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BUYING AND SELLING IMPORTED USED CLOTHING ACCORDING TO SYAFI'IIYAH AND TRADE LAW NO 7 OF 2014

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ABSTRACTS

This research discusses a review of the buying and selling of imported used clothing from the perspective of the Imam Syafi'i School and Trade Law no. 7 of 2014, with a case study on the Slugstore Imported Used Clothing Store. The aim of this research is to analyze the suitability of the practice of buying and selling imported used clothing with the principles of Islamic law and trade regulations applicable in Indonesia. This research uses a qualitative method with a case study approach. Data collection techniques were carried out through interviews, observation and documentation studies. The research results show that from the perspective of the Imam Syafi'i School, buying and selling used clothes is permitted as long as the goods are clean, do not contain impurities, and do not cause harm to the buyer. However, based on Article 47 of Trade Law no. 7 of 2014, trade in imported used clothing is prohibited because it is considered to have the potential to harm domestic industry and have a negative impact on public health. The results of this research show that there are differences in views between Islamic law and state regulations regarding the trade in imported second-hand clothing. Therefore, a solution is needed that is able to accommodate sharia principles while supporting national trade policies.

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A. INTRODUCTION

The trade in imported used clothing has become a growing phenomenon in various countries, including Indonesia (Azzahra et al. 2025). People, especially those from the lower middle class, often choose imported used clothing because the prices are more affordable compared to new clothes. In addition to economic factors, fashion trends and product diversity are also a special attraction for consumers. However, the trade in imported used clothing raises various problems from the aspect of Islamic law and national trade regulations.

From an Islamic perspective, buying and selling transactions must meet the principles of halal and justice (Azzahra et al. 2025). The Imam Syafi'i school of thought discusses the provisions of a valid sale and purchase, where an item must be clean, pure, not contain any haram elements, and not cause harm to the buyer. The sale and purchase of used clothing is permitted as long as the item is still wearable and does not contain impurities that cannot be purified (As-Syirazi 1997).

On the other hand, the Indonesian government has issued regulations regarding the trade in imported used clothing through Law Number 7 of 2014 concerning Trade (Army 2023). Article 47 of this law strictly prohibits the import of used goods on the grounds of protecting domestic industry and preventing negative impacts on public health. This prohibition is reinforced through the Regulation of the Minister of Trade No. 51 of 2015 which emphasizes that the import of used clothing is prohibited in order to maintain the quality of goods circulating in the domestic market (Kementerian Perdagangan RI 2015).

In the context of the case study, the imported used clothing store Slugstore is an example of how the imported used clothing business continues to thrive despite restrictive regulations. Sellers at Slugstore obtain goods from abroad through certain channels that are often undetected in the official trade system. This phenomenon raises questions about the sustainability of the imported used clothing business in Indonesia and how the perspective of Islamic law and trade law views this practice.

A review of the practice of buying and selling imported used clothing is important to provide a more comprehensive understanding for the public. From the perspective of the Imam Syafi'i School, buying and selling used clothing is permitted as long as it does not conflict with the principles of cleanliness and utility. However, from the perspective of national regulations, the trade in imported used clothing is considered to be detrimental to the domestic textile industry and has health impacts that have not been fully studied academically (Hidayat 2019).

As global trade develops, a more flexible approach is needed to regulate the trade in imported used clothing. The government can consider more adaptive regulations by considering health aspects, the sustainability of the local textile industry, and consumer interests. From a sharia perspective, a more in-depth study of the legal status of imported used clothing in Islam is also needed so that people can transact more wisely and in accordance with sharia principles (Ahmad 2020). Transactions to purchase imported clothes in Indonesia have existed since the mid-1970s. Buying and selling activities in society have occurred since ancient times until now. Trading or buying and selling activities are closely related to human activities (Usnan 2019).

In the continuity of human life, buying and selling activities are carried out to get what they want. Buying and selling transactions in the Arabic dictionary are called *Al-bai'*. In terms, buying and selling is the activity of exchanging goods for goods, goods

for money and there is an agreement between the two. The existence of this transaction is the purpose of human life to obtain a life that meets expectations, namely happiness. (Istianah 2015) Thus, Allah created several rules in daily life, including in terms of trading or buying and selling, where the laws and conditions are already contained in the Qur'an, Al-Baqarah letter, verse 275 (Abdul Rahman 2012). The research conducted by Herlina in her book *Analysis of Islamic Law on the Trade of Imported Used Goods* (Herlina 2018) examines the trade of used goods from an Islamic law perspective and finds that although it is permitted in Islam, this trade can have a negative impact if the goods are not fit for use. The similarity between this research and the research conducted is that both examine the trade of used clothing from an Islamic perspective. The difference lies in the focus of this research which discusses further with a case study at the Slugstore store. Research conducted by Suryanto (2019) in his book *The Impact of the Trade of Used Goods on the National Economy* (Suryanto 2019) discusses the economic effects of the trade of imported used goods on the national textile industry. This research shows that the trade of imported used goods can weaken the domestic industry. The similarity to this research is the study of the economic impact. However, this research focuses more on national policy than from an Islamic law perspective.

Research conducted by Mulyadi (2020) in his book *International Trade Law in the Perspective of Islam and National Regulation* (Mulyadi 2020) examines international trade including used goods from a sharia perspective and positive law in Indonesia. The similarity with this study is the analysis of Islamic law and national regulations. However, this study discusses international trade more broadly, while this study focuses on a specific case at the Slugstore store. The research conducted by Rahman (2021) in his book *Secondhand Clothing Trade: Between Opportunities and Challenges* (Rahman 2021b) examines the social and economic aspects of the secondhand clothing trade and the challenges in implementing the policy of banning imports of secondhand clothing. The similarity of this study with the previous study is that both discuss regulatory aspects and socio-economic impacts. The difference is that this study raises the perspective of the Imam Syafi'i School in more depth in relation to Islamic law.

Established in 2014 in Bakan Lio Village, Jalan Raya Proklamasi RT23 RW09, Karyasari Village, Rengasdengklok District, Karawang Regency. Initially, this Slug Store was a place for hobbies only that only sold foreign band merchandise while imported secondhand clothing only sold a few items. However, over time in 2018 the demand for imported used clothing from consumers increased, so that in 2018 Slug Store only focused on imported used clothing. The prices offered also vary from 50,000 to 400,000 depending on the brand, type and condition of the clothing.

With this research, it is hoped that it can contribute to the development of science in the field of Islamic economics and trade law. This research is also expected to be a reference for the government in formulating more appropriate policies in regulating the trade of imported used clothing so that it is in accordance with Islamic principles and the legal provisions in force in Indonesia (Sulaiman 2021).

From the description above, the researcher wants to examine the research entitled buying and selling imported used clothing according to Syafi'iyah and Trade Law no. 7 of 2014.

B. METHOD

Research Approach

This study uses a qualitative field approach. This approach was chosen because the study aims to understand the phenomenon of buying and selling imported used clothing based on the perspective of the Imam Syafi'i School of Law and Trade Law No. 7 of 2014. Thus, this study seeks to dig up in-depth information about the buying and selling practices at the Slugstore imported used clothing store and understand the perspective of Islamic law and applicable laws and regulations in Indonesia.

Type of Research

The type of research used is a case study. Case studies allow researchers to trace and analyze in depth how the buying and selling of imported used clothing at Slugstore is carried out, as well as how this practice is related to the rules in the Imam Syafi'i School of Law and Trade Law No. 7 of 2014.

Location and Object of Research

This research was conducted at the Slugstore Imported Used Clothing Store. The objects of research include the process of buying and selling imported used clothing, including how to obtain goods, transaction mechanisms, business legality, and the views of owners and consumers on the legal and religious aspects of the activity.

Data Sources

The data sources in this study are divided into two, namely:

Primary Data, Data obtained directly from interviews with the owner, employees, and consumers of Slugstore, as well as direct observation of buying and selling practices in the store.

Secondary Data Data obtained from related literature, such as books of the Imam Syafi'i School, academic journals, Law No. 7 of 2014 on Trade, and regulations related to the trade of imported used clothing in Indonesia.

Data Collection Techniques

To obtain valid and reliable data, this study uses several data collection techniques, namely:

In-depth Interviews

Interviews were conducted directly with shop owners, employees, and consumers to gain a deeper understanding of the practice of buying and selling imported used clothing at Slugstore. This interview aims to explore the legal, ethical, and business practice aspects applied.

Field Observations

The researcher conducted direct observations at Slugstore to observe how the buying and selling transactions took place, the types of goods sold, and how the store responded to related regulations.

Documentation Study

The documentation study was conducted by examining various sources of Islamic law in the Imam Syafi'i School, fiqh books, laws and regulations, and government regulations related to the trade in imported used clothing.

Data Analysis Techniques

Data obtained from interviews, observations, and documentation were analyzed using descriptive-qualitative analysis methods. The steps in this analysis include:

Data Reduction

Filtering and selecting data that is relevant to the focus of the research. Data that does not match the scope of the research will be eliminated.

Data Presentation

The reduced data is then presented in the form of a narrative description to facilitate understanding of the practice of buying and selling imported used clothing at Slugstore.

Conclusion Drawing

After presenting the data, the researcher draws a conclusion regarding the suitability of the practice of buying and selling imported used clothing with the views of the Imam Syafi'i School and the regulations stipulated in Law No. 7 of 2014 on Trade.

Data Validity

To ensure the validity of the data in this study, several validation techniques were used, namely:

Source Triangulation, Data is compared from various sources, such as interviews with owners, employees, and consumers, and confirmed with Islamic law documentation and laws and regulations.

Method Triangulation Using more than one data collection technique, namely interviews, observations, and documentation studies.

Member Check, Interview results and research findings will be reconfirmed to respondents to ensure the accuracy of the data obtained.

Research Limitations

This study has several limitations, including:

The location of the study is limited to Slugstore so that the results of the study may not be generalized to all imported used clothing stores in Indonesia.

Focus on the Imam Syafi'i School of Law, so that the interpretation of Islamic law in other schools of law is not used as the main object of analysis.

Only refers to Law No. 7 of 2014 on Trade, without discussing other regulations that may be related to the trade in imported used clothing.

C. RESULT AND DISCUSSION

Buying and Selling Clothes According to the Syafi'i Mahdzab

Buying and selling is an important part of people's economic life (Aprianingsih et al. 2021). In Islam, these activities are clearly regulated so that they remain in accordance with sharia principles. One school of thought that is widely followed by

Muslims, especially in Indonesia, is the Syafi'i School. In the view of the Syafi'i School, buying and selling has certain conditions that must be fulfilled in order to be valid and blessed (Alwani and Pujiono 2022). This article will discuss the concept of buying and selling clothes according to the Syafi'i School, complete with arguments and reference sources from books in Indonesia.

In Islam, buying and selling is defined as the exchange of goods or services for a fee agreed upon by both parties. This is based on the words of Allah in the Qur'an: "Allah has permitted buying and selling and prohibited usury." (QS. Al-Baqarah: 275)

The Shafi'i school of thought stipulates that a sale and purchase transaction must meet the pillars and requirements in order to be valid under Islamic law. The pillars of a sale and purchase include the Seller and Buyer must be mature, sane, and have free will. The Goods Sold Must be pure, useful, and owned by the seller. The price or Reward Must be clear and agreed upon. Ijab and Qabul There must be a clear statement between the seller and the buyer (Asy-Syarbini 2010).

Clothing is a basic human need. Therefore, buying and selling clothes is one of the common transactions in society. In the Shafi'i School of Thought, there are several provisions that must be met in buying and selling clothes. The Halalness of Goods, Clothes that are traded must be pure and halal. For example, clothes made from haram materials (such as cloth from pigs) or exposed to filth may not be traded (Al-Mawardi 2005).

Clear Transactions. In the Shafi'i School of Thought, the sale and purchase agreement must be carried out clearly. The seller and buyer must state the agreement verbally or in writing to avoid gharar (uncertainty). This is based on the hadith of the Prophet: "Indeed, buying and selling must be done based on the willingness of both parties." (HR. Ibn Majah) (Nawawi al-Bantani 2013).

Honest and Fair Prices. In Islam, cheating in buying and selling is strictly prohibited. Clothing sellers must provide honest prices and in accordance with the quality of the goods being sold. In the book *Fiqh Manhaji*, it is stated that transactions containing elements of fraud can cancel the sale and purchase agreement (Mustafa Dibal-Bugha 2018).

In the Shafi'i school of thought, buying and selling is a valid contract if it meets the pillars and conditions specified in Islamic law. Buying and selling in Islam aims to create benefits and avoid elements of usury, gharar and injustice in transactions. Imam Syafi'i is of the opinion that the pillars of buying and selling consist of four things, namely the seller, the buyer, the goods being bought and sold, and the *sighat* (consent and qabul). These four pillars must be fulfilled so that transactions are considered valid according to Sharia (Al-Khathib Asy-Syarbini 2006).

According to Imam Syafi'i, the conditions for a valid sale and purchase include that both parties must be mature, be sensible, and carry out the transaction of their own free will without coercion. Apart from that, the goods being traded must be sacred, have benefits, can be handed over, and the quantity and nature are clearly known to both parties. In practice, buying and selling that contains elements of ambiguity (gharar) or fraud is prohibited because it can harm one of the parties. For example, selling goods that are not yet owned or cannot be delivered is an invalid form of sale and purchase according to Imam Syafi'i (As-Suyuthi 2003).

Imam Syafi'i also emphasized that the sale and purchase agreement must be carried out with clear words or with actions that show the consent of both parties. For

example, in a sale and purchase in the market, a buyer simply gives money and the seller gives the goods without having to explicitly say *ijab qabul*. This is because the community's habits in buying and selling already show the willingness between the seller and the buyer. However, in more complex sales and purchases, such as property sales or contracts involving valuables, the use of clear words is more important (Al-Mawardi 2002).

Regarding the payment system, Imam Syafi'i allows cash and credit transactions as long as they do not contain elements of usury. Payments with an installment system are also permitted, but the total amount to be paid and the time period must be clear so that there are no disputes in the future. In this case, buying and selling with the *ijarah* or leasing system can also be done as long as there is no element of fraud or injustice towards one of the parties (An-Nawawi 2010).

One form of buying and selling that is prohibited by Imam Syafi'i is *najasy* buying and selling, which is when someone raises the price of goods in a pretense so that other buyers are interested in buying at a higher price. In addition, buying and selling with the *gharar* system, such as buying and selling fish that are still in the water without being able to ascertain the quantity and condition, is also not allowed. This is because Islam teaches the principles of justice and honesty in economic transactions so that no party is harmed in the buying and selling agreement (Ibnu Hajar Al-Haitami 2015).

Thus, buying and selling in Imam Syafi'i's perspective is based on the principles of justice, clarity, and willingness between the two parties. Islam encourages its people to carry out transactions in a *halal* manner so that blessings can be obtained in every effort made. Therefore, understanding the rules of buying and selling in the Shafi'i school of thought is very important so as not to fall into practices that are prohibited by *sharia* (Al-Bajuri 2007).

Buying and Selling Clothes According to Trade Law Number 7 of 2014

Law Number 7 of 2014 concerning Trade was passed on March 11, 2014 as a legal basis for regulating various aspects of trade in Indonesia. This law aims to create legal certainty, increase competitiveness, and protect national interests in facing the dynamics of global trade. In this context, the Trade Law regulates domestic trade, foreign trade, border trade, standardization, trade through electronic systems, and trade protection and security (Undang-Undang Republik Indonesia 2014).

One of the main focuses of this law is the regulation of domestic trade. The government plays a role in maintaining price stability, the availability of basic and important goods, and supervising the distribution of goods. In addition, this law emphasizes the importance of developing micro, small, and medium enterprises (MSMEs) through partnerships and empowerment to increase competitiveness and contribution to the national economy (Badan Kebijakan Perdagangan 2023).

In terms of foreign trade, this law regulates export and import policies that aim to protect national interests and encourage increased exports. The government is given the authority to set export and import bans or restrictions to protect domestic industry, public health, national security, and the environment. In addition, this law also regulates international trade agreements that must pay attention to national interests and be carried out in accordance with applicable laws and regulations (Nurchahyo and Nugroho 2023).

The Trade Law also highlights the importance of standardizing goods and services to ensure the quality and safety of products circulating in the market. This standardization includes the establishment of Indonesian National Standards (SNI) which must be complied with by business actors. The government is tasked with supervising and enforcing the law against violations of established standards, including the withdrawal of products that do not meet standards from circulation (Yuanitasari and Muchtar 2018).

Trading through electronic systems or e-commerce is also regulated in this law. The government stipulates provisions related to business actors who utilize electronic platforms, including the obligation to provide correct and clear information about the products offered. In addition, consumer protection in electronic transactions is a primary concern, with an emphasis on the security of personal data and effective dispute resolution mechanisms (Wijaya 2023).

To protect business actors and consumers, this law regulates trade protection and security mechanisms. The government can take safeguard, anti-dumping, and compensatory measures against trade practices that are detrimental to domestic industries. In addition, supervision of the circulation of counterfeit, dangerous, or substandard goods is part of the protection efforts regulated in this law (Primadhany et al. 2024).

Overall, Law Number 7 of 2014 concerning Trade is a comprehensive legal framework that regulates various aspects of trade in Indonesia. With this law, it is hoped that a healthy, fair, and highly competitive trade climate will be created, and that it will be able to protect national interests in the era of globalization.

Buying and selling clothing is part of an economic activity that continues to grow along with the needs of the community (Aprilia, Soelistyo, and Ramadhan 2024). In Indonesian law, trade transactions, including buying and selling clothing, are regulated in Law Number 7 of 2014 concerning Trade. This law provides regulations regarding the rights and obligations of business actors and protection for consumers in buying and selling activities.

Trade Law Number 7 of 2014 stipulates that all trade activities must be carried out honestly, fairly, and based on the principle of transparency (Makhudah 2022). This principle aims to create a healthy and competitive trade ecosystem. In addition, business actors are prohibited from carrying out monopolistic practices or unfair business competition that can harm consumers and small businesses (Widodo 2018).

In the context of buying and selling clothing, there are several important provisions in Trade Law Number 7 of 2014, including:

Consumer Protection: Article 4 of this law regulates consumer rights, including obtaining quality goods and correct information about the products sold (Siregar 2019).

Business Licensing: Every business actor who trades clothing on a large scale is required to have a valid permit, as regulated in Article 24 of the law (Santoso 2020).

Prohibition of Illegal Clothing Trade: Article 51 of the law prohibits the trade of goods that do not meet health and safety standards, including imported used clothing that can have a negative impact on public health (Rahman 2021a).

For clothing business actors, compliance with these regulations is very important to avoid legal sanctions (Moammar Khadafi, Oti Handayani, and Widya Romasindah Aidya 2024). Article 106 of Law Number 7 of 2014 states that business actors who violate trade provisions can be subject to administrative sanctions in the form of fines or

revocation of business licenses. For example, in the case of illegal sales of imported clothing, business actors can be subject to sanctions in the form of confiscation of goods and fines of up to billions of rupiah (Kurniawan 2017).

The sale and purchase of clothing in Indonesia must follow the rules stated in Law Number 7 of 2014 on Trade. This regulation not only protects consumers from detrimental trade practices but also provides legal certainty for business actors. By understanding and implementing the provisions of this law, it is hoped that the clothing trade sector in Indonesia can develop healthily and sustainably.

Slugstore Used Clothing Store

Slugstore is a store that provides a variety of quality imported used clothing at affordable prices. Carrying the concept of a thrift shop, Slugstore presents a collection of fashion from various international brands that are still in good condition and suitable for use.

With the increasing trend of thrifting, Slugstore has become a favorite destination for fashion lovers who want to look stylish without having to spend a lot of money. This store offers various categories of clothing, ranging from jackets, t-shirts, pants, dresses, to other fashion accessories.

The main advantage of Slugstore lies in its strict product selection, ensuring that every item of clothing sold is of the best quality. In addition, this store also supports the concept of sustainable fashion by encouraging the reuse of used clothing to reduce textile waste.

Slugstore not only serves direct purchases in stores, but also through online platforms, allowing customers from various regions to easily get quality products. For those who want to find unique, quality, and pocket-friendly clothing, Slugstore is the right choice. With a collection that is constantly updated, customers can always find a style that suits the latest fashion trends.

The researcher spoke with the owner and seller at Slugstore, one of the stores that sells imported used clothing. The main source is the owner of the store who has been running this business for several years.

The seller explained that the clothes sold generally come from various countries and are obtained through large distributors. The items have gone through a selection process to ensure that the quality is still suitable for use before being resold to consumers. The prices of clothes at Slugstore vary depending on the brand, condition, and market trends. In the interview, the seller admitted that many customers are interested in buying imported used clothes because the prices are cheaper than new clothes. In addition, some customers are also looking for certain brands that are difficult to find in the local market. However, the seller is also aware that there are government regulations regarding the prohibition of importing used clothes which are a challenge for this business. From an Islamic law perspective, the seller admitted that he did not fully understand the law on buying and selling imported used clothes in the Imam Syafi'i School, but tried to run the business with the principle of honesty and transparency to customers.

Buying and Selling Imported Used Clothes According to Mahdzab Syafi'i

Judging from the Imam Syafi'i School of thought, it is clear that the buying and selling that takes place at the Slug Store imported used clothing shop is in accordance

with the pillars of conditions that refer to Imam Syafi'i's fatwa regarding buying and selling. As for used clothes, Imam Syafi'i explains in his fatwa that buying and selling is done whatever the type and form as long as the goods are pure and clean and are also beneficial for the buyer and seller and there is no coercion, then the buying and selling transactions are legal (Muchtar Wahyudi Pamungkas 2021)

In recent years, buying and selling used clothes has become increasingly popular in Indonesia. According to the Shafi'i School, buying and selling used clothes is permitted as long as it complies with the provisions of the Sharia. Clothes must be in good condition, clean and free from impurities.

However, in the context of regulations in Indonesia, imports of used clothing are prohibited by the government based on Trade Law no. 7 of 2014. Therefore, although in Islamic law the sale and purchase of used clothing is permitted, in practice it must still follow the regulations in force in each country (Wahbah Zuhaili 2011).

The sale and purchase of clothing in the Syafi'i School has clear provisions, starting from the permissibility of goods, clarity of the contract, to honesty in transactions. In addition, the practice of buying and selling used clothing is also permitted as long as it does not violate Islamic rules and state law. Therefore, Muslims in Indonesia should understand the principles of buying and selling in accordance with sharia so that the transactions carried out are valid and bring blessings

Buying and Selling Imported Used Clothing According to the UUP

Reviewed from the Trade Law no. 7 of 2014 In trading clothes. The sellers at the Slug Store shop transact by offering goods to buyers and informing them of the type of model of the goods, and informing them if there are defects in the imported used clothing (Iasha 2021).

The imported used clothing sold at the Slug Store is all clean. Because the goods do not come from sacks or bales but come from individuals where the clothes are no longer used but the condition of the clothes is still suitable for use. The transactions carried out have also met the requirements, namely in accordance with the concepts of fiqh and sharia (Asaruddin Akbar dkk 2021).

However, when viewed from the perspective of the law on the sale of used clothing, the Slug Store used clothing store can add to its merchandise by selling new goods. The buying and selling practices that occur at the Slug Store used clothing store are:

Consisting of two sellers and one owner in the store. The Slug Store sells imported used clothing that comes from individuals, not from bales.

The buying and selling process that occurs at the Slug Store objectively meets the sharia where the agreement and pillars of buying and selling carried out at the Slug Store are in accordance with Islamic law and the Imam Syafi'i School of Law. The majority of the buyers and sellers at the Slug Store are adults or puberty, because what is sold at the Slug Store is indeed for adult consumption, namely those aged 15-40 years.

The seller gives the buyer the freedom to choose the clothes they like without any coercion and is happy to provide an explanation to prospective buyers about the items they ask about. Such as size, materials used and the price of the item. The Slug Store sells clothing that is permitted and in accordance with Islamic law. The items sold are clothes that function to cover the genitals, such as shirts, trousers and hats. The

sellers at the Slug Store used clothing store do not require buyers to buy goods at their store. In other words, there is no element of coercion. (Asaruddin Akbar et al. 2021)

D. CONCLUSION

Based on the research that has been conducted, it can be concluded that the sale and purchase of imported used clothing at Slugstore is halal according to the Imam Syafi'i School because it meets the requirements for valid sales in Islam, namely the presence of a seller and a buyer, the goods being traded are clear, the agreed price, and a valid contract. In addition, according to Law No. 7 of 2014 on Trade, although the trade in imported used clothing has strict regulations, Slugstore can run its business while still paying attention to applicable business permits and import policies. Therefore, based on this research, no violations of sharia or positive law were found that could invalidate the validity of the sale and purchase of imported used clothing at Slugstore.

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