

The Phenomenon of Thrifting in State Law and Islamic Economic Perspective: A Business of Second Branded Fashion Trends for Young People

Tira Nur Fitria^{1*)}, Indra Lila Kusuma²⁾, Sumadi³⁾

^{1,2,3} Institut Teknologi Bisnis AAS Indonesia

Email correspondence: tiranurfitria@gmail.com

Abstract

The trend of thrifting phenomenon is increased due to the pandemic as an alternative to make it business. The objective of this research is to explain the phenomenon of thrifting in State Law and Islamic Economic perspective toward a thrift business for young people. This research uses library research. The result shows that based on State Law, Minister of Trade Regulation Article 2 states that used clothes are prohibited from being imported into the territory of the Republic of Indonesia, and Article 3 states that used clothes that arrive in the territory of the Republic of Indonesia on or after the date of this Ministerial Regulation valid, it must be destroyed based on the provisions of the regulations legislation. The import policy as regulated in the Regulation Minister of Trade Number 51/M-DAG/PER/7/2015 about fencing national interest, protecting and encouraging the use of production domestically, and creating trade and domestic markets that healthy and conducive business climate. Besides, the Minister of Commerce has regulated that goods imported must be in a new condition as stated in Regulation Number 54/M-DAG/PER/10/2009 in Article 6 paragraph (1) that imported goods are in new condition and Article 6 paragraph (2) that in certain cases, the Minister may determine which goods imported in a non-new condition based on the Regulations legislation, the Authority of the Minister, and/or Proposals or technical considerations from other government agencies. While, based on the Islamic Economics perspective as listed on Fatwa of DSN MUI NO: 110/DSN-MUI/IX/2017 concerning buying and selling, the system must not contain elements of gharar (objects of goods that are not clear and can cause losses), khiyar 'aib (defects in the object of goods). In carrying out the sale and purchase contract related to the guidelines of Islamic rule both in Qur'an and Hadits. Some principles of buying and selling in Islamic Economics follow the mandate from Allah SWT to humans' benefit. Muslim as seller and buyer must control himself from things related to gharar (uncertainty elements), haram, and syubhat (the element of doubt).

Keywords: *thrift, thrifting, second-branded, fashion*

Citation suggestions: Fitria, T. N., Kusuma, I. L., & Sumadi. (2022). The Phenomenon of Thrifting in State Law and Islamic Economic Perspective: A Business of Second Branded Fashion Trends for Young People. *Jurnal Ilmiah Ekonomi Islam*, 8(03), 2423-2433. doi: <http://dx.doi.org/10.29040/jiei.v8i3.4511>

DOI: <http://dx.doi.org/10.29040/jiei.v8i3.4511>

1. INTRODUCTION

An individual must have needs, but this need cannot be fulfilled by itself. Someone for sure needs something or someone else to fulfill it. Needs an individual is also diverse, so sometimes nature can't even fulfill it. Therefore, an idea was obtained for humans to produce a product to meet human needs other. Therefore, with the needs that must be met, it becomes an impetus for someone to shop. Shopping activities are buying and selling activity that requires a product and a medium of exchange payment. This

shopping activity can also happen because it is planned and some are unplanned.

Shopping activities that if done often can already be called style life. Shopping orientation is a special part of the lifestyle and can be reflected in the various activities, interests, and opinions expressed related to the shopping behavior of each individual. Shopping activities as a lifestyle are also very closely related to shopping in contemporary society, especially youth. Because teenagers are still very easily influenced by the environment to do something. Therefore, can be stated that shopping orientation can also be referred to

as part of shopping lifestyle, it can also describe the desire and individual totality when doing shopping activities. Lifestyle is closely related to each individual. Lifestyle is a reflection or self-reflection of a person that gives rise to his identity, everyone has a different lifestyle from one to another other. From these differences, it can be shown how each character has different identities. The lifestyle of each subject can be concerned with shopping patterns and social patterns. These are factors that affect the individual which is reflected in daily habits, interactions with other people, and preferences in a case. One example of lifestyle is fashion.

On the other hand, the rapid development of fashion among young people to shop. To fulfill a lifestyle that fits their identity, each individual must look for the best way to achieve it following each other's abilities. Some individuals are of the view that style "dressing" is a lifestyle, but some individuals are not able to meet this lifestyle because at this time the price of clothes is quite expensive. Therefore, some individuals are also interested to shop cheap but still up-to-date to meet their lifestyle.

The way to shop cheaply but even then is with shopping for used clothes. In a study, it was found that the sale of used clothing has created a cultural pattern, which then has an impact on the people around him so that the phenomenon of the purchase of used clothes has a use-value for the community, especially young people who have a modern lifestyle. The existence of today's fashion trends has entered the ideology of some young people users or consumers of used clothes so that making fashion is as a teenager's lifestyle. It is usually done to communicate identity because used clothes can also have non-verbal communication to convey meaning and values through the people who use them. That way, just like new clothes, used clothes can too become a communicative aspect that can be used as a symbol for reading the status of a subject or also as a reflection of culture. Behavior this can occur due to the psychological condition of adolescents who are still easily influenced by the environment or impulses that exist in themselves, so that not a few of these behaviors carried over into adulthood. Many young people are aware that to keep up with fashion developments, the newest one requires no small amount of money or capital. Mode switching that relatively fast and unpredictable, making some teenagers end up looking for shortcuts or other ways

to meet the fashion development, namely by how to do this thrift shopping.

In modern times like today, lifestyle is like a demand, especially more demands of life in big cities. Especially with more the development of the fashion industry at this time which is making conversation in the wider community to always be up-to-date with current fashions. Amount Foreign brands that have sprung up at high prices do not make fashion lovers stop, even it makes the fashion lovers are competing to look better than the others. Some are even willing to set aside a lot of money to meet their appearance needs. To look modern, especially in some teenagers is a trend that must be followed, but not all teenagers and even the public can meet and follow fashion trends which are always changing. Therefore, some people are looking for ways to always looks cool and fashionable but with minimal capital.

Fashion has become one of the top priorities in people's lifestyles adapting to trends that continue to grow, of course, fashion style has expected value individually. Individuals can be judged by the way a person dresses, while the function of clothing which are used as a form of nonverbal communication and are self-values that distinguish one individual from another (Evelina & Wibisono, 2021).

Thrifting has become so popular (Dybec, 2017). We are certainly familiar with the name "thriftling". Many people, especially young people, refer to thrift as secondhand or secondhand goods. The goods sold in the thrift shop are usually secondhand but are still very suitable for use. But it is thrifting so popular and a trend that it has even become one of the fields of business for young people. Thrifting is very popular and is followed by many teenagers so it is known as popular culture. The habit of hunting for used clothes, or what is commonly called thrift shopping, has become a popular phenomenon, especially among young people.

Initially, this thrifting activity began to be loved to save expenses for the need to buy clothes. It is not uncommon for people to find used clothes with well-known brands that are still very suitable for use, but at quite lopsided prices. Therefore, not a few also see business opportunities from this thrifting activity. Many deliberately hunt used clothes for resale in online shops. The thrifting clothes were rebranded and beautified, so they could be resold at a certain price or even cheaper.

Several people are indulging in the activity of buying used clothes which are resold in the market or known as thrifting. Thrifting is the act of buying used goods that are still suitable for use to save costs and help the ecology by reducing textile waste. In addition, thrifting activities are also a business opportunity during this corona pandemic. Some people sell at kiosks, on the roadside, and even venture into online shops or online shops. The trend of buying used clothes or what is now known as the thrifting phenomenon is booming again. The reduced income of the community due to the pandemic has made the thrifting trend an alternative to save expenses. In addition to a lower price, thrifting can also help reduce textile waste in this case it can have a positive impact on the environment.

Rahmawati (2021) states that consumers' motives for buying used clothes from the Online Thrift Shop are based on price, unique clothes, and limited edition clothes. Consumers' actions after buying used clothes from the Online Thrift Shop are interested in buying more clothes with satisfactory results. The meaning of consumers after using used clothes Online Thrift Shop likes vintage style and according to expectations.

Based on the above background, the author chooses to raise the theme of buying and selling used clothes which is more focused on the Islamic Economic. The author is interested in discussing more continued in a study entitled "Phenomenon of Thrifting in State Law and Islamic Economic Perspective: A Business of Second Branded Fashion Trends for Young People". Therefore the objective of this research is to explain the phenomenon of thrifting in State Law and Islamic Economic perspective: a business of second branded fashion trends for young people.

2. METHOD

This research applies library research. The research method used is descriptive research with library research studies (library research). In this study, the author uses descriptive research with more emphasis on the strength of the analysis of existing sources and data by relying on existing theories and concepts to be interpreted based on the writings that lead to the discussion. This collecting method use document. Information can also be obtained through facts stored in the form of letters, diaries, photo archives, meeting results, souvenirs, activity journals, and so on. Data in the form of documents like this can

be used to explore information that occurred in the past (Rahardjo, 2011).

The methods of data analysis in this study are: The data obtained are adjusted with other supporting data to reveal the problem appropriately. The data collected after being described is then discussed or compared with the results of other studies. The data obtained is then focused on the focal point study.

3. FINDINGS AND DISCUSSION

3.1. Brief History of Thrifting

The thrifting activity is not a trend that has only occurred 1-2 years ago, if sorted from the first time this culture emerged, it might go back to 1 century ago when the industrial revolution occurred. The long history of this thrifting culture dates back to the 18th century until the early 19th century when the industrial revolution allowed clothes to be mass-produced. At that time, the price of clothes became so cheap that people's perspective on clothes changed to disposable goods (one use and then throw away). This has the effect of drastically increasing the waste of used clothing because clothing is one of the wastes that are difficult to decompose. America's massive economic crisis in the 1920s left many of its citizens out of work. This also has an impact on the inability to buy new clothes, so most of them are getting used to buying used clothes.

Industrial Revolution and Mass Production (1760 – 1840). The industrial revolution of the 19th century introduced mass-production of clothing that changed the perspective of society at that time about the world of fashion. At that time clothes were very cheap so people think that clothes are disposable items (one-time use, throw away). It directs society to become very consumptive and goods that are discarded accumulate. Usually, this second-hand used by immigrants.

The Great Depression and the Rise of Thrift Stores (the 1920s). During the Great Depression, a massive crisis occurred in America, many people are out of work, and the stock market is falling New York stock became his "gong" at the time. Public back then couldn't even buy clothes new, so they choose an alternative to shopping at a thrift shop. As for the affluent, this place is used for donations. At this time the thrift store is categorized as a department store. Back then Goodwill Industries was wrong one of America's largest thrift shops with a stock of clothing and homewares ready to supply over 1000 households.

This movement succeeded in changing the “junk shops” stigma to “a different approach to charity”.

Kurt Cobain: A Symbolism (1990s). The 90s were indeed the era where Grunge was at its peak, where Kurt Cobain was a role model for every teenager at that time. Together with the wife (Courtney Love), Kurt indirectly promotes “thrifting style” with his identical style with ripped jeans, shirts, and plenty of layering. Sometimes also use a t-shirt or shirt that has holes in it perforated. Then, to achieve the desired style, to look for stuff like that have to go to the thrift shop, because retail at that time did not sell anything like that.

The New Wave of Thrifting (the 2000s), Based on data released by IBISWorld, currently thrift store is part of a huge industry worth up to \$14.4 billion. The reality that happened in Indonesia may not have been counted how much is the value of this industry, but what is real is felt is the emergence of online and offline thrift shops sporadic that poisons millennials. This industry is also getting in Indonesia is marked by the rise of millennials who are starting to proud to use second hand

3.2. Thrifting

Linguistically, the word Thrift itself is taken from the word thrive, which means to develop or progress. While the words thrifty itself can be interpreted as a way to use money and other goods properly and efficiently. It can also be interpreted that thrifting is an activity to buy used goods (USS Feed, 2019). However, this activity is not just buying used goods, but what about personal satisfaction if you can get cool or rare items at half the price or cheaper. The perpetrators must enjoy every process.

The word Thrift Shopping itself is a word that comes from English, for the word 'Thrift' even then has the meaning of an activity that minimizes or reduces waste or what is simply called saving finance. Meanwhile, 'Shopping' is an activity to buy goods. So thrift shopping is an activity or method of shopping that aims for savings so that the costs incurred for shopping out are as little as possible. Items sold in the thrift shop are usually are secondhand or used goods, but they are still very suitable for use.

The term 'Thrift Shopping' is a modern term from the word second-hand goods or clothes. Used clothes are clothes that have been used before. Usually, these used clothes are imported from outside countries, namely from Korea, Malaysia, Singapore, and many more. A thrift shop is a shop or seller that specializes

in selling used clothes whose clothes are mostly clothes that have been worn but inside there are also branded used clothes and still very good to use, usually the items in this thrift shop imported from abroad. In the thrift shop itself, the goods sold are branded goods, such as shirts, pants, skirts, jackets, dresses, shirts, shoes, even bags. But there is also a thrift shop that only sells clothes, but not few also sell with other goods. Even the price is still quite expensive for the scale of the goods used.

3.3. Negative Aspect of Thrifting

The negative impact caused by consuming clothes former originating from abroad, based on the Ministerial Regulation the trades are as follows:

The number of bacteria that are detrimental to health. Secondhand clothes are clothes that have been worn by someone else earlier, it was unclear how his condition was freed or whether or not from disease, then the goods are imported from outside country and piled up with other used clothes in one container. Without proper hygiene, used clothes are gone must contain many diseases that can spread and even do not rule out the possibility of spreading other diseases that may be difficult to diagnose.

Secondhand clothes lead to industrial layoffs Textile. Two protection instruments should be considered government. First, pre-market protection, namely inspection products before entering the market, must go through a standardization process. Second, post-market control, after the goods enter the market, the control mechanism should still work. If an item that circulated does not follow the standards that have been set then the goods must be withdrawn from the market. If the control mechanism good thing the government can guarantee that the goods circulating in the market are sterile from materials that are harmful to public health.

Influencing domestic industry. The raids made by the people to buy clothes the former that comes from abroad is not only a deficit problem balance of trade alone, but this proves the weak competitiveness of the domestic industry. One of the industries that hit because of the import of used clothing is the Garment industry. The Garment Industry is an industry that produces apparel and clothing fittings.

Used clothing imported from abroad includes items that are also illegal. Even though the sellers are looking for sustenance in a halal way because it does not hide the defects or disgrace contained in the clothes, how to get these used clothes that not justified

because the clothes are imported to within the territory of the Unitary State of the Republic of Indonesia utilizing which is illegal and has been banned from circulation by the government Indonesia. These used clothes are imported from the outside country by entering small ports that are not through local government permits. However, with the coastal area Indonesia is so vast, the supervision carried out by the government is not optimal, so used clothes are illegal to become free to enter the territory of the Republic of Indonesia.

3.4. Positive Aspect of Thrifting

We return to the discussion about the trend of thrifting branded goods from abroad. Apart from the various problems that arise and the various negative aspects (for example illegal imports, health factors, and environmental issues), this thrifting phenomenon reveals several positive aspects that need attention and can be an important lesson for all of us.

First, awareness about globalization. The currents of globalization have made it possible for anything that originates from one area in another part of the world to be found in another unexpectedly. Used clothes are one of the favorite items that are sought after and can be resold. The ease of internet access to directly check the authenticity of the product to the manufacturer has raised the level of used goods as a 'product' of globalization. In addition, imported used goods indirectly encourage awareness about globalization by getting to know the world's cities. Second, awareness of global brands.

As a 'product' of globalization, certain branded used clothes have certain selling points as well. Especially when the item is an exclusive product at that time, for example only produced in certain quantities or only produced at certain events. Many global brands are already very popular. Buying and using the brand's second-hand goods will elevate his status within his community. Not a few people want to have it only with the consideration of a globally popular brand. Third, be aware of the quality of branded goods. Thrift shopping is the best alternative for millennials to get quality goods in large quantities at minimal prices. Thrift shop items are sometimes unique and rare. The quality of the materials plus the global brand plus the uniqueness of course adds to the passion for hunting second-hand goods. Fourth, be aware and understand the price of branded goods. Through second-hand imported goods with global

brands, people can learn about prices for certain goods under certain brands.

In this way, the selling price of thrifting goods is of course much cheaper than the original price. In certain products, such as branded bags, a bag rental business appears for wealthy people who 'cannot afford to buy special branded bags. Their desire to bring the bag to a certain event has opened a rental business opportunity. In used clothing products, this price knowledge can prevent us from buying used goods at high prices. The value or price of used goods for clothes with bags or cameras is of course different.

By realizing and understanding some of the positive aspects of this phenomenon of thrift goods, then we do not necessarily respond negatively or view this phenomenon as something scary. This understanding of used goods allows us to respond more objectively. Just as globalization does not always have a bad impact, so do second-hand goods that move between countries through globalization channels. Globalization with the freedom to cross borders between countries has made it possible for used goods to move from one place to another easily.

The four important lessons show the many positive opportunities that can be created from the thrifting phenomenon. Indonesian people have a choice in choosing imported clothes, namely new or used. Both choices have their respective consequences that should have been realized. During the current pandemic, the phenomenon of imported and branded used goods can be a prospective new business area.

3.5. Phenomenon of Thrifting

Using thrift is a trend among people. Thrift shops are much sought after by young people who are hunting for used clothes for personal use, even reselling them at a higher price than buying them directly at the market. Hunting for used clothes is known as thrifting. As the name implies, thrift is a way of saving or using money by avoiding waste. This is the reason for young people to buy used goods or clothes. Currently, many sell used clothing. They sell at kiosks, on the roadside, and even open their shops online through available marketplaces to make their sales easier. Then, why has the business of selling used goods and clothing can become a trending business today?

At this time, thrift shopping activities are being carried out as well as being discussed. This phenomenon is more crowded than the thrift shop phenomenon that has ever happened first. Now this

phenomenon can be analogized as a lifestyle, especially for today's teenagers who want to look cool but with low spending. This Thrift Shop is also now even entering online social media. Selling activity buying it has now penetrated the virtual world. Not a few sellers online are selling at a price that is much more expensive than the price of the original. But indeed the price is following the quality obtained because the goods online must have been washed and selected with good quality by the seller.

In everyday life, fashion or lifestyle becomes a part that cannot be separated from the appearance and style of a person's daily life. Things like clothes and accessories that are worn are not just a body cover and decoration. Clothes are also a tool for communication to convey personal identity, more than clothing second-hand becomes very unique because the clothes have no twins or nothing the same as other clothes that are usually sold in stores in general. Because used clothes are imported from abroad, the quality used clothes are certainly better than domestic products, brands that are offered is also very diverse and very well-known and the price is far cheaper than the price of the original and new clothes. Thrift or Import Clothes-branded is always synonymous with good quality and relatively expensive, however, with the sale of these used clothes, every individual can get quality branded clothes at lower prices.

Fashion is a style of dress and make-up that is popular and following the times (Saputro, 2018). Fashions are objects and attributes that are used by humans to identify a person in particular and his social group as a unit of himself or a statement of one's self-image and personality. People, in general, have different purchasing power from one another in terms of fulfilling the fashion attributes they need. Indeed, everyone's needs are different from one another. Thrift Store is one of the choices that many people choose. The market segmentation they market so that the quality of the goods they offer is not inferior to new goods in general. Currently used clothing is not only a commodity that is underestimated, but has its value for the audience.

A person's lifestyle can be known from what that person likes. Usually, a lifestyle appears in a certain group that has characteristics or living arrangements that are relatively the same in each of them the person. Likewise, with the shopping lifestyle, shopping lifestyle usually arises from external and internal factors. These factors can vary differently depending

on each individual. A person's interest in lifestyle is also inseparable from the growing fashion trend.

During the economic recession and the aftermath of the Covid-19 pandemic, the boom in buying used clothes (back) among young people or thrifting has become an interesting phenomenon. Thrifting is the behavior of a person carrying out the activities of buying and selling used or secondhand goods at prices far below the normal price, including branded goods from abroad or imports. Although this phenomenon is becoming a trend among millennials at the moment, the pleasure of second-hand goods is not something new. Historical review of the phenomenon can be traced to the end of the 20th century. Meanwhile, the dynamics of the economic aspect and its popularity as part of a lifestyle have made it a business field.

Recently, there have been many online shops that have expanded their business to trade imported used clothes or knick-knacks, which are now known as thrifts. The thrift business has existed in the community for a long time, but recently it has begun to be crowded in the market among young Indonesians. There are special thrift exhibitions in various regions in Indonesia. Thrift is an English word that can be interpreted as saving, saving, frugal in using goods. The essence and meaning of the word thrift itself are as an alternative route to enjoy goods that are marketed at high prices by buying them in used or used conditions. The thrift shop phenomenon in Indonesia is also starting to grow rapidly due to the boost from social media, lots of influencers, or public figures who are not shy about showing that the clothes they wear are used goods.

In Indonesia, the thrift shop culture is also developing. The culture spread rapidly to various regions. Even the thrift shop has a different designation in each region. Uniquely, several cities in Indonesia have their designations for the word thrift, for example in Balikpapan the word thrift is familiarly called claw, in Medan, it is called *monja*, in Solo and Jogja it is called *awul-awul*, and in Sulawesi thrift is often referred to as *cakaran* which stands for *cap karung*. Like the Bandung people who call it "cimol" or "awul-awul" for some people in East Java and West Java. On the other hand, among the Hitaanites (North Tapanuli), thrift shops are known as "burjer". In terms of business, the thrift shop business initially developed in the coastal areas of Indonesia. Areas bordering neighboring countries, such as Sumatra, Batam, Kalimantan, and Sulawesi are the entry points for

imports of used clothing. Increasingly, the second-hand imported clothing business is expanding to the island of Java. All sold with the frills "imported goods" rather than labeling their wares with "used goods". Unlike the UK or the US, in Indonesia, buying used goods is an insult to their prestige.

Not only in the market, now many Indonesian people do thrift business and have started selling thrift clothes on Instagram, Shopee, Lazada, and other social media, by choosing clothes with good and attractive models, but the seller will also usually wash and iron the clothes first so that when we buy, they are already in good condition. worthy of use. Even though the prices offered are also more expensive and non-negotiable like traders in the market, the fans of thrift clothing on online platforms are also not lonely. Buying a thrift itself is sometimes underestimated because it looks like you can't afford it, but it turns out that there is a sensation of satisfaction in being able to have an imported item at a price cheaper than the market. How the enthusiasm of the community does not increase, branded clothes whose prices can reach hundreds or even millions of rupiah can be obtained at much cheaper prices. Nowadays, young people in Indonesia are also starting to do activities that have been busy lately. Content regarding thrifting has also begun to be seen in several mass media such as Facebook, Instagram, Reels, Youtube, Tik Tok, and other social media. The uploaded content also varies from showing the results of hunting for thrift goods, mix and match clothes, to telling the location of thrifting in each city. Not

3.6. Thrifting in the Regulation of the Minister of Trade

"Customs" is everything related to supervision over the passing of goods, whether goods enter or exit, and a customs area, including a collection of duties in and out. Violation of customs law does not include extraordinary crimes. However, the impact of the violation can threaten the stability of the economy and even the joints' social, national, and state life (Suprpto, 2021).

As an example, the entry of used clothes is illegal. The government does not prohibit the import of used clothing. But, importing clothes illegal former turned out to have an impact on various aspects. First, cheap branded second-hand clothes that are included and traded in Indonesia illegally, turn out to be threatening the sustainability of the textile and garment industry. Because, just because of prestige, people who have

mediocre pockets tend to choose clothes branded at low prices even though used, rather than clothes new unbranded. If the trend is getting more massive, production of the textile and garment industry will become unsold and factories will be threatened to close. In turn, the unemployment rate will rise and the welfare of society is decreasing.

From the health side, underwear, clothes, jackets, to mattresses and used blankets, can also have a bad impact on public health. Because, based on various health tests, the used goods are can contain a lot of bacteria. It's not just an economic problem and benefits, the import of secondhand clothes will also be a pain Indonesia has a stigma as a recipient country and even countries using "trash" used clothing and other countries. Of course, this will have an impact on the fall in the price of self and the dignity of the nation in international eyes.

Based on Peraturan Menteri Perdagangan (2015), Article 2 states that used clothes are prohibited from being imported into the territory of the Unitary State of the Republic of Indonesia, and Article 3 states that used clothes that arrive in the territory of the State Unitary Republic of Indonesia on or after the date of this Ministerial Regulation valid, it must be destroyed following the provisions of the regulations legislation. The role of trade is very important in increasing economic development, but in its development, it has not met the needs to face the challenges of national development so that it is necessarily political and economic alignments that provide more support, opportunities, and community economic development which includes cooperatives, as well as micro, small and medium enterprises as the main pillars national economic development.

The purpose of the import policy as regulated in the Regulation Minister of Trade Number 51/M-DAG/PER/7/2015, namely, fencing national interest, protecting and encouraging the use of production domestically, and creating trade and domestic markets that healthy and conducive business climate. In addition, the Minister of Commerce has regulated that goods imported must be in a new condition, this is as stated in the Regulation Number 54/M-DAG/PER/10/2009 concerning General Provisions in Import Sector as stated in Article 6 paragraph (1) which reads, "Imported goods are in new condition" and in Article 6 paragraph (2) which reads, "In certain cases, the Minister may determine which goods imported in a non-new condition based on the

Regulations legislation, the Authority of the Minister, and/or Proposals or technical considerations from other government agencies.

Based on the above provisions, the used clothes that enter or arrive in the territory of the Unitary State of the Republic of Indonesia on or after the date this Ministerial Regulation comes into force must be in a new condition, but in reality, this is not done by the importers, they trade the clothes in a used condition and unworthy quality. This indicates the aspect of law enforcement still weak or regulations governing import bans used clothes as stated in the Ministerial Regulation above is still not effective.

3.7. Thrifting in Islamic Economic Perspective

In buying and selling used clothes, both retail and wholesale, sellers and buyers must know each other about the object being traded, so that neither party feels disadvantaged. The seller should explain in detail the quality and the number of goods sold and bought to the buyer who later Buyer can weigh the pros and cons. Because getting information regarding the object of sale and purchase is the right of the consumer and becomes the obligation of a trader. When used clothes are purchased by consumers some defects or sizes do not match the wishes of the buyer then the used clothes cannot be returned or exchanged to the seller. This is considered unfair because in buying and selling clothes used with a wholesale system the buyers are not allowed to choose or not know the condition of the item, therefore there must be *khimar* in buying and selling. The buyer must be smart in choosing the clothes to be purchased, where the buyer is must see the quality of an item so as not to feel harmed by what he/she had bought. Several previous studies have been conducted related to Islamic Economics and Islamic Law about the thrift phenomenon in Indonesia.

Mashud (2011), states that in the research that a review of Islamic law is considered permissible because the sale and purchase do not contain an element of *gharar* (fraud), there is an element of willingness between the two parties to be realized in the form of receiving and giving, and does not cause conflict, even though there are conditions that are visible in buying and selling in sacks. Unfulfilled contracts such as buying and selling goods that were not known before the contract. However, this does not make a significant reason so that it has legal consequences because the goods purchased are not

only the buyer who does not know but also the seller does not know.

Rohani (2013) states that the practice of buying and selling used clothes in sacks (*bal-balan*) at Senapelan Market Pekanbaru is carried out between used clothing traders and agents, then traders sell used clothes in retail or units. Agents get used clothes from distributors and distributors get these clothes from manufacturers/suppliers of goods or first hand. Traders buy used clothes from agents by ordering used clothes from agents in sacks (*bal-balan*). This order is with a code system and only through a code system so the state of the clothes cannot be known. Goods coming from Tembilahan are delivered by an employee in charge of ii delivering used clothes to a merchant's kiosk at Senapelan Market. By trading secondhand clothes, in addition to traders experiencing an increase in income, traders can meet their daily needs and can send their children to college. And in terms of the implementation of this sale and purchase in Islam, it is permissible because by selling used clothes traders can improve their economic condition. And in terms of Law no. 10 of 1995, Article 102, the sale and purchase of used clothes is allowed because the goods are not included in the smuggling category.

Azzarqa & Istianah (2015) state that based on the normative approach of Islamic law both from the Qur'an and hadith as mentioned in the previous discussion regarding the practice of buying and selling used clothes at Beringharjo Market using a wholesale system that is not following the provisions of Islamic law, especially in the field of *muamalah*, because of the uncertainty of clothing. A second hand that is traded, encourages speculation and is included in the element of fraud.

Awaluddin (2018) states that the practice of buying and selling used clothes in sacks is carried out between used clothing traders and agents, then traders sell used clothes in retail or units. Traders buy used clothes from agents by ordering used clothes from agents in sacks. This order is with a code system and only through a code system so the state of the clothes cannot be known. The buying and selling system at the Makassar claw wholesale market contains elements that are prohibited in Islam, namely *Tadlis* and *Gharar* elements because traders at the Makassar Borong claw market in making transactions to purchase used clothes they cannot find out the contents of the goods in the sacks that he ordered to the agent, thus causing

an element of confusion. It is not clear what's in the sack

Agustina (2018) states that based on the practice of buying and selling clothes, used in Perumnas Way Halim Market, Bandar Lampung seen from the side of the view Islamic law in terms of the subject of this sale and purchase is valid because it has fulfilled pillars and conditions in *mu'amalah*, but it is canceled in terms of the object because buying and selling is illegal, although it is still relatively safe to use in everyday life by shoppers, still banned because it fits with the regulation of the Minister of Trade regarding the prohibition on the import of used clothing which can cause losses for buyers because it can cause various diseases, and can harm the domestic industry.

Sudin (2019) states that the sale and purchase of used clothes at the Palopo Commercial Center is carried out between distributors and buyers of used clothing. Every shipment of goods is listed with a code for any goods which means that these goods come from various areas such as PB is clothing imported from Korea, Hong Yang namely clothing imported from China, Olan is clothing that is imported from Japan. The price per bale depends on the type of clothing in it can be obtained for 1000-40,000's only. Buy and sell clothes used in the Palopo Commercial Center (PNP) is allowed because there are no elements that are detrimental to one of the parties and are also following the Islamic economic perspective.

Aviecin (2021) states that purchasing and selling secondhand clothing (thrift) with international labels is lawful in Malang. This is based on observations that show that no one has developed skin illness as a result of the secondhand garments being sold, even though, according to legal conceptions, the activity of purchasing and selling thrift clothes in Indonesia is forbidden. However, it is appropriate, as shown from UUPK article 8 paragraphs (2) on the practice of buying and selling that happens, since the seller has stated the characteristics of the items at the time of the transaction. Meanwhile, in Malang, purchasing and selling worn clothes (thrift) with international labels is permitted according to the *mashlahah mursalah*. The buying and selling of thrift clothing in Malang are based on the advantages coming from the practice of buying and selling thrift clothes that may be felt by the community as a type of *ihktiyar* to meet the necessities of human existence, according to the perspective of *mashlahah mursalah*. The drawbacks associated with

the sale and acquisition of secondhand clothes, on the other hand, can be minimized.

Ismelia (2021) states that buying and selling imported used clothes is prohibited in positive law and Islamic law because used clothes contain harmful bacteria and fungi that have the potential to interfere with human health if used and used by the public. In addition, it also has an impact on the country's economy. The sanctions if proven to have imported used clothes in positive law are stated in Law Number 7 of 2014 concerning Trade, namely maximum imprisonment of 5 (five) years and/or a maximum fine of Rp. 5,000,000,000.00 (five billion rupiah). While the sanctions in Islamic law are *ta'zir* punishment because there are no explicit provisions in the texts of the Qur'an and Hadith so that in determining the form and size of the punishment it is left to the judge or the party authorized to determine the punishment. The difference between positive law and Islamic law lies in the sanctions given.

Febyolanda (2021) states that the practice of buying and selling imported used clothes in the form of sack packaging carried out by traders with distributors does not meet the requirements for buying and selling. In the practice of this transaction, both parties do not know the physical condition of the object of sale and purchase, because the purchasing system can only be done by ordering an item code that shows the qualifications of the type of clothes on the sack packaging.

Some of the principles of Islamic Economics include resources that are seen as a mandate from Allah SWT to humans so that its use must be accounted for the hereafter. The implication is that humans have to use it in activities that benefit themselves and others. Work is the main driving force of Islamic economic activity. Islam encourages people to work and fight to obtain material/wealth in various ways, as long as it follows the rules that have been set. It is guaranteed by Allah that Allah has determined the sustenance of every creature He created. Islam guarantees community ownership and uses allocated for the benefit of the people. This principle is based on the Qur'an and Hadith which states that people have rights the same over water, pasture, and fire. A Muslim must submit to Allah SWT and day accountability in the hereafter. This condition will encourage Muslims to abstain from things related to *khiyar*, *gharar*, *haram* and trying falsely.

4. CONCLUSION AND SUGGESTION

4.1. Conclusion

Based on Minister of Trade Regulation Article 2 states that used clothes are prohibited from being imported into the territory of the Unitary State of the Republic of Indonesia, and Article 3 states that used clothes that arrive in the territory of the State Unitary Republic of Indonesia on or after the date of this Ministerial Regulation valid, it must be destroyed following the provisions of the regulations legislation. The purpose of the import policy as regulated in the Regulation Minister of Trade Number 51/M-DAG/PER/7/2015, namely, fencing national interest, protecting and encouraging the use of production domestically, and creating trade and domestic markets that healthy and conducive business climate. In addition, the Minister of Commerce has regulated that goods imported must be in a new condition, this is as stated in the Regulation Number 54/M-DAG/PER/10/2009 concerning General Provisions in Import Sector as stated in Article 6 paragraph (1) that imported goods are in new condition and Article 6 paragraph (2) that in certain cases, the Minister may determine which goods imported in a non-new condition based on the Regulations legislation, the Authority of the Minister, and/or Proposals or technical considerations from other government agencies.

While, based on the Islamic Economics perspective as listed on Fatwa of DSN MUI NO:110/DSN-MUI/IX/2017 concerning buying and selling, the buying and selling system must not contain elements of *gharar* (objects of goods that are not clear and can cause losses), *khiyar 'aib* (defects in the object of goods). In carrying out the sale and purchase contract according to the guidelines of Islamic law, both the Qur'an and Hadith fulfill the pillars and conditions. Some principles of Islamic Economics include resources that are seen as a mandate from Allah SWT to humans so that their use must be accounted for in the hereafter. The implication is that humans must use it in activities that are beneficial to themselves and others. Employment is the main driver of Islamic economic activity guaranteed by Allah that Allah has determined the sustenance of every creature Islam guarantees the ownership and use of the community which is allocated for the benefit of the people. A Muslim must submit to Allah SWT and be responsible in the hereafter. This condition will

encourage a Muslim to control himself from things related to the wrong way and go beyond the limits etc.

4.2. Suggestion

Thrift shopping is a good habit when viewed from a certain perspective. However, the public must also be more careful and wise in choosing the products to be used or purchased. Especially those related to applicable government regulations. The thrift shop business is indeed quite promising, especially for resellers. However, these business people must also begin to be aware of their responsibilities as Indonesian citizens. Being wise in choosing products and not setting prices too high are simple steps that can be taken to help maintain the industrial ecosystem. For traders and retailers to prevent disputes and losses, is to agree with a letter of agreement for compensation. Or get a refund if there is a defect in the object of sale and purchase. They can wisely choose trusted distributors to minimize the occurrence of such losses. During a pandemic, it is indeed difficult to find materials to finance daily life, but still, we have to think about things that will affect many people later; an example of a course in this thrift store business phenomenon.

5. REFERENCES

- Agustina, H. (2018). *Perspektif Hukum Islam Tentang Jual Beli Pakaian Bekas (Studi di Pasar Perumnas Way Halim Bandar Lampung)* [Undergraduate Paper, UIN Raden Intan Lampung]. <http://repository.radenintan.ac.id/5367/>
- Aviecin, A. R. (2021). *Tinjauan hukum positif dan masalah mursalah atas praktik jual beli pakaian bekas (thrift) bermerek impor di Kota Malang* [Undergraduate Paper, Universitas Islam Negeri Maulana Malik Ibrahim]. <http://etheses.uin-malang.ac.id/29847/>
- Awaluddin, N. A. (2018). *Sistem Jual Beli Pakaian Bekas dalam Karung Prespektif Ekonomi Islam (Studi Pedagang Pasar Borong Makassar)* [Undergraduate Paper, Universitas Islam Negeri Alauddin Makassar]. <http://repositori.uin-alauddin.ac.id/8729/>
- Azzarqa, A., & Istianah, I. (2015). Tinjauan Hukum Islam terhadap Jual Beli Pakaian Bekas di Pasar Beringharjo Yogyakarta. *Az Zarqa': Jurnal Hukum Bisnis Islam*, 7(2), Article 2. <http://ejournal.uin-suka.ac.id/syariah/azzarqa/article/view/1502>
- Dybec, G. (2017). *The Art of Living Other People's Lives: Stories, Confessions, and Memorable Mistakes*. Hachette UK.

- Evelina, L. W., & Wibisono, M. R. S. (2021). Trend Milenial Menggunakan Second Branded Fashion Street Wear Sebagai Identitas Diri. *Jurnal Ilmu Komunikasi dan Bisnis*, 6(2), 237–255. <https://doi.org/10.36914/jikb.v6i2.519>
- Febyolanda, D. (2021). *Analisis Hukum Islam dan Fatwa Dsn Mui No: 110/DSN-MUI/IX/2017 terhadap praktik jual beli pakaian bekas impor di Toko Yds_Secondstore Yogyakarta* [Undergraduate Paper, UIN Sunan Ampel Surabaya]. <https://doi.org/10/DSN-MUI/IX/2017>
- Ismelia, F. (2021). *Analisis Hukum Positif dan Hukum Islam Terhadap Jual Beli Pakaian Bekas Impor* [Undergraduate Paper, FAKULTAS SYARIAH]. <http://repository.radenintan.ac.id/13235/>
- Mashud, M. (2011). *Tinjauan hukum Islam terhadap jual beli pakaian bekas dalam karung (bal-balan) di Kawasan Gembong Tebasan Surabaya* [Undergraduate Paper, IAIN Sunan Ampel Surabaya]. <http://digilib.uinsby.ac.id/27925/>
- Peraturan Menteri Perdagangan. (2015). *Permendag No. 51/M-DAG/PER/7/2015 Tahun 2015 tentang Larangan Impor Pakaian Bekas [JDIH BPK RI]*. <https://peraturan.bpk.go.id/Home/Details/128974/permendag-no-51m-dagper72015-tahun-2015>
- Rahardjo, M. (2011). *Metode pengumpulan data penelitian kualitatif* [Teaching Resources]. <http://repository.uin-malang.ac.id/1123/>
- Rahmawati, S. J. (2021). *Fenomena Online Thrift Shop dalam Masa Pandemi Covid-19 di Instagram* [Undergraduate Paper, Universitas Pasundan Bandung]. <http://repository.unpas.ac.id/53129/>
- Rohani, D. (2013). *Tinjauan Ekonomi Islam Terhadap Jual Beli Pakaian Bekas Dalam Karung (Bal-Balan) Di Pasar Senapelan Pekanbaru* [Undergraduate Paper, Universitas Islam Negeri Sultan Syarif Kasim Riau]. <http://repository.uin-suska.ac.id/9874/>
- Saputro, R. L. (2018). *Thriftstore Surabaya (Studi Deskriptif Tentang Upaya Mempertahankan Eksistensi Pakaian Bekas Sebagai Budaya Populer di Surabaya)* [Undergraduate Paper, Universitas Airlangga]. <http://lib.unair.ac.id>
- Sudin, S. (2019). *Jual Beli Pakaian Bekas dalam Perspektif Ekonomi Islam di Pusat Niaga Palopo* [Undergraduate Paper]. IAIN Palopo.
- Suprpto, E. (2021). *Peta Risiko Penyelundupan di Indonesia: Memahami Latar Belakang Penyelundupan*. PT Elex Media Komputindo.
- USS Feed. (2019, April 23). A Brief History of Thrifting. *USS Feed*. <https://144.126.240.249/a-brief-history-of-thrifting/>