

**ISLAMIC LEGAL REVIEW OF CLOTHING SALES USING THE BAL
SYSTEM AT TANRUTEDONG MARKET, SIDENRENG RAPPANG
REGENCY**

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Abstract

The practice of selling clothing at Tanrutedong Market in Sidrap Regency presents challenges for sellers and retailers because they cannot directly see the condition of the clothes purchased from agents. The clothes are typically sold in bales, so sellers can only evaluate the condition of the items after they arrive. This study focuses on two research questions: 1) What is the form of the sale and purchase transaction of clothing using the bal system? 2) What is the Islamic legal perspective on this transaction? This qualitative research employs a normative and sharia approach. The data sources include sellers/retailers and buyers at Tanrutedong Market, with data collection methods involving observation, interviews, and documentation. Data analysis is conducted in three stages: data reduction, data presentation, and conclusion drawing. The findings reveal that imported clothing is ordered in bales from distributors and sold individually. Sellers cannot ascertain the condition and quality of the goods, which potentially leads to ambiguity (gharar). Although there are elements of uncertainty, the sale of second-hand imported clothing at Tanrutedong Market mostly meets the criteria in Islamic commercial law and is not considered directly detrimental to buyers.

Keywords: Islamic Law, Sale and Purchase, Bal System, Tanrutedong Market.

A. INTRODUCTION

Islam not only teaches the way to worship but also guides the building of relationships with others. The connection between worship, social dealings, faith, and morals is outlined in Islam. The elements of social dealings (muamalah) function as guidelines for society to live social lives and serve as the basis for building an economic structure that adheres to Islamic principles. Allah Almighty created everything on earth, including material resources granted to humans. With Allah's permission, humans have the right to utilize these materials or wealth to fulfill their desires and needs.¹

Understanding Islamic law helps us understand that the purpose of *muamalah* is to uphold principles of justice and to bring about welfare for everyone. Consequently, *muamalah* combines these human intellectual characteristics with divine revelation. In most cases, *muamalah* is permissible as long as there is no evidence indicating that it is prohibited.²

¹M Yazid Afandi, *Fiqh Muamalah Dan Implementasinya Dalam Lembaga Keuangan Syariah* (Yogyakarta: Logung Pustaka, 2009)., h. 12

²Sri Sudiarti, *Fiqh Muamalah Kontemporer* (Medan: FEBI UIN SU Press, 2018). h. 7

In muamalah, there is an economic transaction system called buying and selling. The Islamic term for buying and selling, or exchange, is *al-bai'*, which means trade or exchange. In a sale, the seller hands over the goods being sold, and the buyer hands over money according to the value of the goods. Buying and selling is a process of mutual blessing, achieved by exchanging one thing for another or transferring ownership of something in return for something else. Some scholars define sharia sales as contracts that involve exchanging one asset for another in a specific manner.³

In addition, some people use the term “akad,” which means the conclusion of a contract or the transfer of ownership through an agreement, as in *fasakhtu al-bai'a*, which means that an agreement that has been made cannot be annulled. Even if it implies the cancellation of something, it is understood as the outcome of the contract, the absolute exchange of one item for another, namely *sira* (purchase) and *tamaruk* (ownership).

In buying and selling, there are several important considerations, especially the need to seek halal products in a halal manner, ensuring that the traded goods are permissible and that the transactions are conducted with good intentions. This involves eliminating any characteristics that could negatively impact the sale, such as fraud, theft, robbery, and usury.

One of the challenges faced by humanity is in the economic sector. Economic activities are inseparable from community life, as through these activities, people fulfill their needs. Islam also encourages, as stated in the texts of the Qur'an and Sunnah, that people engage in trade or business, which Islam refers to as seeking the bounty of Allah (SWT).⁴

Essentially, buying and selling are permitted in Islamic teachings, and this permissibility is based on the words of Allah swt in QS an-Nisa/4:29

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

Translation:

"O you who have believed, do not spend your wealth unjustly among yourselves, except in trading by mutual consent. And do not kill yourselves [or one another]. Indeed, Allah is ever Merciful to you."⁵

The wisdom from the quoted verse above is that the way to acquire something, especially in business, must align with religious guidelines in order to receive blessings and be pleasing to Allah. In the case of selling defective goods, individuals who are neither the seller nor the buyer must inform others about the defects so that they can make an informed decision about purchasing the item, even if they do not have the right to buy it.⁶

³Abdul Aziz Muhammad Azzam, *Fiqh Muamalat: Sistem Transaksi Dalam Fiqh Islam* (Jakarta: Amzah, 2022), h. 25.

⁴ Muhammad Anis Resky Amaliah Burhani, “Tinjauan Hukum Islam Terhadap Jual Beli Buah-Buahan Diatas Pohon,” *Iqtishaduna: Jurnal Ilmiah Mahasiswa Hukum Ekonomi Syari'ah*, Vol. 1, No.3 (2020), h. 176.

⁵ Kementerian Agama RI, *Al-Qur'an Dan Terjemahnya* (Solo: Tiga Serangkai, 2012), h. 83.

⁶ Ahmad Nur Fauzan dan Muhammad Yaasiin Raya, “Pengembalian Barang Cacat Setelah Transaksi Perspektif Hukum Positif Dan Hukum Islam,” *Iqtishaduna: Jurnal Ilmiah Mahasiswa Hukum Ekonomi Syari'ah*, Vol. 3, No.1 (2021), h. 26

Good buying and selling do not contain deception or betrayal. Deception refers to hiding something about the goods being sold, while betrayal has a broader meaning, encompassing not just hiding the characteristics, quality, and externalities of the goods sold, but also presenting them as false or lying about ownership. One of the conditions for the permissibility of a sale transaction based on the principles of Islamic economics is that it does not involve elements of *gharar* or *tadlis*.

Gharar refers to uncertainty, such as not being able to determine whether something exists, its consequences, transparency, quality, or something that cannot be overlooked. Meanwhile, *tadlis* refers to the seller's attempt to deceive the buyer regarding the goods being sold. *Muamalah*, as a result of Islamic legal analysis, inherently includes the intellectual qualities of humans in its formation because proper *muamalah* encompasses both divine revelation and intellectual aspects, aiming to achieve the welfare of the community and uphold principles of justice.

Furthermore, in the field of *muamalah* and its legal development, the Qur'an and Sunnah serve as sources of law that provide guidance and teachings for humanity in their interactions. This means that the activities of *muamalah* that people undertake to fulfill their life needs should always adhere to the stipulations of the texts of the Qur'an and Sunnah. One example of buying and selling is the sale of garments, which may illustrate a deviation from these rules.

In the practice of selling clothing at Tanrutedong Market in Sidrap Regency, sellers and retailers cannot directly inspect the clothes purchased from agents. Since the clothes are typically sold in bulk sacks, sellers and retailers only see the condition of the items once they arrive. If the clothes they receive are in good condition, they gain significant profit. However, if the condition is poor, they incur losses.

Since Islam is a religion that prioritizes peace, Allah strictly prohibits injustice toward merchants. This highlights that Islam highly values both religious and social welfare by promoting fairness in all economic matters. In economics, nothing is inherently forbidden or impermissible, but it emphasizes that both parties should be committed to avoiding the acquisition of wealth through unlawful means to maintain harmony within the economic system.⁷

B. RESEACH METHODH

In the research for the thesis titled "Islamic Law Perspective on the Sale of Clothing by Bale System at Tanrutedong Market, Sidenreng Rappang Regency," this study is classified as qualitative. The research approaches used are the normative approach and the sharia approach. The data sources for this study are sellers/retailers and buyers at Tanrutedong Market. Data collection methods include observation, interviews, and documentation, while data processing and analysis are conducted in three stages: data reduction, data presentation, and conclusion drawing. This research is set to begin on February 6, 2024, and continue until March 6, 2024.

⁷Sohrah Sohrah, 'Aktualisasi Konsep Ekonomi Adil Menurut Al-Qur'an', *El-Iqthisady: Jurnal Hukum Ekonomi Syariah*, 2020, 154–65.

C. RESULTS AND DISCUSSIONS

1. Selling And Buying Secondhand Clothing Bais System At Tanrutedong Market

The process of exchanging goods for money or ownership rights based on mutual agreement is known as buying and selling. One of the key trading locations on the Tanrutedong main road, located in Tanrutedong Village, Dua Pitue District, Sidenreng Rappang Regency, functions as a commercial center and a source of income for the people of Sidenreng Rappang. Tanrutedong Market is one of the traditional markets in Sidenreng Rappang Regency and is among the most popular and frequented shopping destinations for residents of Dua Pitue District. This is because various daily necessities can be obtained at this market, ranging from staple foods to clothing items like shirts, pants, jackets, shoes, and even secondhand clothing, which is sold at lower prices. The advantage of a traditional market is that the products sold are accessible to the general public at affordable prices.

Tanrutedong Market opens only on Thursdays and Saturdays from 8:00 a.m. to 8:00 p.m. Sidenreng Rappang has long been recognized as a prime location for marketing imported clothing, and it is one of the regions in South Sulawesi where imported secondhand clothing has spread rapidly. The business of buying and selling imported secondhand clothing, commonly referred to as "cakar" or "cap karung," is widely accepted in Sidenreng Rappang Regency. Many people travel long distances specifically to find imported secondhand clothing. According to an interview with Mr. Kemmang, with moderate capital and favorable profits, the trade in imported secondhand clothing has become a promising business for some members of the community.⁸

Another seller of imported secondhand clothing, Hj. Suarni, states in her interview:

"I started my business in 2016 and usually opened my stall beforehand. The profit from selling secondhand clothing varies, typically ranging from 5 to 7 million rupiah, depending on the quality of the goods."⁹

The system of selling imported secondhand clothing at Tanrutedong Market, Sidenreng Rappang Regency, operates as follows: sellers order and purchase imported clothing in bulk from distributors and then resell it individually at the market. This imported secondhand clothing is sold at Tanrutedong Market by distributors from Makassar. Retailers buy imported secondhand clothing directly from Makassar and place orders with distributors through chat or phone calls. In this regard, an interview with Mr. H. Syamsir about the imported clothing he has sold is as follows:

"Sometimes, imported secondhand clothing is bought by sellers from distributors in Makassar or from suppliers who gather products to distribute to several retailers. However, the clothing purchased from distributors may

⁸Kemmang (38 years old), Kemmang (38 years old), seller of imported second-hand clothes, interview, Sidrap, March 15, 2024.", 2024.

⁹Hj. Suarni(45 years old), seller of imported second-hand clothes, interview, Sidrap, March 15, 2024."

be dirty, worn out, or even torn because sellers or retailers cannot ensure the condition and quality of the clothing inside the bags.”¹⁰

Retailers or sellers buy secondhand clothing from distributors or suppliers, which is packaged in bags containing various types of clothing according to the seller’s order. The only thing that sellers or retailers can do is read the code on the bag that indicates the types of clothing inside. The imported secondhand clothing that arrives at the store is then washed, sorted, and categorized by price based on the condition of the items before being sold at the market. This is the result of an interview with Mr. Hj. Syamsir:

“Before being sold, imported secondhand clothing is washed and thoroughly inspected to ensure its quality and condition. If there are any damaged or torn parts, these sections are repaired and sewn, then organized and sold at different prices.”¹¹

Mrs. Hj. Kasma, the wife of Mr. H. Syamsir, explained that the procedure for caring for imported second-hand clothing is not the same for every seller

“The claw clothing taken from the distributor must be washed first, and thick clothing such as jackets, hoodies, and sweaters must be laundered. Imported second-hand clothing must be handled with care because it has been worn by others, so it is very important to make buyers feel comfortable and safe. In addition to keeping the clothing clean, this becomes a benchmark for the product’s price.”¹²

In his interview, H. Syamsir also stated:

“Although we have taken all the necessary care steps before selling the second-hand clothing properly, there are still some buyers who complain that their clothes are torn or discolored. As a result, both sellers and buyers have to negotiate until both parties reach a suitable price.”¹³

In Tanrutedong market, which has long served as a trading place for second-hand clothing imported from local residents and people from outside the area, the items sold are very diverse, including t-shirts, pants, jackets, shoes, and so on. Many people like imported second-hand clothing in Tanrutedong market due to the young generation’s interest in the fashion world.”

As a result of the interview conducted by the researcher with buyers at Tanrutedong market, Mr. Syaifullah stated:

“Two or three times a month, I often buy imported second-hand clothing at Tanrutedong market. I can buy my favorite brand clothes at a lower price than in the brand’s store, which makes it a hobby of mine as well. The clothes I buy are not new items; some are torn or faded. Nevertheless, I am

¹⁰H. Syamsir (51 years old), seller of imported second-hand clothes, interview, Sidrap, March 15, 2024

¹¹H. Syamsir (51 years old), seller of imported second-hand clothes, interview, Sidrap, March 15, 2024

¹²Syamsir (51 years old), seller of imported second-hand clothes, interview, Sidrap, March 15, 2024

¹³H.Syamsir (51 years old), seller of imported second-hand clothes, interview, Sidrap, March 15, 2024

still satisfied with the imported second-hand clothing I purchased at a cheap price.”¹⁴

The results of the interview show that the clothing industry is very affordable because of the prices of imported second-hand clothing, and young people, especially teenagers, are very interested in buying imported second-hand clothing. This is because they are attracted to international brands and consider it a hobby. Mr. Yusuf also explained why imported second-hand clothing is so popular among buyers:

“To complement my daily wardrobe, I sometimes buy second-hand clothing at Tanrutedong market. Second-hand clothing is my choice because it is affordable and of high quality, and since these clothes are only for everyday wear, they don’t need to be expensive. Although there are some clothes that are torn and discolored because they have been worn by others, the second-hand clothing I buy meets my needs. Nevertheless, as buyers, we must be careful when purchasing second-hand clothing.”¹⁵

This shows that the main reason customers are interested in imported second-hand clothing is that it has the same quality as new clothing, but at a lower price.

2. Islamic Legal Review on the Sale of Clothing Using the Bal System at Tanrutedong Market, Sidenreng Rappang Regency

Buying and selling can also be defined as the transfer of price or exchange of goods; according to the law, this is the exchange of goods for other goods or money by transferring their ownership rights.¹⁶

Among the various types of buying and selling, some are prohibited, while others are discussed. Therefore, it is very important for a Muslim to understand the rules that determine the validity or nullity of a transaction so that they comprehend the contract or transaction they engage in. However, many people today engage in buying and selling without paying attention to whether it is valid or not, focusing more on personal gain rather than seeking blessings from the transaction.

Imported clothing sold at Tanrutedong Market in Sidenreng Rappang Regency must meet the following requirements and have been fulfilled:

1. The seller and buyer of imported second-hand clothing at Tanrutedong Market in Sidenreng Rappang Regency in this study are referred to *aqidain*
2. *Al-Sigah* refers to the terms ‘*ijab and qabul*,’ which in the context of this research means the transfer that occurs between the buyer and the seller in the clothing sale transaction.
3. In the context of this research, *Al-Ma’qud alaihi* is the object of the sale, which includes imported clothing such as t-shirts, jackets, pants, shoes, and so on.

¹⁴Syaifullah (24 years old), buyer of imported second-hand clothes, interview, Sidrap, March 17, 2024

¹⁵Yusuf (41 years old), buyer of imported second-hand clothes, interview, Sidrap, March 17, 2024

¹⁶ Sri Ulfa Rahayu, Sahrudin Sahrudin, dan Sandrina Malakiano Ritonga, “Analisis Jual Beli Dalam Perspektif Islam,” *El-Mujtama: Jurnal Pengabdian Masyarakat* Vol 4, No. 2 (2024): h. 1172.

Although the conditions for buying and selling have been established and must be met to be considered valid, some of them relate to the individuals conducting the transaction and the goods being purchased.

The conditions for the parties involved in the transaction (the seller and the buyer) are as follows:

1. There must be an element of mutual consent between the seller and the buyer. The transaction is invalid if one party is forced to buy or sell without a clear reason. The evidence for this is found in the words of Allah swt. Q.S an-Nisa/4:29.

إِلَّا أَنْ تَكُونَ تِجَارَةً عَنْ تَرَاضٍ مِنْكُمْ وَلَا تَقْتُلُوا أَنْفُسَكُمْ ۗ

Translation:

“Except in trade based on the agreement between both parties”¹⁷

2. The eligibility requirements for the transaction are met by both parties.
3. To be considered valid, a transaction must not be conducted by a minor, a mentally ill person, a slave, or someone who does not know how to manage property. The seller and buyer must be free, of legal capacity, and capable of managing money and assets.
4. The items being transacted must be legally owned by both parties.

The Prophet Muhammad Saw. said,

لَا تَبِيعَ مَا لَيْسَ عِنْدَكَ (رَوَاهُ أَبُو دَاوُدَ)

Translation:

“Do not sell items that do not belong to you.”

This hadith states that if the items being sold are fully owned by the seller, the transaction cannot be conducted except with the permission of the owner of those items. Those selling imported second-hand clothing at Tanrutedong Market in Sidenreng Rappang Regency personally own these items after obtaining them from agents and distributors who supply imported second-hand clothing for resale.

Al-Ma'qud alaihi must meet the following requirements:

1. Items that can be fully utilized are defined as goods that can be traded. The items being sold are profitable goods within the practice of selling imported second-hand clothing at Tanrutedong Market, and these are products that have been previously used. Clothing is very important for protecting and covering the body. The clothing being sold is still suitable for use, even though it is not entirely new. At Tanrutedong Market in Sidenreng Rappang Regency, sellers sell imported second-hand clothing that is handed over when the buyers give them money.
2. Both parties involved are aware of the items being sold and the payment method. At Tanrutedong Market in Sidenreng Rappang Regency, buyers can see the clothing sold by sellers of imported second-hand goods to directly assess the condition of the items. After that, the seller receives money as a medium of exchange for the payment of the imported second-hand clothing.

Community transactions are constantly changing and evolving along with technological advancements, lifestyle changes, and the diverse needs of society. However, every transaction must aim to meet the needs and desires of each party while avoiding losses for one another. The Prophet Muhammad saw said,

¹⁷ RI, *Al-Qur'an dan Terjemahnya*, h. 75.

المُسْلِمُ أَخُو الْمُسْلِمِ، لَا يَجِلُّ لِمُسْلِمٍ إِنْ بَاعَ مِنْ أُخِيهِ شَيْئًا فِيهِ عَيْبٌ إِلَّا يَبَيِّنُهُ لَهُ¹⁸

Translation:

A Muslim is a brother to others. Therefore, it is not permissible for a Muslim to sell something to his brother that has defects. On the contrary, he must inform his brother about those defects.

As Muslims, we are forbidden to oppress or harm one another in any form, as this is considered a reprehensible act that is hated by Allah (SWT). Therefore, we should always act honestly when selling goods, including disclosing any defects and avoiding deception and lies, which are the root of all problems. From Abu Hurairah (RA), the Prophet Muhammad saw. stated this clearly.

عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مَرَّ عَلَى صُبْرَةِ طَعَامٍ، فَأَدْخَلَ يَدَهُ فِيهَا، فَنَالَتْ أَصَابِعُهُ بَلَلًا، فَقَالَ مَا هَذَا يَا صَاحِبَ الطَّعَامِ؟ قَالَ أَصَابَتْهُ السَّمَاءُ يَا رَسُولَ اللَّهِ، قَالَ أَفَلَا جَعَلْتَهُ فَوْقَ الطَّعَامِ كِي يَرَاهُ النَّاسُ؟ مَنْ عَشَّ فَلَيْسَ مِنِّي (رواه مسلم)¹⁹

Translation:

“The Prophet Muhammad (peace be upon him) passed by a merchant who was carrying a pile of food, according to Abu Hurairah (RA). He then inserted his hand into the pile of food and found his fingers wet. He then asked, 'What is this, O owner of the food?' The owner of the food replied, 'This food has been affected by rainwater, O Messenger of Allah.' The Prophet (peace be upon him) said, 'Why did you not place it on top of the food so that people could see it?' A deceiver will not be accepted among us.”

"The Prophet Muhammad saw taught merchants to be honest about the condition of the goods they sell and not to hide any defects or flaws from the items they are selling. If someone is selling their merchandise, they must explain the condition of the items so that buyers can consider and think about what they are purchasing.

Imported second-hand clothing that may have defects such as being dirty or torn must be noted, as this affects the buyer's willingness to purchase the items. In Islam, *khiyar* is the right of both parties involved in the transaction to choose to proceed with or cancel the transaction if the buyer is dissatisfied. This is in accordance with what the Prophet Muhammad saw said.

الْبَيْعَانِ بِالْخِيَارِ مَا لَمْ يَتَفَرَّقَا

Translation:

"Before parting, both the seller and the buyer have the right of *khiyar* to determine whether they want to uphold or cancel the contract."²⁰

According to this hadith, both parties involved in the transaction, both the seller and the buyer, have the right of *khiyar* to either uphold or cancel the transaction as long as they remain in the assembly of the agreement or have not parted ways. The purpose of this right of *khiyar* is to prevent both parties from suffering losses or regrets after the transaction.

¹⁸Sulaiman ibn Ahmad ibn Ayyub ibn Mutir al-Lakhmi al-Syamsi al-Tabrani, *al-Mupjam al-Kabir*, Juz 17, h.317.

¹⁹Abu al-Husain Muslim ibn al-Hajjaj al-Qusyairi al-Naisaburi, *Shahih al-Bukhari*, h. 69.

²⁰Abu Abdillah Muhammad ibn Ismail al-Bukhari al-jufi, *Shahih al-Bukhari*, h. 732

Based on the above description of how sellers and buyers trade imported second-hand clothing in the Tanrutedong market, most transactions meet the conditions and pillars of buying and selling according to Islamic law and *fiqh muamalah* because they are based on mutual satisfaction: the seller earns a profit from selling second-hand clothing, and the buyer obtains the clothing they desire at a lower price. Additionally, the goods or items sold by the seller are known. Therefore, in the Tanrutedong market of Sidenreng Rappang Regency, no materials are found that violate the law in the sale of imported second-hand clothing.

However, since sellers of imported second-hand clothing order goods from distributors in the form of bales and do not know the condition, quality, or quantity of the goods, the transaction between the seller and the distributor contains elements of *gharar*, or uncertainty. Islam states that the requirements for the object of sale must be known in terms of quality, condition, and variety to prevent deception. The following hadith shows that the Prophet Muhammad (peace be upon him) prohibited transactions that contain *gharar*:

حَدَّثَنَا مُسَدَّدٌ، حَدَّثَنَا أَبُو عَوَانَةَ، عَنْ أَبِي بَشِيرٍ، عَنْ يُونُسَ بْنِ مَاهَكَ، عَنْ حَكِيمِ بْنِ جَرَّامٍ، قَالَ: يَا رَسُولَ اللَّهِ، يَا تَيْبِي الرَّجُلُ فَيُرِيدُ مِنِّي الْبَيْعَ لَيْسَ عِنْدِي أَفَأَبْتَاغُهُ لَهُ مِنَ السُّوقِ؟ فَقَالَ: «لَا تَبِيعْ مَا لَيْسَ عِنْدَكَ»²¹

Translation:

“Musaddad narrated to us, Abu Awanah narrated to us, on the authority of Abu Bishr, on the authority of Yusuf bin Mahak, on the authority of Hakim bin Hazzam, who said: 'O Messenger of Allah, a man came to me wanting me to sell him something that I do not possess. Should I buy it for him in the market?' He said, 'Do not sell what you do not own’”

Hashah selling refers to the sale of land through the throwing of pebbles. When someone wants to purchase land, this is an example of hashah selling, and they are informed that they must throw these pebbles as far as they can, after which the land will belong to them for a specified price. Both hashah selling and *gharar* are prohibited because they contain ambiguities that can harm one party or the parties involved in the transaction.

In most cases, ambiguity or *gharar* is involved in transactions between sellers and distributors; however, this *gharar* falls into the category of *yasir*, or light *gharar* that can be excused. All scholars agree that some sales that contain *gharar yasir* are necessary and cannot be avoided. However, despite some *gharar*, the auction system is permitted by Islamic law for sales. A hadith from Abdullah ibn Umar (may Allah be pleased with him) states:

كُنَّا نَشْتَرِي الطَّعَامَ مِنَ الرُّكْبَانِ جَزًا فَأَفْتَاهَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنْ نَبِيعَهُ حَتَّى نَنْقُتَهُ مِنْ مَكَانِهِ

Translation:

” Rasulullah saw. prohibited us, his companions, from reselling food that we had purchased from merchants without measuring or weighing it”²²

In this hadith, it is explained that the companions of Rasulullah saw. used the bulk buying system for transactions and were not prohibited from it. He only

²¹Abu al-Husain Muslim ibn al-Hajjaj al-Qusyairi al Naisaburi, *Sahih Muslim*, Juz 5, h. 3

²²Baharuddin Abdurrahman ibn Ibrahim al-Maqdisi, *al-Uddatu Syarhul al-Umdah*, (Cet. I; Kairo : Dar al-Hadist, 1423 H/2003 M), h. 244

prohibited reselling until they moved to another place, which serves as evidence of his approval of the possibility of transactions using the bulk buying system.

Essentially, any transaction that results in one party experiencing loss will not be considered valid. However, the requirement for the transfer of goods is not an issue in the transactions that occur between sellers and distributors through the bulk buying system; this is seen as something that can be excused or tolerated because it requires sufficient funds, making it difficult for distributors to open and inspect all the contents of the sacks. In this regard, purchasing and obtaining imported second-hand clothing from distributors still allows them to profit from the products they sell. This is in line with the findings from the interview with Mr. H. Syamsir:

“The bales of clothing we purchased from the distributor for 6 to 7 million rupiahs still yield a profit, even though some items are sometimes torn and faded. You cannot see what is inside the bales because this is a condition for receiving goods from the distributor. However, after repairs and washing, the products can still be sold. Additionally, if given to tailors, laborers, and employees, the cost is between 10,000 to 20,000 rupiahs per item. Depending on the brand and quality of the clothing included in the bales, each bale can generate between ten to fifteen million rupiahs.”²³

From the explanation above, it is clear that the seller is aware that the second-hand clothing purchased from the distributor cannot be opened and inspected as a condition for the handover of the goods. However, the profit obtained from the sale of these second-hand clothes falls under *gharar yasir* or permissible minor *gharar*, which does not invalidate the transaction and cannot be classified as a loss.

D. CONCLUSION

1. In Tanrutedong Market, Sidenreng Rappang Regency, the system of selling imported second-hand clothing operates as follows: The sellers order and purchase the imported clothing in bulk from distributors and then resell them in individual units at the market. These second-hand clothes are sold in Tanrutedong Market sourced from distributors in Makassar. The clothing is purchased by the sellers from distributors in the form of sacks containing various types of garments acquired in different conditions and situations. This is done by the sellers through an agreement with the distributors. As a result, the sellers cannot guarantee the condition, quality, and quantity of the items they buy. Consequently, buyers almost never complain about damaged or mismatched imported clothing. Therefore, both sellers and buyers at Tanrutedong Market negotiate until they reach an acceptable price for the garments.
2. The sale of imported second-hand clothing in Tanrutedong Market, Sidenreng Rappang Regency, largely meets the criteria according to Islamic jurisprudence (*fiqh muamalah*). The pillars of sales are based on

²³H.Syamsir (51 years old), seller of imported second-hand clothes, interview, Sidrap, March 15, 2024

aspects of mutual consent: the seller receives a price for the second-hand clothing they sell, and the buyer obtains the clothing they desire at an affordable price. Furthermore, the quality and condition of the items involved in the contract can be clearly communicated, allowing the buyer the opportunity as *khiyar* (the right to choose) to select the clothing and negotiate to reach an acceptable price before the transaction takes place. However, the sale of imported second-hand clothing in Tanrutedong Market contains elements of *gharar* (ambiguity) since the seller cannot guarantee the condition and quality of the items purchased from the distributor. This is due to the agreement made between the distributor and the seller, which employs a bulk purchasing system. Nevertheless, the sale of imported second-hand clothing cannot be regarded as a loss because, according to scholars, *gharar khafi* (minor ambiguity) is permissible since the element of *gharar* is minimal and does not result in significant losses for the retailers.

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