamic Law and Positive Law on the Practice of Buying and Selling Imported Used Clothing at Bang Jack Stores

a) Islamic Law

It is imperative that the practice of purchasing and selling imported used garments at Bang shops Jack adhere to the conditions and pillars of buying and selling based on the Qur'an, Hadith, and Ijma' of the scholars, just as it does in the practice of buying and selling according to Islamic law. Pillars are requirements that must be completed to ensure that a position is legitimate (KBBI). When making a purchase at Bang Jack, you can count on these four cornerstones of the sales agreement:⁹ (1) Aqid, namely sellers and buyers, (2) Ma'qud 'alaih, namely goods that are traded, (3) Maudhu' al-aqd', namely the purpose of entering into a contract, (4) Shighat al-aqd', namely consent was granted. Based on the four pillars above, it is explained that the practice at Bang Jack Shop has fulfilled the pillars of buying and selling.

In sharia, the fulfillment of the pillars and conditions of both determine the validity of a sale and purchase transaction. The following are the conditions that must be met in the pillars of buying and selling: (1) the conditions for a valid Ijab qobul in fiqh are stated to be at least three; do not intersperse with other words between consent qobul, people who have a contract, do not separate the meaning of the seller and the buyer there is still interaction about the consent qobul. (2) Aqid, namely the conditions include; baligh and intelligent, Muslim (this condition is specifically for buyers in certain items), there are goods that are traded, both are not wasteful/wasteful and of their own

⁹ Abdul Rahman Ghazaly, G. I. *Fiqh Muamalat*. Jakarta: Prenadamedia Group, 2018, hal. 51-55.

volition. (3) Goods/objects of sale and purchase, namely; net price, can be used, belongs to the seller who made the contract, can be clearly identified (substance, nature, form, and price) by the seller and the buyer, and can be handed over. (4) The exchange rate is something that meets three conditions; can store value, can assess/value an item, and can be used as a medium of exchange.¹⁰

Every contract has conditions determined by *syara'* that must be perfected. The following are the conditions applied in practice at the bang jack shop;

- 1) Purchase and Sale Agreement Terms. Because the consumer is able to pick out the garments herself and inspect them in person, there is no element of compulsion, fraud, or harm on the seller's part, and the buyer is satisfied with the state of the items and continues to make purchases despite knowing they are defective. Because clothing is a transportable object, the buyer becomes the legal owner of the clothes upon completion of the transaction, but the seller retains ownership of the funds.
- 2) Purchasing and selling-related jargon. If the contracting party has the authority to enter into sales and purchases, then new transactions can be entered into. In this situation, it has been met because individuals involved in the purchasing and selling at Bang Jack are baligh and clever people with an average age between 15 and 50 (this range includes teenagers, adults, and adults), thus satisfying Islam's criteria for actors in the buying and selling process. the elderly, to help them make moral judgments, then the items for sale are the seller's personal property, purchased in bulk from distributors and resold individually.
- 3) The terms related to the legal force of the sale and purchase contract, the sale and purchase is free from *khiyar* rights, each buyer has agreed and accepted the condition of the clothes he wants to buy, then when the buying and selling process is complete there is no *khiyar* right that is still hung except in certain circumstances. The *khiyar* rights applied in stores fall into several categories, namely; (a) *Khiyar majlis* i.e. both may cancel while they are still in one place, (b) *Khiyar 'aib* only applies to purchases in large quantities, namely the seller is allowed to exchange clothes not for a long time if there is a defect which at the time of the contract was not known by both of them, (c) *Khiyar* terms with a maximum of one day if there are certain conditions such as buying clothes for their children

¹⁰ Susiawati, Wati. 2017. "Jual Beli Dalam Konteks Kekinian." *Jurnal Ekonomi Islam*. Volume 8: 176-179.

who do not participate during the transaction process at the store, so that the clothes they want to buy are in accordance with the wishes of their children, (d) *Khiyar tadlis* with the opportunity for buyers to see goods directly and based on the seller's explanation and then choose to continue or not the sale and purchase so as not to feel disadvantaged later.

Based on Islamic law, buying and selling that is practiced in bang jack shops based on the method of payment, there are two kinds, namely:

- 1) Buying and selling *munajjaz al-tsaman*, which means buying and selling at a price paid in cash/cash at the time the contract takes place.
- 2) Buying and selling *mu'ajjal al-tsaman*, which means buying and selling with the payment of a delayed/delayed price provided that the goods are delivered at the time of the contract or as agreed.

Then, in order to be able to carry out an economic activity or buying and selling in accordance with Islamic economics, there are things that cannot be violated, namely the principle of *Laa Tadhlimun wa Laa Tudhlamun* (don't oppress and don't be oppressed). Six principles that should not exist in buying and selling activities are as follows: *Gharar* is obscurity, *Ihtikar* is hoarding of goods, *Ba'i an Najsy* is demand engineering, *Riba* is addition, *Maisir* is gambling and *Risywah* is bribery. Regarding the practice of buying and selling carried out at the Bang Jack shop, the six elements above are avoided because used clothes are goods that are known by all parties, both from the seller's and buyer's side, good and bad quality can already be known.

In the view of Islamic law there are 2 external factors of the contract that cause buying and selling is prohibited, namely as follows: (1) *Ghasy* (Counterfeit/Fraud), (2) *Dharar* (Danger). However, based on this, in practice, there are no elements of *ghasy* and *dharar* in the bang jack shop, because the seller makes it clear with a banner that reads "The bang jack shop sells second-imported goods". Here there is no element of fraud, and it has been proven that the clothes that are traded as if the buyers state that they have never suffered or contracted skin diseases after buying and wearing used clothes purchased from the store, can be declared safe and harmless to the public. As long as you try on clothes in the store when you want to use it still in the process of choosing clothes, you will never become uncomfortable. However, if you want to avoid

skin disorders like itching when consuming imported used clothes from Bang Jack's shop, you need to wash them first.¹¹

b) Positive Law

According to Minister of Trade Regulation Number 51/M-DAG/PER/7/2015, the government of the Republic of Indonesia forbids the importation of worn garments into the country's single-state territory. On Article 3, it is stated that "Used clothing that arrive in the territory of the Republic of Indonesia on or after the date this Ministerial Regulation enters into force, must be destroyed in accordance with the rules of the legislation." According to Article 4, "Importers who breach the terms of the prohibition as referred to in Article 2 are subject to administrative sanctions and other sanctions according to the rules of the legislation."

Likewise, the provisions on trade for producers or importers are regulated in more detail in Law Number 7 of 2014 Articles 32-34 and Article 47 which state that "Every Importer is obliged to import goods in new condition". This is because of the government's concern about the dangers to human health so it is not safe to be used and used by the public.

In the implementation of the import of goods, there are restrictions that are divided into 3 (three) parts, namely Restricted Imports, goods that are prohibited from being imported, and goods that are Free from Import. The following is an explanation and an example;

1) Import Restricted Items

Import restricted goods are certain goods whose import system has been regulated through a trade mechanism, namely in the form of recognition as an importer of goods importing for their own interests, determination as an importer who trades goods to other parties, import approvals, and technical verification of imports. The types of goods that are restricted to imports include: 1) sugar, 2) salt, 3) rice, 4) cloves, 5) lubricants, 6) textiles, 7) multifunction machines, color photocopiers, and color printer machines, 8) imports of non-new capital goods, 9) oil and natural gas, 10) alcoholic beverages, and 11) plastics.

¹¹ Taryana. (2021, Mei 17). wawancara dengan pembeli tetap pakaian bekas impor di toko Bang Jack. (Fitri, Interviewer)

2) Items Prohibited from Import

Products without a valid import permit from the appropriate authority cannot be imported. Used or non-new clothing, hazardous or toxic waste (B3), products of the printing industry, Ethylene bromide insecticides, psychotropic substances, narcotics, plastics trash and scrap, alcohol-containing halogens and salt, and chemical weapons are all illegal imports.

3) Import-Free Goods

These import-free goods are all types of goods that are not included in the regulated, prohibited, and controlled group. However, these import-free goods can only be carried out by every company that has an Import Identification Number (API).

Regular customers of Bang Jack's shop may be putting themselves at risk by purchasing imported secondhand clothing, although no such evidence currently exists. When engaging in economic activity in a country, it is crucial to ascertain the legitimacy of the commodities being traded. Problems arise when attempting to comply with state legislation while dealing with the legal status of commodities exchanged in stores, such as imported worn clothing, because these items do not enter the country through the proper channels. State rules are things that must be obeyed by all Indonesian people in their daily lives so that they can be organized and directed in living them. The government that acts as the holder of power in a country whose regulations should be obeyed. As the word of Allah SWT in the Qur'an Surah An-Nisa verse 59 with the following meaning: "O you who believe! Obey Allah SWT and obey the Messenger (Muhammad), and Ulil Amri (holder of power) among us..." (Team Syaamil Qur'an, 2012)

Trading in used clothes that have been imported into Indonesia is forbidden because it goes against the rules set by the government as ulil amri for the Indonesian people, as stated in the verse from Allah SWT above, unless it is explicitly stated that the used clothes are legal and enter the Indonesian state not through smuggling. The domestic textile industry is in jeopardy because most consumers are undoubtedly seeking branded products at low rates, and if unlawful buying and selling is permitted to continue, it will hurt the economy and other traders who sell honestly by not selling illicit goods. According to the above-mentioned positive law, the buying and selling of imported old apparel falls under the list of activities banned by state laws, making the practice itself unlawful in Indonesia in accordance with Law

Number 7 of 2014 pertaining to Trade and Regulations. A continued ban on the import of previously owned clothing, as outlined in Ministerial Decree No. 51/M-DAG/PER/2015, has the potential to stifle economic activity across the country and the wider region.

Likewise, based on the author's interview with Mr. Kosim from the Haurgeulis sub-district staff who acts as a representative of the regional or local government. Mr. Kosim said that he was not aware of whether or not the sale and purchase of imported used clothing was illegal and that there were no people who had registered a trading business license related to the sale and purchase of imported used clothes, and that the sub-district as the local government had not yet regulated it. So, it can be concluded that the government does not understand and emphasize to the surrounding community so that the Bang Jack shop as one of the shops that trades imported used clothing can be said to have violated state regulations by not complying with local or local government regulations.

D. CONCLUSIONS

Absolute buying and selling include the business of importing and reselling already used garments at Bang Jack's shop, where both the retail and unit pricing methods, as well as some wholesale purchases, are utilized. The vendor used a code system to place orders for bales or sacks of clothing from wholesalers in the past. When haggling, the seller does not try to disguise the clothes' true state from the customer, and the latter is free to decide whether or not to proceed with the purchase. Cash or debt can be used as a payment method.

The practice of buying and selling at Bang Jack Haurgeulis' shop based on the pillars and conditions is in accordance with Islamic law. Then, based on the positive law, the sale and purchase of imported used clothing have violated state regulations as regulated in the Regulation of the Minister of Trade Number 51/M-DAG/PER/7/2015 and Law Number 7 of 2014 because it is detrimental to customs duties on the state.

REFERENCES:

Agustina, Hafifah. 2018. *"Perspektif Hukum Islam Tentang Jual Beli Pakaian Bekas"* (studi di pasar perumnas way halim bandar lampung). Lampung: Universitas Islam Negeri Raden Intan.

- Deviana, Latifah. (2021, Mei 14). wawancara dengan pembeli tetap pakaian bekas impor di toko Bang Jack. (Fitri, Interviewer)
- Dewi, Ni Made Indah Krisna. Ida Ayu Putu Widiati, I Nyoman Sutama. 2020. "Implikasi Penjualan Pakaian Bekas Impor bagi Konsumen di Kota Denpasar." *Jurnal Interpretasi Hukum*. Volume 1: 216-221.
- Diana, Ledy. 2019, November. Perdagangan Pakaian Bekas Impor Mengapa Masih Marak Terjadi? *Riau Law Journal*. Volume 3 No.2, 288. Retrieved 04 25, 2020
- Djuwaini, Dimyauddin. 2010. *Pengantar Fiqh Muamalah*. Yogyakarta: Pustaka Pelajar.
- Fathoni, Nur. 2013. Konsep Jual Beli Dalam Fatwa DSN-MUI. *Economica: Jurnal Pemikiran dan Penelitian Ekonomi Islam*. Volume 4: 60.
- Ghazaly, Abdul R. Ghufron Ihsan dan Sapiudin Shidiq. 2018. *Fiqh Muamalat*. Jakarta: Prenadamedia Group.
- Hasan, Ali. M. 2003. *Berbagai Macam Transaksi Dalam Islam (fiqh muamalat)*. Jakarta: Raja Grafindo Persada.
- Idri. 2017. *Hadis Ekonomi (Ekonomi Dalam Perspektif Hadis Nabi)*. Depok: Prenada Media Group.
- Ikit, H. Artiyanto, dan Muhammad Saleh. 2018. *Jual Beli dalam Perspektif Ekonomi Islam*. Yogyakarta: Penerbit Gava Media.
- Karimah, Nisa ul, dan Syafrizal. 2013. Motivasi Masyarakat Membeli Pakaian Bekas di Pasar Senapelan Pekanbaru. *Sosiologi Fakultas Ilmu Sosial dan Ilmu Politik Universitas Riau*, 11-12.
- Lestari. (2021, Mei 12). wawancara dengan penjual sekaligus pemilik toko Bang Jack. (Fitri, Interviewer)
- Marfu'ah. 2019. *Jual Beli Secara Benar*. Semarang: Mutiara Aksara.
- Rofik, Eka. Nur. 2020. "Transaksi Yang Diharamkan Dalam Islam". *Ngabari: Jurnal Studi Islam dan Sdsia*. Volume 3: 44-47.
- Rozalinda. 2017. *Ekonomi Islam (Teori dan Aplikasinya pada Aktivitas Ekonomi)*. Depok: PT RajaGrafindo Persada.
- Sofy. (2021, Mei 14). Wawancara dengan pembeli tetap pakaian bekas impor di toko Bang Jack. (Fitri, Interviewer)
- Suhendi, Hendi. 2007. *Fiqh Muamalat*. Jakarta: PT Raja Grafindo Persada.
- Suma, M. A. 2013. *Tafsir Ayat Ekonomi*. Jakarta: Paragonatama Jaya.
- Suryana, M. 2010. *Metodologi Penelitian Model Praktis Penelitian Kualitatif dan Kuantitatif*. Jakarta: Universitas Pendidikan Indonesia.
- Taryana. (2021, Mei 17). wawancara dengan pembeli tetap pakaian bekas impor di toko Bang Jack. (Fitri, Interviewer).