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Thrifting Import in the Perspective of Qur'anic Muamalah Exegesis, Social Fiqh, and Environmental Ethics within the SDGs Framework

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Abstract

This study investigates the legality, socio-environmental implications, and policy relevance of imported second-hand clothing (thrifting import) using an integrative theoretical framework that explicitly combines ecotheology, fiqh sosial Kiai Sahal Mahfudh, and fiqh muamalah. The research addresses the central problem of how thrifting imports intersect with Islamic legal norms, sustainability ethics, and state regulations amidst rising concerns over waste, illegal trade, and threats to local industries. Using qualitative library research supported by hermeneutic and content analysis methods, this study examines classical and contemporary fiqh sources, Qur'anic exegesis on muamalah, literature on circular economy and sustainable consumption, as well as regulatory documents and statistical reports. The findings show that thrifting import does not fulfill key requirements of a valid sale (ma'qūd 'alayh), contains elements of gharar and bāṭil, contributes to ecosystem degradation, and disrupts the textile industry. The study also formulates policy implications by proposing a maqāṣid-oriented regulatory design, including empowerment strategies for affected small traders, strengthening domestic industry, and environmental sustainability measures. These recommendations highlight the importance of integrating Islamic legal ethics with national economic and ecological policies.

Keywords: Ecotheology; SDGs; Circular Economy; Environmental Ethics.

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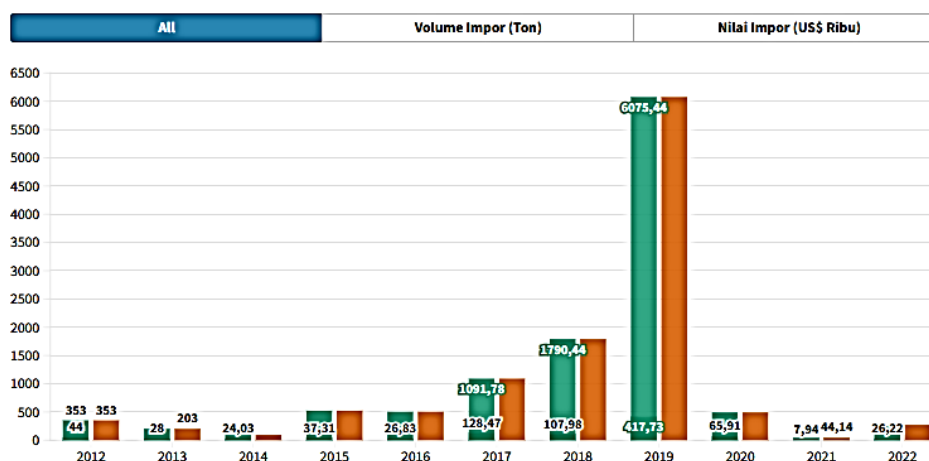
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Introduction

The practice of importing and buying used goods or often called business thrift has become a debate in the textile business world in Indonesia due to the government's policy of banning thrifting imports [1]. This policy is regulated in the Minister of Trade Regulation Number 40 of 2022 concerning the Prohibition of Exports and Imports of Goods, which has been amended from the previous regulation, namely the Minister of Trade Regulation Number 18 of 2021. This thrifting practice was initially aimed at supporting the sustainable fashion movement based on values of protecting the environment and humanity (Fikria). However, the development of time in addition to the spread of the trend of thrift consumption (secondhand goods) is said to disrupt other industrial ecosystems. Data shows that Indonesia has imported used clothing from various countries such as China, China, Japan, Singapore, Australia, Malaysia, and Hong Kong and continues to experience an increase.

Picture 1: Data on Used Clothing Imports in Indonesia



Source: Data from the Central Statistics Agency (BPS)

Based on data from the Central Statistics Agency (BPS), in 2022 Indonesia recorded imports of 26.22 tons of used Indonesian clothing or worth US\$272.14. This figure has increased from the previous year of 7.94 tons worth US\$44,136 or 2.3%. Meanwhile, in 2020, Indonesia imported 51,790 tons of clothing from China, including 66 tons of used clothing [3]. The data shows that imported used goods continue to arrive in Indonesia. Utilizing used clothing to generate environmental and financial benefits by reducing materials, water use, production costs, and space associated with producing new clothing (www.scientificamerican.com). Significantly contributing to reducing the negative environmental impact of the industry fashion on earth [5]. So that used fashion products can be reactivated through facilitating alternative consumption models

and a circular economy. MakesUsed clothes at low prices and still wearable have been popular for several years millennials Indonesia (*Fikria*).

The increasing influx of imported second-hand clothing (thriftig import) has sparked debates in Indonesia concerning environmental degradation, illegal trade, and threats to the sustainability of the local textile industry [6],[7]. Although thriftig is often associated with affordability and sustainable fashion, its rapid growth especially through unregulated imports raises significant concerns related to waste accumulation, unfair market competition, and violations of trade regulations [8]. Government policies, including the Minister of Trade Regulation No. 40/2022, attempt to curb these practices, yet the phenomenon remains widespread and continues to generate socio-economic complexities [9].

Despite the normative legal prohibitions, the persistence of thriftig imports illustrates a tension between economic necessity, cultural consumption patterns, and the broader agenda of environmental sustainability[10]. Existing studies tend to focus on either the economic impacts of second-hand clothing imports, the environmental implications of textile waste, or the religious-legal aspects of muamalah transactions [11],[12],[13]. However, there is a clear research gap: no studies have systematically integrated Qur'anic muamalah exegesis, fiqh sosial, ecotheology, and the SDGs framework to analyze the legality and socio-environmental impacts of thriftig imports in a holistic manner. This integrative perspective is needed to explain not only the legal status of the practice but also its broader societal and ecological implications. of imported second-hand clothing (thriftig import) has sparked debates in Indonesia concerning environmental degradation, illegal trade, and threats to the sustainability of the local textile industry. Although thriftig is often associated with affordability and sustainable fashion, its rapid growth—especially through unregulated imports—raises significant concerns related to waste accumulation, unfair market competition, and violations of trade regulations. Government policies, including the Minister of Trade Regulation No. 40/2022, attempt to curb these practices, yet the phenomenon remains widespread and continues to generate socio-economic complexities.

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environmental impacts of thrifting imports in a holistic manner. This integrative perspective is needed to explain not only the legal status of the practice but also its broader societal and ecological implications.

Still massive business thrifting imports have led the government to take enforcement action. The prohibition policy thrifting import This is driven by negative impacts that cannot be ignored, including dangers to the health of users (not guaranteed to be used or used) [14], the environment (increasing waste because there is no control over the quality of goods), also state revenues due to not paying customs duties, as well as harming the local textile industry from 80% of clothing manufacturers dominated by small and micro industries cut by 12-15% by imports of used clothing [15]. So if this sector is disrupted, many people will be threatened with losing their jobs. If we look further, this sector contributed 1.28% of Gross Domestic Product at Current Prices based on business fields in 2022. [16] Where the massive import of illegal used clothing (unidentified) due to insufficient supervision from the authorities. The continuity between people's purchasing power shifts legal products by purchasing illegal products which are cheaper when compared.

Wahbah Zuhaili once discussed how to sell a horse for the price of a hundred goats from a herd of goats or something like that. Similarly, in selling cloth for its value [17]. Buying and selling used clothes is usually done with the *karungan* system (also known as *ball*) have similarities, and their efficacy is questionable [18].

The debate over the permissibility of buying and selling imported used goods, as well as the implications of existing regulations, such as law enforcement efforts, including destruction and revocation of business permits, remains a long way from offering a viable solution. Furthermore, thrift buying and selling remains widespread. Do existing policies address societal concerns and achieve social justice, as the law's true purpose is not only to provide benefits and certainty, but also to provide justice for all?

According to Kiai Sahal Mahfudz, Fiqh is the door to solutions for societal problems, furthermore A. Ghaffar Rozin emphasized that fiqh is the only religious field that intersects with the problems of the people, making it important to develop and present it in answering problems in a contextual and applicable manner [19]. Understanding fiqh in its definition *al-'ilmu bi al-ahkām asy-syar'iiyyah al'amaliyyah al-muktasab min adillatihā al-tafshiliyyah* provides an opportunity for fiqh to run in line with the development of the times. [20] Fiqh as a practical derivation of the teachings of the Qur'an and Hadith which regulate the realm of relations between fellow human beings [21], [22]. The nature of fiqh as a hermeneutic tool has a relativistic character that must be able to soften the

'normative certainty' of religious law and accommodate the plurality of existing realities [20].

The idea of Social Fiqh not only speaks about legal products but also the accompanying methodology of *istinbath*. A legal product that is contextual and capable of becoming problem solving it is impossible to produce results with an approach that lacks sensitivity to contextual problems.

Although several studies have examined the phenomenon of second-hand clothing imports, existing scholarship remains fragmented across economic, environmental, and legal-religious perspectives. Previous research primarily focuses on three domains: (1) the economic impact of used-clothing imports on local industries and consumer behavior; (2) the environmental burden associated with textile waste and unsustainable consumption patterns; and (3) the fiqh assessment of second-hand goods based on classical muamalah principles. While these studies contribute important insights, they tend to operate within isolated disciplinary silos and do not offer an integrated analysis that connects Islamic legal reasoning with broader socio-environmental concerns.

The research gap lies in the absence of a systematic and interdisciplinary framework that brings together Qur'anic muamalah exegesis, fiqh sosial, ecotheology, and the Sustainable Development Goals (SDGs) to evaluate the legality, ethics, and sustainability of thrifting imports. No prior study has attempted to synthesize these fields into a unified approach capable of explaining both the normative status and the socio-ecological consequences of the practice. This gap becomes increasingly significant as the thrifting phenomenon intersects with urgent global challenges such as environmental degradation, circular economy transitions, and ethical consumption.

The novelty of this study is grounded in its integrative framework, which positions Islamic legal discourse within a contemporary environmental and socio-economic context. First, the article combines fiqh sosial Kiai Sahal Mahfudh with ecotheological ethics to reinterpret muamalah norms in light of sustainability concerns an approach that has not been explicitly developed in previous literature. Second, the study aligns Islamic legal reasoning with the SDGs, providing a fresh analytical model for understanding how *maqāṣid al-sharī'ah* can contribute to global sustainability agendas. Third, it offers a distinctive contribution by translating this theoretical integration into concrete policy implications for state regulation, community empowerment, and environmental stewardship.

This formulation demonstrates that the article not only fills a clear scholarly gap but also contributes an original conceptual model that advances interdisciplinary Islamic studies.

The central problem examined in this study concerns how the phenomenon of thrifting imports should be understood and evaluated within an integrated framework that brings together Qur'anic muamalah exegesis, fiqh sosial, and ecotheology. This issue becomes increasingly urgent in light of ongoing debates regarding sustainability ethics, violations of trade regulations, and the socio-economic pressures faced by small traders and consumers. The research therefore seeks to explain the legal, ethical, and ecological implications of thrifting imports while addressing the gap in existing studies that have not yet combined these three theoretical perspectives into a single analytical lens.

From this problem arise several guiding questions that shape the inquiry of this study. These include how the practice of thrifting imports aligns or conflicts with the principles of Qur'anic muamalah and classical fiqh concepts such as *ma'qūd 'alayh*, *gharar*, and *bāṭil*; how fiqh sosial and ecotheology can enrich the understanding of its socio-economic and environmental dimensions; and what policy implications can be formulated by integrating Islamic legal ethics with broader sustainability frameworks like the SDGs. In line with these questions, the study aims to analyze the legality and ethical implications of thrifting imports through Qur'anic and fiqh perspectives, develop an explicit conceptual framework that integrates fiqh sosial, *maqāṣid al-sharī'ah*, and ecotheology within the SDGs context, and propose normative as well as policy-oriented recommendations for creating more equitable and environmentally responsible practices in the second-hand clothing market.

Literature Review

This literature review is organized thematically to address critiques regarding structure, relevance, and the need for stronger integration of contemporary research. Five thematic clusters underpin this review: (1) SDGs and sustainable consumption; (2) circular economy and global thrifting studies; (3) fiqh muamalah; (4) fiqh sosial; and (5) ecotheology. This structure ensures clarity, avoids repetition, and situates the study within both classical Islamic scholarship and modern sustainability discourse.

Research on the Sustainable Development Goals (SDGs) emphasizes responsible consumption and production (SDG 12), environmental protection (SDG 13), and economic justice (SDG 8). Scholars such as Agyeman [23] and Fischer & Newell [24] highlight how unsustainable consumption patterns—including fast fashion and excessive textile waste intensify ecological crises. Indonesian studies [25],[26], also note rising waste from imported second-hand clothes. However, these works rarely engage Islamic legal perspectives, leaving a conceptual gap that this study addresses.

Recent discussions on the circular economy and global thrifting practices emphasize the importance of extending product life cycles to reduce environmental pressures caused by fast fashion and textile waste. Scholars such as Kirchherr et al [27]. and Geissdoerfer [28] highlight that reuse markets including second-hand clothing can support sustainability when regulated properly to avoid illegal trade and the dumping of Global North waste into Global South markets. Global thrifting studies also warn that unregulated second-hand clothing imports may harm domestic textile industries while encouraging uneven economic relations. These insights enrich the understanding of the broader global context in which Indonesia's thrifting import phenomenon is situated.

Within fiqh muamalah, foundational principles such as transparency, lawful ownership, certainty of goods (*ma'qūd 'alayh*), and avoidance of *gharar* and *bāṭil* serve as benchmarks for evaluating the validity of transactions. Classical scholars like al-Kāsānī [29] and Ibn Qudāmah [30] outline conditions that must be met to ensure fairness and prevent harm. Contemporary scholars expand these discussions to modern economic issues such as second-hand markets, highlighting concerns about hygiene, quality verification, and legality. However, most studies have not yet connected these principles with environmental or sustainability considerations, creating a gap that this article

Further literature on fiqh sosial emphasizes its role in bridging classical Islamic legal principles with contemporary socio-economic realities. Scholars inspired by K.H. Sahal Mahfudh [31],[32] argue that legal interpretation must be socially responsive, prioritizing community welfare, equity, and empowerment. Recent works [33] highlight how fiqh sosial can guide policymaking in contexts where economic vulnerability, structural injustice, and shifting market dynamics intersect. However, applications of fiqh sosial to environmental and sustainability issues remain limited, revealing the need for deeper integration between socio-legal reasoning and ecological ethics [34].

In the field of ecotheology, contemporary scholarship stresses the moral and spiritual foundations of environmental stewardship. Influential thinkers such as Seyyed Hossein Nasr [35],[36] and Richard Foltz [37],[38] assert that ecological degradation stems from humanity's failure to maintain a spiritually grounded relationship with nature. Indonesian ecotheological discourse further highlights Qur'anic concepts of *khalifah*, *mizān*, and *fasād* as guiding principles for sustainable living [39],[40]. Global studies also link religious worldviews with sustainability transitions [41],[42]. Yet, few studies connect ecotheology with Islamic economic practices or policy debates. This article advances the discussion by integrating ecotheology with fiqh sosial and muamalah, thereby offering a

multi-dimensional framework for evaluating thrifting imports in the context of sustainability and religious ethics.

Sustainable Development Goals (SDGs) are a worldwide agenda agreed upon by United Nations (UN) member countries with the goal of overcoming the world's development difficulties, such as poverty, inequality, climate change, and environmental degradation. The SDGs are made up of 17 Sustainable Development Goals that address numerous issues such as social welfare, the environment, the economy, and peace.

It is important for the mukallaf to fulfill the pillars, requirements, and other matters related to muamalah activities in accordance with the wishes of the *al-Shari'* (the essence that prescribes) which must not conflict and must be in accordance with the provisions of Islamic law. The following are the principles of buying and selling business in Islam;

1. Islamic Business Ethics

a. Q.S. An-Nisa Verse 29:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ إِلَّا أَنْ تَكُونَ تِجَارَةً عَنْ تَرَاضٍ مِّنْكُمْ وَلَا تَقْتُلُوا
أَنْفُسَكُمْ ۚ إِنَّ اللَّهَ كَانَ بِكُمْ رَحِيمًا

Meaning: O you who have believed, do not consume your neighbor's property unjustly, except by trade by mutual consent. And do not kill yourselves. Indeed, Allah is Most Merciful to you.

b. Q.S An-Nisa Verse 29:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ إِلَّا أَنْ تَكُونَ تِجَارَةً عَنْ تَرَاضٍ مِّنْكُمْ

Meaning: O you who believe, do not consume your neighbor's property unjustly, except by trade by mutual consent.

c. Q.S. Al-Baqarah Verse 275:

الَّذِينَ يَأْكُلُونَ الرِّبَا لَا يَقُومُونَ إِلَّا كَمَا يَقُومُ الَّذِي يَتَحَبَّطُهُ الشَّيْطَانُ مِنَ الْمَسِّ ذَلِكَ بِأَنَّهُمْ قَالُوا إِنَّمَا الْبَيْعُ
مِثْلُ الرِّبَا وَاللَّهُ الْبَيْعَ وَحَرَّمَ الرِّبَا فَمَنْ جَاءَهُ مَوْعِظَةٌ مِنْ رَبِّهِ فَانْتَهَى فَلَهُ مَا سَلَفَ
وَأَمْرُهُ إِلَى اللَّهِ ۚ وَمَنْ عَادَ فَأُولَٰئِكَ أَصْحَابُ النَّارِ ۖ هُمْ فِيهَا خَالِدُونَ

Meaning: Those who consume (transact in) usury cannot stand except as one who staggers due to a devil's possession. This is because they say that buying and selling is like usury. But Allah has permitted buying and selling and forbidden usury. Whoever receives a reminder from his Lord (regarding usury), then he desists until what he had

acquired becomes his own, and his affair is with Allah. Whoever repeats (usury transactions), those are the inmates of the Fire, wherein they will abide forever.

d. Q.S. Al-Maidah verse 90:

يَا أَيُّهَا الَّذِينَ آمَنُوا إِنَّمَا الْخَمْرُ وَالْمَيْسِرُ وَالْأَنْصَابُ وَالْأَزْلَامُ رِجْسٌ مِّنْ عَمَلِ الشَّيْطَانِ فَاجْتَنِبُوهُ لَعَلَّكُمْ تُفْلِحُونَ

Meaning: O you who believe, indeed, intoxicants, gambling, (sacrificing to) idols, and divination by arrows are abominations (and) of the work of Satan. So avoid them that you may be successful.

e. Hadith:

حَدَّثَنَا أَبُو بَكْرٍ وَعُثْمَانُ ابْنَا أَبِي شَيْبَةَ قَالََا حَدَّثَنَا ابْنُ إِدْرِيسَ عَنْ عُبَيْدِ اللَّهِ عَنْ أَبِي الزِّنَادِ عَنْ الْأَعْرَجِ عَنْ حَدَّثَنَا أَبُو بَكْرٍ وَعُثْمَانُ ابْنَا أَبِي شَيْبَةَ قَالََا حَدَّثَنَا ابْنُ إِدْرِيسَ عَنْ عُبَيْدِ اللَّهِ عَنْ أَبِي الزِّنَادِ عَنْ الْأَعْرَجِ عَنْ أَبِي هُرَيْرَةَ أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ نَهَى عَنْ بَيْعِ الْغَرَرِ زَادَ عُثْمَانُ وَالْحَصَاةَ

Meaning: Abu Bakr and Uthman, two sons of Abu Shaybah, told us, they said; Ibn Idris told us from 'Ubaidullah from Abu Az Zinad from Al A'raj from Abu Hurairah that the Prophet (peace and blessings of Allaah be upon him) forbade selling by ghaghar (a sale and purchase transaction that contains elements of ambiguity, deception, gambling, and things that are harmful), while Uthman added and hashah (a sale and purchase transaction carried out by two people but the goods are not yet clear, then to determine it one of them throws a hashat (pebble), then the item that is hit by the pebble is the one that is sold).

2. Transaction Ethics in Islam

Buying and selling is a form of muamalah or business practice where property is exchanged through a certain method with the aim of ownership, Ibn Qudamah added the definition by receiving ownership rights. In buying and selling there are *baa'i'un* and *bayyi'un*, *musytarin* and *sharia* or known as seller and buyer [17].

وَأَحَلَّ اللَّهُ الْبَيْعَ QS. al-Baqarah: 275

...إِلَّا أَنْ تَكُونَ تِجَارَةً عَنْ تَرَاضٍ مِّنْكُمْ..... QS. an-Nisaa: 29

a. Conditions for buying and selling (*Syuruth In'iqad*)

Conditions *bay'* by Imam Shafi'i includes; first, *Aqidain (ahliyah)* which has *aqil* - puberty (*Rusyd*), *mumayyiz*, no coercion, Islam (in terms of mushaf/religious items), not a rebel (in terms of weapons). For the pillars of *sighat* there are conditions *khitaab* must be clear, *qabul* and clear, *sighat* it is clear that the price and

goods do not change, there is no separation that is too long, the suitability of consent & acceptance, does not depend on other events.

Table.1: *Syuruth In'Iqad*

<i>aqidain</i>	Tamyiz Multiple
<i>Shigat</i>	Compatibility between consent and acceptance Marriage ceremony union
<i>ma'qud again</i>	The contract object can be handed over The object of the contract can be measured/determined The object of the contract can be transacted The object of the contract should be owned by the owner (maintained and under the authority of a person)
<i>Maudhu' al 'aqd</i>	The purpose of the contract does not conflict with syara'

Source: processed by the author from various sources

The contract is also not a forbidden contract, such as pregnancy.*mistake*/ conflict, done under duress/*ugly*, *tagrir*/ fraud, and *ghubn*/ disguise [43].

b. Conditions for the validity of the contract (*Ash-sihhah*)

The conditions that make a contract valid are the conditions that complete it. A contract that exists legally is not necessarily valid legally. *Sharia*.

five things that destroy its validity (*mufsid*) in the contract, for example, the lack of clarity regarding the type that causes arguments (*(al-jilalah)*), coercion (*ugly*), limiting ownership of an item (*Taufiq*), deception (*gharar*), there is danger in the execution of the contract (*Dharar*).

c. Conditions for the occurrence of legal consequences (*an-nafadz*)

A valid/perfect contract must fulfill *syarat nafadz* so that it can be implemented as a result of the law. This condition means that the contract does not depend on parental permission.

d. Binding conditions or customary conditions of sale and purchase (*al-luzum*)

A valid or perfect contract and a valid agreement are automatically binding (one party cannot cancel without the permission of the other), except in the following cases: excluding contracts that are not binding in nature such as:

deposit contracts, pawn contracts for the pawn recipient, kafalah for the creditor, There are rights *khiyār* (continue or cancel the transaction). The following are the rules of buying and selling [44].

Table 2: Rules of Sale and Purchase

Rules	Meaning
الأَصْلُ فِي الْمُعَامَلَةِ الْإِبَاحَةُ إِلَّا أَنْ يَدُلَّ دَلِيلٌ عَلَى تَحْرِيمِهَا الْعَادَةُ مُحْكَمَةٌ	All muamalah contracts are permissible as long as there is no evidence to prohibit it. Customs can be used as legal considerations
الأَصْلُ أَنَّ كُلَّ مَا صَحَّ نَفْعُهُ صَحَّ بَيْعُهُ إِلَّا بِدَلِيلٍ	Something that can be used can be traded.
الأَصْلُ فِي الشُّرُوطِ فِي الْمُعَامَلَةِ الْحِلُّ وَالْإِبَاحَةُ إِلَّا بِدَلِيلٍ	The legal conditions in muamalah are:
تَفْسُدُ الْعُقُودُ بِالْغَرَرِ الْكَثِيرِ دُونَ الْيَسِيرِ إِذَا بَاعَ رِبَوِيٌّ بِجِنْسِهِ وَجَبَ التَّمَانُلُ وَالتَّقَابُضُ، وَبِعِيرَ جِنْسِهِ وَجَبَ التَّقَابُضُ، وَإِذَا اخْتَلَفَتِ الْعِلَلُ لَمْ يَجِبْ شَيْءٌ	The contract is broken due to the presence of major gharar In buying and selling, the concept of usury applies.
إِنَّمَا الْبَيْعُ عَنْ تَرَاضٍ	Buying and selling arises with consent
كُلُّ مَا أَمَكَّنَ ضَبْطُهُ بِالْصِّفَةِ وَالنَّوْعِ وَالْقَدْرِ وَالْأَجَلِ صَحَّ سَلَمُهُ فِي الذِّمَّةِ	A perfect contract with the nature, type, size and time means that its handover is valid under the guarantee.
لَا تَبِعَ مَا لَيْسَ عِنْدَكَ	Cannot sell items that are not owned.

Source: Wahbah Az-Zulaihi, "Mausu'ah Al-fiqh Al-islami Wal-qadhaya Al-mu'asirah."

A. Podkalicka and J. Potts in their writing, Saving is defined as consuming wisely and with consideration, there is a shift in spending patterns driven by values directed at 'mindful' [45]. Consumers in the Northern Hemisphere, Lucy Norris points out, have not stopped throwing away their old clothes and recycling them. Norris argues that this activity is irrelevant to their core activities as charity fundraisers, and outsourcing clothing collection to commercial recyclers has become a convenient and professionally organized way for them to make money. Although the narrative of recycling as an ethical behavior is used to encourage donations, this has little or no impact on the subsequent formation of market exchanges. Textile recyclers promote themselves as environmentally

friendly businesses, reducing waste, supporting government targets, and supplying affordable clothing to export markets [46].

2). The Concept of Social Fiqh

Social Fiqh' when traced from its root word there are two words, '*fiqh*' And '*social*'. Fqh is a mashdar form of the Arabic word '*jurist-lawyer-lawyeran*, which means to understand or comprehend. Kiai Sahal expressed his thoughts, reviewing the need for a shift in reasoning patterns in viewing the future development of fiqh. This should not only be based on the use of the qauli school of thought but also accommodate the application of the manhaji school of thought while maintaining an orientation towards *poetyesid as-shari'ah*. Addition 'social' is not a composition *Shifat-Maushuf* whose existence is only as a complement to a sentence. However, it can be said to be more of a structure *over* which is interpreted as the subordination of a noun to another noun to form a new unified meaning. Thus, social fiqh is defined as;

الْعِلْمُ بِالْأَحْكَامِ الشَّرْعِيَّةِ الْعَمَلِيَّةِ الْمُكْتَسَبِ مِنْ أَدْلَتِهَا التَّفْصِيلِيَّةِ لِمَصْلَحَةِ الْأُمَّةِ

Meaning: *Knowing the practical sharia laws that are extracted from detailed arguments that aim to benefit the people.*

المصلحة الأمة Reconciliation of the nation in the definition of social fiqh as an affirmation of the original character of fiqh when the early scholars also produced breakthroughs in thinking in answering the problems and challenges of the times. In *usul fiqh* there is a principle of "*al-Hukmu Yataghayyar bi Taaghayyur al-Azminah wa al-Amkinah wa al-Ahwal wa al 'Adat*" [47].

The idea of fiqh with a social meaning paradigm is based on the belief that fiqh must be read in the context of solving and fulfilling three human needs, namely *dharuriyah*, *hajiyyah*, and *tahsiniyyah*. Furthermore, Kiai Sahal provided 5 main characteristics that have been mentioned in the theoretical basis; contextualization of yellow books; change in pattern from the qauli school of thought to the manhaji school of thought; verification *ushul* And *furu'*; fiqh as social ethics, not as positive state law; and the introduction of philosophical thought methodology [48]. These characteristics provide a basic overview of how social fiqh works in resolving problems. From a sociological perspective, Islamic law must be able to accommodate disputed issues, including how to resolve them in modern and simple societies [49]. To accommodate the complexity of current problems, contextualization of the yellow books, which are a legacy of the great building of Islamic scientific tradition, must continue to be learned from their wisdom and benefits. This is included in the qauli approach. In addition, development in the qauli approach can be through the expansion of the rules *fiqhiyyah* And *ushuliyyah*, which is emphasized not only on the issue of halal and

haram, but also concerns issues that can also affect public policy. Kiai Sahal explained that when the qauli school of thought is no longer sufficient, it is re-examined by developing the manhaji school of thought, namely through the development of theory *masalikul illah*. Namely as a way to find legal reasons (*illatul hukm*) in the process of establishing the law, so that it is in accordance with *Al-maṣlaḥah al-‘āmmah*.

Previous Studies

Research on thrifting, both globally and in Indonesia, has largely emphasized economic, sociological, and environmental dimensions. International studies such as Brooks [50], Ekström & Salomonson [51], and the UNEP Global Textile Waste Report [52] highlight the structural dynamics of the secondhand clothing trade, including overproduction in the Global North, cross-border waste flows, and their impact on developing countries. While rich in empirical data and supply chain analysis, these studies generally lack a normative ethical framework and do not incorporate religious or jurisprudential perspectives in evaluating the practice.

In Indonesia, existing research by Nurhayati [53], Sari [54], and Katadata Insight Center [55] focuses on consumer motivations—affordability, lifestyle trends, and youth culture—along with the economic impact on local SMEs and the textile industry. Legal studies by Prasetyo [56] and Marwan [57] analyze thrifting through the lens of positive law, discussing regulatory violations and public health implications. However, these works do not employ Islamic legal epistemology or explore fiqh-based ethical considerations.

This study differs significantly by applying Kiai Sahal Mahfudh’s Social Fiqh as an integrative analytical approach [58]. It combines fiqh muamalah, fiqhiyyah principles, maqāṣid al-sharī’ah, ecotheology, and the SDGs framework to evaluate the legality, socio-economic impact, and environmental ethics of thrifting. Unlike previous research, this article offers a multidimensional jurisprudential analysis that positions Islamic law as a dynamic, context-responsive framework capable of addressing contemporary issues related to sustainability, waste, and economic justice. This constitutes a theoretical and methodological contribution not present in prior studies.

Table 3 : Gap Analysis of Previous Thrifting Studies

Research Category	Key Focus of Previous Studies	Limitations / Gaps Identified	Contribution of This Study
International Studies [50]; [51]; [52]	Global supply chains, textile waste, environmental impact, resale markets	No religious/ethical framework; little attention to Islamic jurisprudence; environmental ethics not linked to normative law	Introduces Islamic ecotheology and <i>ḥifẓ al-bī'ah</i> as evaluative tools; interprets waste and overconsumption through Qur'anic ethical lenses
Indonesian Consumer Studies [53] [54]; [55]	Consumer motivations, youth culture, affordability, lifestyle	Lack of legal-normative interpretation; no integration with fiqh muamalah or maqāṣid	Provides normative evaluation using <i>ma'qūd 'alayh</i> , <i>gharar</i> , consumer protection, and economic justice principles
Legal Studies (Positive Law) [56]; [57]	Regulatory frameworks, import violations, health risks	Focus only on state regulation; no religious legal framework; does not address socio-ecological impacts	Combines state law with fiqh muamalah and Social Fiqh to produce holistic legal recommendations
Environmental Studies [52]	Textile waste, pollution, circular economy	No Islamic ethical justification; environmental effects not integrated with jurisprudence	Integrates ecotheology, maqāṣid, and SDGs (8, 12, 13) into the assessment
Overall Gap	Fragmented approaches across economics, law, and environment	No interdisciplinary synthesis; absence of religious-ethical analysis	Provides a five-tier integrated framework : fiqh muamalah + Social Fiqh + maqāṣid + ecotheology + SDGs
Unique Contribution of This Article	—	—	Establishes a new model of Islamic jurisprudential analysis for evaluating modern consumption and waste economies; expands Social Fiqh into environmental jurisprudence

Limitations of the Study

Despite offering an integrative analysis combining fiqh muamalah, Social Fiqh, maqāṣid al-sharī'ah, ecotheology, and the SDGs framework, this study acknowledges several limitations. First, the research relies primarily on qualitative library methods and hermeneutic interpretation, which limits the ability to capture field-level dynamics, lived experiences, and variations in thrifting practices across different regions. The normative and textual orientation

also introduces potential interpretive biases inherent in qualitative theological research.

Second, the empirical data used such as illegal import volumes, the impact on the textile industry, and consumer behavior remains partially estimative due to inconsistencies in reporting and the absence of comprehensive official records beyond BPS, Kemenperin, and Customs. This may affect the precision of economic and ecological impact assessments.

Third, the environmental analysis draws on global textile waste literature and has not yet been validated through localized ecological measurements. As such, the ecotheological and *hifẓ al-bī'ah* perspectives presented are conceptual rather than empirically tested.

Finally, the study does not incorporate perspectives from thrifting entrepreneurs, consumers, or TPT industry actors through interviews or surveys. Future research should adopt mixed-method approaches, include supply-chain analysis, and conduct comparative studies with other countries facing similar challenges to strengthen policy and legal recommendations.

Theoretical and Practical Implications

This study contributes to the development of contemporary fiqh by demonstrating how classical muamalah doctrines, fiqhiyyah principles, and maqāṣid al-sharī'ah can be systematically integrated with ecotheology and sustainability frameworks. The analysis shows that *hifẓ al-bī'ah* which is underdeveloped in classical fiqh can be elevated as a substantive normative consideration in evaluating modern consumption and waste patterns. The use of Social Fiqh as a contextualizing method provides an important theoretical bridge, illustrating how fiqh can address complex socio-economic and ecological problems beyond traditional textual boundaries. This integrative model offers a conceptual framework for future scholarship seeking to reconcile fiqh, environmental ethics, and global development agendas, positioning Islamic jurisprudence as a dynamic, problem-solving discipline responsive to contemporary challenges.

Practically, the findings underline the need for stronger regulatory enforcement against illegal secondhand clothing imports, coordinated supervision across ports, and clearer implementation of Permendag 40/2022. The study also reinforces the urgency of revitalizing the domestic textile industry through circular-economy innovation, sustainable production incentives, and community-based recycling programs. Consumer education is equally critical; policymakers and Islamic institutions should collaborate to promote ethical and environmentally responsible consumption aligned with maqāṣid values.

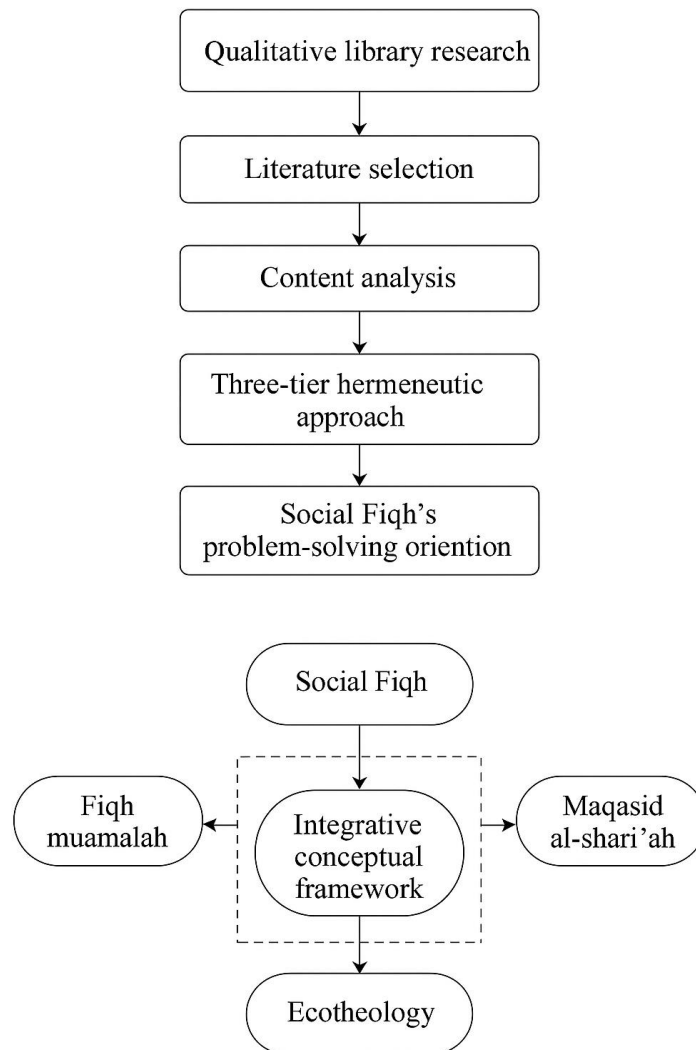
Additionally, the framework developed here can serve as a practical tool for regulators, halal-product authorities, and fatwa councils when formulating guidelines related to trade, waste management, and environmental harm.

Method

This study employs qualitative library research [59] enriched by an integrative conceptual framework linking fiqh muamalah, Social Fiqh, maqāṣid al-sharī'ah, ecotheology, and the Sustainable Development Goals (SDGs)[60]. These five domains collectively guide the analytical orientation of the research. Fiqh muamalah provides the foundational legal principles; Social Fiqh contextualizes classical texts within contemporary socio-economic realities; maqāṣid al-sharī'ah supplies the teleological evaluation of harm and benefit; ecotheology offers an ethical-ecological lens for assessing environmental impacts; and the SDGs serve as a developmental benchmark for sustainability and responsible consumption [61],[62],[63].

Literature selection followed a systematic process emphasizing relevance, credibility, and recency, focusing on authoritative classical texts, Qur'anic exegesis, contemporary studies on thrifting and circular economy, ecological ethics, and official regulatory documents [64]. Data analysis was conducted through three stages. First, content analysis was used to identify central themes related to ma'qūd 'alayh, gharar, bāṭil, consumer protection, environmental degradation, and market regulation. Second, a three-tier hermeneutic approach was applied, comprising (1) textual analysis of Qur'anic verses and hadith on trade, (2) contextual analysis of Indonesia's socio-economic realities regarding thrifting imports, and (3) teleological assessment informed by maqāṣid and ecological ethics. Third, the findings were synthesized using Social Fiqh's problem-solving orientation, integrating fiqh doctrines, ecological responsibility, and SDGs indicators (SDG 8, 12, and 13) [65].

To ensure analytical robustness, triangulation was conducted across classical fiqh discourse, tafsir literature, contemporary scholarship, environmental studies, and national-international policy documents. This integrated method enables a comprehensive assessment of thrifting imports in legal, ethical, ecological, and developmental dimensions, while avoiding repetition through the conceptual framework that structures the flow of arguments.



Picture 2: Research Flow, Souce: Author's Design

Result and Discussion

A. Legal-Normative Analysis: Muamalah and Fiqhiyyah Principles

From a muamalah perspective, the legality of secondhand clothing imports is primarily assessed through conditions of *ma'qūd 'alayh* and the prohibition of *gharar* and *tadlīs*. Ballpress imports often involve uncertainty regarding the quality, hygiene, and usability of the goods, aligning with classical definitions of *gharar fāhish*. *Kaidah lā ḍarar wa lā ḍirār* reinforces the prohibition of transactions that generate harm for consumers or domestic producers, while *sadd al-dhari'ah* supports regulatory restrictions to prevent broader economic and

environmental damage. These foundations establish that the issue is not merely commercial but intersects with consumer protection and public welfare.

Consumption of imported used goods or known as thirfting import has become a widespread practice, raising sustainability concerns for local or domestic businesses and waste accumulation as well as shifting fashion trends. Thrift not only the consumption of imported used products, but in a broader sense it also includes the consumption of local used products. In terms of fulfilling the conditions for a sale and purchase (*Syuruth In'Iqad*), the fulfillment of the required things; there is *aqeedah*, *shigat*, *ma'qud alaih* and *maudhu'ul aqd*. In practice thirfting, fulfillment of requirements from the mind where the parties to a transaction can undoubtedly be declared as mukallaf, legally competent and capable of entering into a contract or agreement. Without such competence, a person is considered incapable of being the subject of a contract. Although it is generally said that those who have reached puberty and are mature have the perfect competence to conduct all types of transactions, whether profitable or not. Competence (*ahliyyah*) This is a characteristic determined by Islamic law that makes it worthy of receiving rights and also bearing obligations [66].

With the rule of *قُلْ مَا أَمَكْنَ ضَبْطُهُ بِالصِّفَةِ وَالنَّوْعِ وَالْقَدْرِ وَالْأَجْلِ صَحَّ سَلَمُهُ فِي الدِّمَةِ*, which is perfect due to its nature, type, size and time.

Examining the practice thirfting This is done through an order or greeting agreement by ordering the product according to the desired type. Based on the conditions mentioned above, for the practice of buying and selling ballpress The types and kinds have been conveyed with the provisions regarding type, weight, delivery, and delivery deadline. The rules explain that all muamalah contracts are permissible as long as there is no reason to prohibit them.

الأَصْلُ فِي الْمُعَامَلَةِ الْإِبَاحَةُ إِلَّا أَنْ يَدُلَّ دَلِيلٌ عَلَى تَحْرِيمِهَا

There is also a rule that anything that can be used can be traded.

الأَصْلُ أَنَّ كُلَّ مَا صَحَّ نَفْعُهُ صَحَّ بَيْعُهُ إِلَّا بِدَلِيلٍ

Even though it has been implemented, there is no element of coercion in practice thirfting, There are gaps that must be taken into account, namely regarding the objects being bought and sold or *ma'qud alaih*.

Ma'qud alaih The requirements must have benefits, the object of the contract can be delivered, can be measured, can be transacted, and should be owned by the owner.

Quoting what Al-Ghazali said;

أَنْ يَكُونَ الْمَبِيعُ مَعْلُومَ الْعَيْنِ، وَالْقَدَرِ، وَالْوَصْفِ فَأَمَّا الْعِلْمُ بِالْعَيْنِ فَبِأَنْ يُشِيرَ إِلَيْهِ بِعَيْنِهِ. فَلَوْ قَالَ: بِعْتُكَ شَاةً مِنْ هَذَا الْقَطِيعِ أَيَّ شَاةٍ أَرَدْتُ، أَوْ ثَوْبًا مِنْ هَذِهِ الثِّيَابِ الَّتِي بَيْنَ يَدَيْكَ، أَوْ ذِرَاعًا مِنْ هَذَا الْكَرْبَاسِ، وَخُذْهُ مِنْ أَيِّ جَانِبٍ شِئْتَ، أَوْ عَشْرَةَ أَذْرُعٍ مِنْ هَذِهِ الْأَرْضِ، وَخُذْ مِنْ أَيِّ طَرَفٍ شِئْتَ فَالْبَيْعُ بَاطِلٌ، [67].

Then what is the object thrift can be categorized as something that can be submitted? While in terms of requirements, *ma'qud alaihi* must be an object that can be handed over according to Sharia law, further in the Book *Hasyiyatul Bujairimi alal Iqna'* there is evidence;

... فَقَدْ قَالَ الْمَوَلَّى: لَوْ احْتَمَلَ قُدْرَتُهُ وَعَدَمُهَا لَمْ يَجْزْ كَمَا ذَكَرَهُ الْحَلَبِيُّ

"Al-Mutawalli said, if the ability and inability to hand over the product stand equally, then the sale and purchase is not permissible (invalid). This is quoted by al-Halabi."

Next buy and sell thrifting no rights cucumber *khiyār ta'yin*, *khiyār ru'yah* and *khiyār 'ayb* which is given to the buyer. The Messenger of Allah (peace and blessings of Allah be upon him) said:

الْمُسْلِمُ أَخُو الْمُسْلِمِ وَلَا يَحِلُّ لِمُسْلِمٍ بَاعَ مِنْ أَخِيهِ بَيْعًا فِيهِ عَيْبٌ إِلَّا بَيَّنَّهُ لَهُ

System ball makes buyers have to be willing and accept all consequences whether the goods obtained are in accordance with what is desired, can be sold and make a profit or are just for show. Fence with sweet talk which cannot be exchanged because the items offered are wrapped in sacks that are compressed according to the type of clothing, without distinguishing between defects and whether all are in good condition and suitable for transaction. Although, in the retail sales system, there is still the right of *khiyār*.

Business thrifting It has indeed become a supporting business for some Indonesian people and is sought after because the goods are cheap or cheerful affordable For many groups, especially young people or those in the lower-middle class who need it most. Discussions regarding the fulfillment of conditions and pillars view the subjects as parties to the transaction. Furthermore, there are pros and cons to the prohibition thrifting There is also the government as a policy maker. Is there a government decision regarding thrifting it is right where the ban on used clothes is impor has been considered the most beneficial way to boost the domestic MSME economy. It is mentioned in the Book *Qawaidul Ahkam fi Masholihul Anam*;

يَتَصَرَّفُ الْوَلَاةُ وَتَوَائِهِمْ بِمَا ذَكَرْنَا مِنَ التَّصَرُّفَاتِ بِمَا هُوَ الْأَصْلَحُ لِلْمَوْلَى عَلَيْهِ دَرءٌ لِلضَّرَرِ وَالْفُسَادِ، وَجَلْبًا لِلرِّقَّةِ وَالرَّشَادِ، وَلَا يَفْتَصِّرُ أَحَدُهُمْ عَلَى الصَّلَاحِ مَعَ الْقُدْرَةِ عَلَى الْأَصْلَحِ إِلَّا أَنْ يُؤَدِّيَ إِلَى مَشَقَّةٍ شَدِيدَةٍ

Therefore, in relation to the policy of banning the import of used goods, the government has attempted to intervene in the public interest. The government provides a legal framework for the development of local businesses, maintains the stability of existing commodity prices, and prevents them from being eroded or losing out to the influx of used goods from abroad. The regulations are clearly stated in the Minister of Trade Regulation (Permendag) No. 51/M-DAG/Per/7/2015, updated by Permendag No. 18 of 2021, and continues to be amended by Permendag No. 40 of 2022, concerning prohibited export and prohibited import goods. Article 2, paragraph 3, states that prohibited import goods include used bags, sacks, and used clothing. This demonstrates the government's extensive discussions with experts to achieve the public good through its role in stabilizing prices and protecting domestic industry.

Prohibition policy thrifting or Secondary Clothes This ban is not only implemented in Indonesia, but also in African countries such as Uganda, Rwanda, and Tajikistan. Initially, the goods offered came from foreign donation programs. However, as the industry has developed, it has become a new market, particularly for shipments from Western countries to developing nations [68].

The practice of buying and selling imported used goods has not been stopped, despite a clear prohibition from the Indonesian government in Ministerial Regulation No. 40 of 2022. This prohibits imported items such as used bags, sacks, and used clothing. This is also reinforced by Article 46, point 15 of the Job Creation Regulation in Lieu of Law (Perppu Ciptaker), which stipulates that every importer must import goods in new condition. The widespread practice thrifting marked by power event held by the seller community thrift, Massive online sales, in addition to opening offline sales, also exist in various second-hand clothing markets spread across Indonesia.

In the period from 2022 to 2024 there are still many events *thrif* spread throughout Indonesia, the following is the data collected;

Table 4: Event thrifting 2022-2024 period in Indonesia

Event	Period	Region
Banyumas Thrift Market	March 27-31, 2024	Convention hall Lotus Tower Purwokerto
Jogja Trade Market (JTM) Fest vol.5 2023	August 17-21, 2023	Jl. Janti, Wonocatur, Banguntapan, Bantul Regency
Majalengka Thrift Week vol.3	3-5 November 2023	Kasungka Food Court, Majalengka
Lampung Thrift Festival 2023 Vol. 4	December 26-30, 2023	Partner 10 Antasari Bandar Lampung
Banyumas Thrift Market vol. 6	13 - 19 April 2023	Moro Mall 1st Floor
Banyumas Thrift Market (BTM) Vol. 7	13-17 September 2023	Moro Purwokerto
Banyumas Thrift Market (BTM) second (2nd) Anniversary	December 22, 2023	Former Unilever Warehouse, Karangbawang, Banyumas
Depok Thrift Market Event Minor Thrift	21-24 April 2022	Depok Town Center
Thrift Mubarak 2023, Palembang Thrift Fest	22 - 28 June 2023	Graha Kartika Sriwijaya Building, located at Jalan Merdeka Number 09, 19 Ilir, South Sumatra
Thrift Hari Raya, Palembang Thrift Fest	10 -19 April 2023	South Sumatra

Source: processed by the author from various media sources

A view on purchasing imported used clothing *trends* This is an effort to achieve quality products with long-lasting durability. As Persson and Hinton point out, the consumption of secondhand goods, especially secondhand clothing, is influenced by the following factors: self expressive, hedonic, economic, environmental and social contribution value. A True Price implies that social costs and environmental costs are included in the retail price of a product. In this way, social costs and environmental costs become integrated into the production process [69]. It is okay to choose a business thrift impot still being considered by the business world.

B. Socio-Economic Impact: Empirical Evidence

Environmental ethics intensify the normative findings. UNEP reports that 55% of imported secondhand clothing in Southeast Asia becomes waste within one year, positioning Indonesia as a destination for global textile waste flows[52]. This contradicts the *maqāṣid* imperative of *ḥifẓ al-bī'ah* and aligns with Qur'anic warnings against *fasād fī al-arḍ* (ecosystem corruption). The SDGs (particularly SDG 12 and 13) also stress responsible consumption and climate action, indicating that thrifting—while seemingly sustainable—often perpetuates hidden waste streams and environmental burdens.

Recent data strengthen the legal assessment. Ministry of Trade records estimate illegal imports at Rp 6.37 trillion in 2022, while Customs seized 1,100 tons of used clothing in 2023 and intercepted 384 containers in early 2024. The influx of low-priced imported goods contributes to a 15% decline in the national textile industry's production capacity, leading to 13,800 layoffs (2023–2024). Consumer surveys indicate that 67% of Gen Z buyers prioritize affordability,

illustrating the socio-economic forces that shape thrifting's rapid expansion [70]. These data show that thrifting imports create systemic market distortions that validate fiqhiyyah concerns about harm and unfair competition.

The analysis of thrifting imports in Indonesia requires the support of recent empirical data to complement the normative and hermeneutic framework. Current evidence shows that the scale of secondhand clothing imports has grown significantly in the past three years. The Ministry of Trade reports that the estimated value of illegally imported used clothing reached Rp 6.37 trillion in 2022, while the Directorate General of Customs and Excise seized over 1,100 tons of illegal secondhand garments throughout 2023, double the volume confiscated in the previous year. In early 2024, investigations revealed 384 containers of used clothing entering through key ports in Sumatra and Batam, confirming the persistent and systemic nature of the trade despite formal prohibitions [70].

The economic impact on Indonesia's domestic textile industry has been substantial. According to the Ministry of Industry, the textile and apparel sector experienced a 15% decline in production capacity between 2023 and 2024, contributing to the layoff of 13,800 workers nationwide. Small and medium fashion enterprises reported declining sales by 30–40%, particularly in major markets such as Bandung, Jakarta, and Medan. These figures demonstrate that thrifting imports disrupt price structures, reduce demand for local products, and weaken national industrial competitiveness [9].

Sociological data on consumers further clarifies the trend. Surveys conducted by Katadata Insight Center (2023) indicate that 67% of Gen Z consumers engage in thrifting primarily for affordability, while 48% cite environmental motivations—although many lack awareness of the broader ecological consequences[55]. Moreover, 71% of thrifting sellers began operating after the pandemic due to low capital requirements and high demand, showing how economic precarity contributes to the expansion of the sector. However, global waste reports such as UNEP (2023) show that over 55% of imported used clothing in Southeast Asia becomes waste within one year, raising concerns about Indonesia's growing role as a regional textile waste destination[52].

By incorporating this empirical evidence, the analysis becomes more balanced, connecting normative Islamic legal evaluation with measurable economic, sociological, and environmental realities. This strengthens the integration of fiqh muamalah, Social Fiqh, maqāṣid al-sharī'ah, ecotheology, and SDGs, and provides a grounded basis for assessing the legal-ethical implications of thrifting imports in contemporary Indonesia. The destruction of used imported goods is closely related to the TPT industry (textile and textile product industry) as a labor-intensive industry and is affected by the rise of fashion used imports.

From Eka Budi Yanti's research, the negative impacts or mafsadah of imported used clothing include; reduced market share of local products (eroding local products by up to 432 thousand tons/22.73% of total consumption of clothing and other finished goods). State losses are also a risk from the rampant practice of this illegal practice (in 2019, BPS recorded the contribution of the textile industry sector to GDP as 1.26% decreasing to 1.21%, 1.06%, and 10.03% for the 2020-2022 period) [71].

The potential for declining performance in the national textile and textile industry, leading to layoffs (BPS data shows that the textile industry workforce decreased from 1.13 million to 1.08 million in August 2022). The following is data from textile companies that can be extracted from the 2023-2024 period:

Table 5: Termination Data for the 2023-2024 Term

No.	Production	Number of Affected	Company name	Region
1	clothes (such as Puma and Nike)	1,163	PT Tuntex Garment	Cikupa, Tangerang Regency, Banten
2	knitted and woven garments	2,600	PT Mulia Cemerlang Abadi	Tangerang
3	Ready-made fabrics for fashion,	100	PT Lucky Textile	Semarang
4	Sports clothing	300	PT Grand Best	Semarang
5	textile materials	660	PT Delta Merlin Tekstil I Duniatex Group	Karanganyar
6	textile materials	924	PT Delta Merlin Textiles II Duniatex Group	Karanganyar
7	Polyester	460	PT Pulaumas Textiles	West Java
8	Shoe	1,500	PT Panarub Industry	Tangerang Thursday Market
9	Shoe	297	PT Victory Chingluh Indonesia	Tangerang
10	Shoe	3000	PT Dean Shoes	Tangerang
12	men's, women's, and children's clothing		PT Cahaya Timur Garmino	Pemalang, Central Java
13	Shoe		Bata shoe factory PT Sepatu Bata Tbk (BATA)	Purwakarta, West Java

Source: Processed by the author from various sources

Referring to the Hadith from Ibn 'Umar narrated by Ibn Majah, ad-Dar Qutni, and others, the Messenger of Allah said;

[72] لَا ضَرَرَ وَلَا ضِرَارَ

وَنَظِيرُ ذَلِكَ مَا تَقُومُ بِهِ الْآنَ كَثِيرٌ مِنَ الدُّوَلِ مِنْ مَنَعَ التَّصْدِيرِ إِذَا كَانَتْ مُنْتَجَاتُ الْبِلَادِ مَحْدُودَةً
تُغَطِّي مَعَاشَ أَهْلِهَا فَقَطْ ، وَأَحْيَانًا تَفْرِضُ الْحَظْرَ عَلَى الْإِسْتِيرادِ حَشِيَّةً وَقُوعِ الْمُنَافَسَةِ بَيْنَ السِّلَعِ الْمَحَلِّيَّةِ
وَبَيْنَ الْوَارِدَاتِ ، وَذَلِكَ لِحِمَايَةِ الْإِنْتِاجِ الْمَحَلِّيِّ مِنَ الْخُسَارَةِ ، أَوْ التَّوَقُّفِ ِ

In trouble thrifting in this case, the government must think about how to provide access to thrifting business actors. from upstream to downstream to shift towards efforts to increase the productivity of domestic products. In the book *Asybah wa nadhoir* There are fiqhiyah rules used by Kiai Sahal "*Tasharraful imam ala ra'iiyati manuhun bil mashlahah*"

تَصَرَّفُ الْإِمَامُ عَلَى الرَّعِيَّةِ مُنَوِّطٌ بِالْمَصْلَحَةِ

Jalaluddin Abdurrahman As-Suyuthy, *Al-Ashbah Wa an-Nadzoir*, 202.

The leader's policies towards the people must be for the benefit or welfare of the people [73]. Then the rules *Al-dharuratu tubiha al-mahdhurat*, Coercion or pressure allows something that is forbidden. Using the above rules, it is in accordance with the government providing relief for retail/small traders who have already purchased goods thrift impor still allowed to sell.

Justice must be upheld by leaders, prioritizing those who need it most, then those who need it most (*al-ahamm tsumma al-ahmm*). The allocation of marginalized groups below the standard must be made a government focus in terms of industrial-trade development on a par with the allocation of industrial-technology.

From various references, if analyzed and contextualization is needed or new ideas are presented to answer the legal problem of prohibiting thrifting imports, the following are as follows;

Table 6: Analysis of references to Aqwal Ulama' and Fiqhiyah principles

Reference	Summary	Import thrifting practices
Contextualization of the Yellow Book/Ulama's Principles		
The Book of Fathul Qarib pages 31-32	The valid conditions for the goods ordered must be met.	Aqidain, shighat are fulfilled, ma'qud 'alaih is not fulfilled
The Book of Fathul Wahab Indexedreferences (1)	The sale and purchase of goods is legally valid because of the usefulness of the goods.	Ma'qud 'alaih often produces waste/unsellable goods
Al-Ghazali Indexedreferences (2)	Ma'qud alaih must be an object that can be submitted according to sharia	Cannot be handed over because it is illegal/not allowed to enter a country due to applicable positive law
The Book of Hasyiyatul Bujairimi alal Iqna' Indexedreferences (3)	Inability to deliver makes the sale and purchase invalid (invalid).	
Islamic Jurisprudence and its Adilatuhu page 91	There is a condition that transactions must be free from defects, including ambiguity.	The sack system cannot predict the profits and losses from purchasing goods.
Al-Mahally 'ala Minhaji al-Thâlibîn, Shaykh Jalaluddin Al-Mahally Indexedreferences (4)	The law on wholesale buying and selling is valid as long as the price is known	Prices are based on the seller
Hadith of the Prophet هَمَى رَسُولُ اللَّهِ ﷺ عَنْ بَيْعِ الْخَصَاةِ، وَعَنْ بَيْعِ الْغَرَرِ Indexedreferences (5)	The prohibition on buying and selling hashah also contains ambiguity/gharar.	The sale and purchase contains unclear goods because they are in the form of balls
لِمُسْلِمٍ أَخُو الْمُسْلِمِ وَلَا يَحِلُّ لِمُسْلِمٍ بَاعَ مِنْ أَخِيهِ بَيْعًا فِيهِ غَيْبٌ إِلَّا بَيِّنَةٌ Indexedreferences (6)	The buyer has the right to khiyar	No right of khiyār 'ayb is granted
The Book of Qawaidul Ahkam fi Masholihul Anam Indexedreferences (7)	The obligation of a leader to be the best leader for his people with policies that are oriented towards the public interest.	-The government issued Minister of Trade Regulation No. 40 of 2022, Article 46 number 27 of the Job Creation Regulation in Lieu of Law (Perpu Ciptaker).
Fiqh al- Islami wa Adilatuhu Indexedreferences (8)	For the continuity of economic activities, leaders have the right to intervene.	-carry out sanctions -destruction of used imported goods that arrive

Fiqh al- Islami wa Adilatuhu Indexedreferences (9)	The government can regulate economic activities that produce goodness and prosperity for the people, including meeting basic needs such as clothing, food, shelter and other needs.	The textile industry is experiencing a downturn
Nazariat ad-Darurat ash-Syar'iyat Indexedreferences (10)	Leaders take policies that are oriented towards the public interest and pay attention to the consequences of the policy/replacement with something more useful as compensation.	There has been no specific action regarding the ban except for destruction
Principles of Fiqhiyah		
Rules لَا ضَرَرَ وَلَا ضِرَارَ reference (11).....	Closing the door to harm and corruption among the people, always towards achieving benefit.	Thrifting ban in an effort to protect local industry
The application of rule (11) in Mawsu'ah Al-Qawaid wa ad-D}awabit}i al-Fiqhiyah Indexedreferences (12)	Imposing import bans due to fear of competition between local and imported goods, to protect local production from loss	
Al Qawaidu Al Fiqhiyyah Al Muyassarah Indexedreferences (13)	Protect them from danger, so as not to burden them with what harms them.	Ban on imported thrifting products can be justified
النَّهْيُ لِدَفْعِ الْمُسَدَّةِ... Indexedreferences (14)	The prohibition is to avert danger	
Kitab al Hawi lil Fatwa Indexedreferences (15)	Breaking vessels (gold and silver) to prohibit their use	The burning of balls was carried out, following up on the circulation of thrifting products entering Indonesia, which can be justified.
تُنْفَرُوا وَلَا وَبَّيْرُوا تُعَسِّرُوا وَلَا يَسِّرُوا Indexed references (16)	Ordering the people to do things that are easy to do and not make them difficult	Giving small traders relief to clear stock

Source: processed by the author

Through the application of the Qauli method, based on the analysis above, the problem of import thrifting practices shows that import thrifting is a sale and purchase that does not meet the requirements of sale and purchase, because the ma'qud 'alaih aspect cannot be handed over (illegal according to positive law), the sale and purchase practices contain elements of batil and gharar causing uncertainty about the benefits or size of the goods because the sack system cannot predict the profits and losses from purchasing goods (whether they are suitable

for sale or only contain unsellable cloth waste), there is no right of khiyar and the price from the seller has the potential to cause injustice to the buyer. This confirms that Islam requires investing and developing assets through legal or sharia-compliant methods.

C. Environmental-Ethical Evaluation: Maqāṣid and Ecotheology

Application of the social fiqh method in viewing the issue of prohibition *thrift* done by integration *legal reasoning* is commanded to practice muamalah (which is in accordance with the Sharia) with the wisdom of its law (the goal to be achieved). The legal basis of the command regarding muamalah (specifically the chapter on buying and selling) can be found in;

- a. Q.S. al-Nisa' (4:29), Allah SWT says;

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ إِلَّا أَنْ تَكُونَ تِجَارَةً عَنْ تَرَاضٍ مِّنْكُمْ وَلَا تَقْتُلُوا
أَنْفُسَكُمْ إِنَّ اللَّهَ كَانَ بِكُمْ رَحِيمًا

- b. Q.S. al-Baqarah (2:279),

لَا تَظْلِمُونَ وَلَا تُظْلَمُونَ...

- c. Q.S. al-Baqarah (2:188),

وَلَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ...

Referring to the results *ijtihad jamai* there has been discussion of a ban that will result in destruction based on '*Tayyana Thariqon*' or an effective method. While the practice is prohibited due to its illegality, it renders a transaction invalid, which according to Islamic law must be avoided.

There is an important point from the legal basis above, that the acquisition of assets is obtained by -the right way not in vain-, in -Trade that takes place on the basis of mutual consent between you that does not violate the provisions of the Sharia, -you must not commit injustice-. If we look more closely at Q.S. an-Nisa' (4:29), the legal basis for the hadith above, there is a statement '*bil Bathil*' emphasizes the prohibition on consuming or carrying out muamalah transactions that are invalid/in other words incorrect, in addition to also containing the statement '*tijaratan an taradhin*' where the transaction is carried out by fulfilling the element of consent, then explained in the hadith mentioned previously, '*bai'in mabrur*' reaffirm that muamalah transactions will be carried out properly, '*shoduqu*', also indicates honesty. The two hadith above explain the relationship between 'Good, honest, and lawful buying and selling'. Every good sale and purchase leads to the acquisition of wealth that is lawful and good, also

as a result of work in the form of goods or wealth that is lawful for consumption, and again related to safeguarding wealth so that it comes from something that is lawful for one's needs *ibadatullah* and *imaratul ard*. This orientation includes part of the protection of assets or *Hifz al-mal*.

Islam indeed places the field of muamalah as important for humans to carry out their lives. Considering that humans were created by Allah apart from servitude (*ibadatullah*) also has a function as an earth manager (*imaratul ard*) [74]. Both functions become ultimate goal or the final goal, concerning pious servants who are entitled to inherit the world, in the form of success in this world and the hereafter. The discussion about the story of the arrival of clothing was a necessity during the time of the Prophet Muhammad, who brought it from Yemen, Egypt, and Syria to meet the need. In the discussion of muamalah, it is *fardu kifayah*. While prohibitions have been implemented, there are still loopholes for violations by exploiting government leniency to dispose of goods purchased by small businesses. According to API Executive Director Danang G., the textile industry is hampered by policies that are less favorable to the production sector, even though this sector is labor-intensive and employs many workers. For example, the provision of social assistance for basic necessities is strictly controlled by the government, while in the clothing sector, the textile industry manufacture it is also hoped that the textile and garment sector will also receive attention from the government with its support [75].

D. Integrative Synthesis: Social Fiqh as a Contextual Bridge

In accordance with practice thrift In the current situation, local industries are being encouraged to avoid injustice through illegal activities. This orientation is part of safeguarding assets or *Hifz al-mal*. According to the author, a number of the above evidences can strengthen the aspect *Hifz al-mal* as the intended legal wisdom in the prohibition of buying and selling practices thrifting impor. *Hifz al-ma* The principle of preserving wealth is intended to be applied in the application of the principles of *Maqashid Sharia*. Furthermore, according to Jaser Audah, it is possible to utilize *Maqashid Sharia* to increase economic growth [76].

In the current context, implementation of economic development such as cooperatives, social assistance, money growth, community welfare, and efforts to minimize economic differences between the have And the have not or the rich and the poor. Or it could be said that justice is for all. Justice is balance, equality, the granting of rights, and the transfer of existence. John Rawls' concept defines justice in two ways, the first being the concept of distributive justice. 'the greatest equal principle' namely with the existence of equal rights, apart from that there is also a second concept 'the different principle & the principle of fair equality of

opportunity' or the principle of objective difference. In this case the perpetrator *thrifting* attention must also be paid to equality in obtaining decent work to meet the needs of life.

Kiai Sahal discussed three complementary components of the economy that are interconnected in the economic cycle. Imam Abu Muhammad al-Hubaisyi shared these: *ushul al makasib* (main economic resources) which include agriculture, industry, and trade. Therefore, he believes that continuous improvement is needed in the programs or efforts promoted by the government in economic development. Kiai Sahal emphasizes the balance between *ikhtiar* and *tawakal* in responding to the economy [20].

Sennet and Cabb also Conway explain that the causes of powerlessness can come from factors such as the lack of economic security, the lack of political experience, the lack of access to information and financial support, and the lack of supporting training [77]. Economic problems concern *thrifting* cannot be separated from the problems in the field of sociology. Sociology is a science that encourages us to study society from various elements, such as the reality that humans are creatures who live together, interact and mix over a long period of time, realizing that humans are a single entity, and social reality is a system of living together that is interconnected with one another. *Fiqh* which is inherent in human life with a social dimension is never separated from a social structure, even with social change [78]. Besides being a dependent on variants from the social conditions and changes it describes, it can also act as an independent variable, when he helps create the predicted situation or strengthens the situation he describes. In looking at this problem, the social reality of practice *thrifting* consists of parts involved in the down stream side that have the finances or the ability to turn over the finances they have.

The shift from simply selling goods at low prices accessible to the lower classes has shifted to seeking profits through smuggling, with the resulting spillover effect affecting other segments of society with larger numbers, such as workers in the textile and textile product industries, such as garments. The massive and abundant production of cotton turns it into yarn, yarn into fabric, and fabric into motifs, patterns, and sewing by tailors. This will be further eroded and lost due to the sale of clothing *thrifting* selling ready-made clothes with price setting that becomes the choice or taste of consumers has shifted.

Kiai Sahal provides a social *fiqh* model characterized by the importance of *fiqh* as social ethics and not as positive state law. Social ethics built on religious norms are aimed at applying the five objectives of sharia. Protecting wealth as the foundation of life (*asasiyyatul hayat*) [79]. Providing space, especially for those who are weak and oppressed, and avoiding negative things that cause social

disharmony, are considerations in making policies. An action is considered ethical if it brings benefits to others (including oneself) and prevents harm [80].

Conversely, an action is considered unethical if it harms or endangers others. An action is obligatory if it has public benefit. With the prohibition, business actors thriving, domestic industry players, various event thriving which is developing, of course this can be done by empowering in an effort to shift business actors thriving to switch to local goods. Systematically programmed empowerment can be felt to be beneficial both in terms of increasing domestic productivity and acting as a separate stop to the massive pattern trend thriving.

Empowerment that connects business actors thriving Both national and local, especially those with established communities, can be significant drivers. Geographical mapping, projections, and empowerment potential are also important, taking into account distribution scale, ease of participation in the series of activities, and mitigating and anticipating obstacles faced by small business owners.

For this reason, the following is a solution that can be an alternative in this polemic;

1. Evaluating the policy of banning imports of used goods

Limiting the timeframe for disposing of thrift goods that have already entered Indonesia is uncertain, as it's crucial to ensure that goods imported into Indonesia will be sold out quickly and that they can be quickly shifted to local markets. Therefore, allowing a timeframe for the circulation of imported products could be a systematic and applicable solution. It's also a more preventative measure to boost the independence of the domestic industry, particularly in handling goods already downstream (for small businesses or retailers).

Policies related to business competition should be referred to *associal control* And *social engineering* to create an effective and efficient market [81]. Therefore, collaboration between stakeholders is essential to review interrelated regulations, such as regulations from the ministers of trade, industry, and customs, such as those regulating import relaxation, setting standards for incoming goods, providing incentives for raw material procurement, or simplifying export regulations, to achieve the common goal of supporting a more independent and advanced domestic industry. The review can also involve business associations specializing in fashion and thriving businesses.

Reviewing regulations whose validity conflicts with each other, taking into account the hierarchy of laws or regulations (*grundnorm*), and ensuring that these norms align with the noble values, customs, and religious values of the

surrounding community. In-depth studies in the field of environmental sustainability are also conducted regarding industrial sustainability and its impact on the environment.

2. Development of the clothing sector by increasing the utilization of the TPT industry

Close attention is paid to the clothing sector and the development of the textile and textile industry (TPT) in terms of access to capital, machinery, or other production input subsidies. Business matching is also a step to increase the competitiveness of domestic products. The development of the textile and textile industry, dominated by SMEs, requires access to funds and financing sources, industrial revitalization, financial assistance to minimize material costs, and other production costs, particularly investment in relatively aging machinery. The industry relies predominantly on internal financing; without government support, it will also require greater effort to compete with low-cost production.

Integrating the textile industry with other sectors such as the garment industry, fiber and yarn industry, clothing accessories industry, fabric industry, carpet industry, and textile product industry requires careful analysis of its constraints. These include product marketing, dependence on imported raw materials, the threat of low-quality low-end textile industry, etc. The formulation of several policies to increase the competitiveness of the textile industry, including dimensions of reducing electricity costs, machine revitalization programs, handling illegally imported used clothing, wage subsidies, VAT reductions, and others. Indonesian textile products in the global market can also be a concern for the government.

3. Optimizing supervision of illegal imported thrifting products

Optimization begins at the upstream level, at crossing points/ports, by authorized parties, and also by increasing public participation in monitoring illegal practices. This includes monitoring wholesalers or those providing warehouses for imported thrift goods to curb their marketing. In addition to imposing penalties in accordance with applicable regulations in Trade Regulation No. 40 of 2022, incentives can also be implemented, including exchanging imported textiles for destruction and providing access to slow fashion and local brands with quality, competitive prices, and marketability.

4. Engaging & connecting local businesses seriously

Partnering with local businesses to meet with thrifting vendors to foster a shared understanding of creating a strong, competitive textile industry, with full government support. Awareness of the greater risks must be a key focus for businesses, not only focusing on short-term benefits but also on government

commitment to more targeted policy review. This will ensure effective protection for startups without relying on imported used products. While firm policymaking is appropriate, it needs to be accompanied by the search for solutions that empower existing thrifting businesses.

5. Increasing awareness of import thrifting business actors and collaboration of communities involved in thrifting events

Increasing business awareness regarding the fulfillment of the requirements and pillars, as well as the long-term dangers of imported thrifting. Taking into account the development of the qauli school of thought, which states that thrifted goods have a critical point regarding their ma'qud 'alaih, which is indeed prohibited and illegal in positive law, so it can be said that they cannot be transferred and their benefits cannot be optimized because the second-hand goods contained are unsaleable. In addition, they contain gharar and the absence of the right of khiyar, which can cause losses to the buyer. Therefore, it is necessary to replace commodities that can be implemented and transacted by fulfilling the requirements and pillars of the ongoing contract.

Also considering the government's role as the determinant of its people's well-being, it must prioritize appropriate and integrative policies. To this end, the government can provide extensive education to businesses through direct outreach to those in traditional markets or those opening stores. It can also provide education, or even cooperation, with collaboration with communities involved in import thrifting events to encourage them to switch to local products and provide incentives for easier access to their merchandise.

6. Education for thrifting users

Increase education for thrifting users, especially young people, about the long-term dangers of local products. Build an ecosystem of domestic fashion trends, highlighting the attractiveness of affordability, a sustainable lifestyle, and uniqueness and exclusivity. This can be done through social media and various promotional events or showcases of affordable and trendy local products.

7. Making a splash in preloved

Making a breakthrough in preloved or buying and selling used items owned by individuals to be developed into items that have more value.

8. Encourage economic growth, including empowering thrifting business actors

Considering the importance of efforts to boost the economy, as part of Hifz al-Mal (the principle of social welfare) towards the welfare of the community, thrift sellers cannot be left alone by simply banning the import of

used clothing. They should also be provided with concrete steps to help them obtain replacement goods that align with their capital or access to other facilities. For example, by registering business owners and providing more rewarding employment options.

Conclusion

Practice thrifting import is fasid or prohibited because it does not meet the conditions of buying and selling where *ma'qud alaih* cannot be transferred or is illegal, *batil* (Q.S. al- Nisa' (4:29), Q.S. al-Baqarah (2:188)), *gharar*, There isn't any *khiyar*, and the presence of element *styrant* (Q.S. al-Baqarah (2:279)). Meanwhile, the application of the methodological construct of social fiqh by Kiai Sahal Mahfudh uses *qauli* ((*aqwāl ulamā & kaidah fiqhiyah*) and curriculum (analogical reasoning). Destruction of goods thrifting import entering Indonesia as the most effective deterrent measure on the upstream side. Meanwhile, on the downstream side or small traders, strengthening *Hifz al-mal* become the intended wisdom that can be done with supporting Government policies to encourage local business independence and the periodization of sales of goods already purchased. The concept of empowering local products is linked to business actors thrifting import needs to be launched as a systematic program.

Author Contributions

Enjen Zaenal Mutaqin: Conceptualization, Methodology, Writing - review & editing, Supervision, Project administration. **Ridwan:** Methodology, Writing - review & editing, Investigation. **Naqiyah & Ishfaq Ahmed:** Conceptualization, Methodology, Writing - review & editing, Investigation.

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Conflict of Interest

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