
Analysis of Thrift Ball Sale and Purchase Practices from the Perspective of Islamic Economic Law

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ABSTRACT

This research aims to analyze the practice of buying and selling contracts in thrift ball businesses from the perspective of Islamic economic law. Thrift ball, or the sale of imported second-hand clothing in bulk, has become an increasingly popular business phenomenon in Indonesia. This practice raises various legal issues, including compliance with Sharia principles that emphasize fairness, transparency, and legality in transactions. This study uses a normative approach with case study methods and conceptual approaches, where data is collected through in-depth interviews, observations, and analysis of related documents. The results of the study show that although there are some violations of Sharia principles, such as unclear information regarding the condition of the goods and their origin, this practice can be adjusted to better align with Sharia provisions.

Keyword: Sale and Purchase Agreement, Thrift, Islamic Law, Business

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INTRODUCTION

The thrift ball business, or the sale of imported used clothing in large quantities, has grown rapidly in recent years and has become an increasingly popular phenomenon in Indonesia. The increase in public interest in thrift ball products is due to various factors, including more affordable prices and growing awareness of environmental sustainability. However, along with this development, various legal issues have emerged that need to be considered, especially from the perspective of *Islamic economic law*.

Sharia economic law emphasizes the importance of principles of justice, transparency, and *halal* (permissible) in all economic transactions. These principles are designed to protect the interests of all parties involved in a transaction, ensuring that transactions are conducted fairly, transparently, and in accordance with *Islamic* values. In the context of the thrift ball business, there are concerns about the lack of clarity regarding the condition of the goods and their origin, which could lead to violations of these principles.

In addressing the growing concern about the thrift ball business in Indonesia, two prior studies by Syafi'i et al. (2020) and Arifin (2019) provide insights into the application of *Islamic economic law* in retail and trade practices. Syafi'i et al. (2020) examined the *halal* aspect of imported goods, particularly focusing on how transparency in product origin and condition impacts the validity of transactions under *Islamic* economic principles. However, their study primarily focused on food products, leaving a gap in understanding how non-food items, such as used clothing, align with *Shariah* law. Arifin (2019), on the other hand, explored the role of justice and fairness in trade agreements in the context of modern retail

practices, but the study did not specifically address the unique issues raised by the thrift ball business, such as the potential for misrepresentation or the lack of traceability of goods.

This study aims to analyze the practice of sales contracts in the thrift ball business from the perspective of *Islamic economic law*. Using a qualitative approach and case study method, this study will explore how thrift ball business practices can be adjusted to be more in line with *Sharia* provisions.

METHOD

This study used a normative legal approach supported by a conceptual approach and case studies. The normative approach examined the relevant laws, regulations, and *Sharia* principles related to thrift ball trading. The conceptual approach reviewed legal ideas and concepts developed in the literature. Meanwhile, the case study approach aimed to understand the actual practice of thrift ball trading in the field.

Data were collected through document analysis, including transaction records, product information, and relevant legal references. The data were then analyzed qualitatively to assess the conformity of these practices with *Islamic* legal principles.

RESULTS AND DISCUSSION

Buying and selling

From an Islamic legal perspective, buying and selling is part of economic activity that has been clearly regulated. Etymologically, the term buying and selling is known by several equivalents in Arabic, such as *al-bay'*, *at-tijārah*, and *al-mubādalah*, each of which refers to the activity of exchange or trade. Meanwhile, terminologically, buying and selling can be defined as the process of exchanging goods for goods, or goods for money, which is carried out on the basis of mutual consent and agreement between the two parties. In other words, buying and selling is a form of transfer of ownership rights from one party to another, which is carried out based on the principle of justice and in accordance with applicable Islamic law.

In Islamic *Sharia* law, buying and selling activities must also be based on certain principles to comply with religious provisions and maintain fairness for all parties involved. First, the principle of consent (*ridha*) is an absolute requirement, where both parties must conduct the transaction voluntarily without any pressure or coercion. Second, the object being sold must be *halal*, both in terms of substance, nature, and use. Items that are *haram*, such as *khamr* (alcoholic beverages) or *carrion*, are prohibited from being sold because they have no permissible benefits according to *Sharia* law.

Furthermore, the principle of price clarity is also very important in buying and selling. The price of goods or services being transacted must be agreed upon openly and must not contain elements of *gharar* (uncertainty) that could harm one of the parties. This is in line with the teachings of the Prophet Muhammad, who prohibited buying and selling practices that contain elements of deception or uncertainty.

Finally, a valid contract must be the basis for the buying and selling process. The contract is made with a clear statement through *ijab* (offer) and *qabul* (acceptance), which

indicates an agreement between the two parties. With these principles fulfilled, buying and selling in Islam is considered valid and in accordance with the values of justice and benefit.

Thrift Ball

Thrift shops are one type of business that is currently experiencing rapid growth and is in high demand, especially among the younger generation. This business is easily found through various digital platforms such as Instagram, Twitter, Facebook, and other online marketplaces. One of the main attractions of thrift shops is the relatively low capital requirement, yet they offer significant profit potential. This is due to the increasing interest of the public, especially young people, in a variety of preloved products, ranging from clothing to antique items. This phenomenon reflects a shift in consumption patterns, where purchasing used items is seen as a smart alternative to acquiring branded products at more affordable prices. Beyond the economic value, shopping at thrift shops also serves as an effective strategy to save expenses without compromising style and quality.

Thrift ball is an economic activity involving the sale of used items, particularly clothing, that are still in good condition and are typically sold at lower prices than new items. This activity is often conducted through physical stores, bazaars, or online platforms. Thrift ball plays a significant role in raising public awareness about the importance of environmental conservation. By purchasing used items, people directly reduce the demand for new products, which in turn reduces the exploitation of natural resources and pollution generated from new production processes. This is a concrete form of environmental conservation efforts that encourage individuals to think more critically about the environmental impact of their consumption decisions. This awareness often spreads to other aspects of life, promoting a more sustainable lifestyle overall.

Thrift ball opens up numerous opportunities for small and medium-sized businesses. Thrift ball businesses, whether in the form of physical stores or online platforms, provide economic opportunities for individuals who may face challenges entering the formal job market. They can start a business with relatively small capital, utilizing second-hand items collected from various sources. Additionally, thrift ball offers an economic alternative for consumers seeking quality products at more affordable prices, enabling them to manage their budgets more effectively. This also means that the money saved can be allocated to other needs, supporting overall financial well-being.

The importation of goods into Indonesia is regulated by Government Regulation No. 102 of 2000 concerning the implementation of Indonesian National Standards (SNI). This regulation requires all imported goods entering Indonesia to meet established quality standards. Thus, importers are required to always pay attention to the quality and suitability of the products they market. This policy also aims to promote healthy competition, where importers are required to offer products with high quality standards, enabling them to compete fairly in the domestic market.

Sharia Economic Law

Sharia economic law is a legal system that regulates economic, financial, and business activities in accordance with Islamic teachings. The main objective of sharia economic law is to achieve human welfare (*maslahah*) by maintaining justice, balance, and the public interest. This law not only covers rules on business transactions but also covers ethics and morality in business.

Sharia economic law has broad implications that affect various aspects of economic and social life. The implementation of sharia principles in the economy not only changes the way business transactions are conducted but also brings significant changes to the economic structure, consumer behavior, and business practices.

Sharia economic law aims to protect consumer interests and ensure the welfare of society. The prohibition of *gharar* (uncertainty) and *maisir* (gambling) in transactions means that all parties must have a clear and complete understanding of what they are agreeing to. This protects consumers from unfair business practices and ensures that they are not involved in high-risk or speculative transactions. Additionally, *zakat* and *sadaqah* are integral parts of Islamic economics, ensuring that wealth is distributed more fairly and helping to reduce poverty and inequality in society (Smith et al., 2025).

Although from a purity perspective, used clothing may contain impurities, this does not automatically invalidate its sale according to Islamic law (Wuryana et al., 2023). This is because used clothing is not classified as a consumable or intoxicating item, and impurities that adhere to it can still be removed by washing it in accordance with sharia regulations. Therefore, the sale and purchase of used clothing remains permissible under sharia law as long as it meets the established conditions (Rahman & Ahmad, 2021).

However, from the perspective of government regulations, the practice of buying and selling used clothing is prohibited under Minister of Trade Regulation No. 51/M-DAG/PER/7/2015, which prohibits the import of used clothing. This prohibition arises because used clothing typically enters Indonesia through unofficial channels, namely ports without import permits. Additionally, the circulation of used clothing is deemed detrimental to the national textile and garment industry and undermines national dignity, as the public becomes users of clothing previously worn by foreigners. Furthermore, health concerns are also a priority, as used clothing is feared to contain bacteria or germs that could pose a health risk to the public.

Contract in Thrift Ball Sales

Sharia-compliant buying and selling means owning an asset and exchanging it for another asset that grants ownership. On the other hand, buying and selling in the literal sense means selling or exchanging. The concept of buying and selling in this context refers to the exchange of goods or money for goods, carried out through the transfer of ownership rights from one party to another based on mutual agreement (Mohamed & Saiti, 2023).

Etymologically, the term *al-bai‘u* in Arabic means the exchange of one item for another. In linguistic terms, buying and selling refers to the process of transferring ownership of an item

through a contract based on the principle of mutual exchange. Terminologically, bai‘u is understood as the activity of selling, exchanging, or trading one item for another. According to the view of the Malikiyah scholars, buying and selling is divided into two categories, namely general buying and selling and specific buying and selling, each of which has its own characteristics in practice (Martinez-Ruiz & Ruiz-Palomino, 2024).

Sellers of thrift fashion products need to be equipped with an adequate understanding of the importance of transparency and honesty in providing information related to the goods offered (Mansouri et al., 2024). They have a responsibility to ensure that every product sold is of acceptable quality and consistent with the description provided to consumers. Improving quality in sales practices plays a crucial role in minimizing potential conflicts or dissatisfaction from buyers. Additionally, strengthening sellers' capacity in terms of consumer legal protection is also critical to creating a safe, fair, and trustworthy trading ecosystem, particularly in the second-hand goods market.

Although there is an element of gharar in the practice of thrift ball sales because the goods being sold do not have a clear description, this sale and purchase agreement can still be categorized as a normal sale and purchase agreement. This is based on the agreement between the seller and the buyer who have understood and agreed to all the risks that may arise from the condition of the goods (Kumar et al., 2017). Both parties have shown their consent to the transaction. However, to date, there are no specific regulations that explicitly govern the mechanism of sales contracts in thrift ball practices (Khan, 2020).

However, some scholars have stated that transactions involving gharar are not permitted in Islam, as such transactions contain elements of gharar that are prohibited in sales agreements because they can lead to one party being disadvantaged and the principle of justice in transactions not being fulfilled. Therefore, the majority of scholars agree that purchasing goods through the thrift ball system, where the contents, quality, and quantity of the goods are not known with certainty before the contract is made, is deemed haram because it contains clear elements of gharar that harm one party and contradict the principles of justice and transparency in Islamic transactions.

Therefore, it is important to educate people about transactions involving gharar, such as thrift ball, because fundamentally, the condition of the items being sold is unknown, and there is no clarity regarding the quantity of items being sold. Additionally, these used items are often purchased through imports, where the previous owner of the items is also unknown.

The Importance of Thrifting Sales Agreements

In thrift ball sales, it can be said that the agreement used is a salam agreement if the condition of the goods is explained and clear. A salam agreement is a form of transaction in Islam that has special characteristics. Etymologically, the term “salam” derives from the Arabic term “at-tasli,” which means “al-salaf” (to give in advance or to provide upfront). According to scholars, there are differences in terminology used across various regions: the people of Hijaz tend to use the term “al-salam,” while the people of Iraq are more familiar with the term “al-salaf.”

From the perspective of the Hanafi school of thought, the Salam contract is understood as a form of sale and purchase where the goods being traded are delivered at a later date, while payment is made in cash at the outset. A more comprehensive definition explains that the Salam contract is a sale and purchase transaction involving goods whose nature and characteristics have been clearly defined, with a price agreed upon at the time of the contract, but the goods will be received by the buyer at a later agreed-upon time. This transaction reflects flexibility in trade while upholding the principles of clarity and fairness for both parties.

Thus, there are several key elements that form the Salam sale and purchase contract. First, the transaction is based on a prior order for the goods (Hassan et al., 2023). Second, the specifications of the ordered goods must be explained in detail and leave no ambiguity, whether in terms of type, quality, or quantity (Faludi, 2025). Third, payment is made in full at the outset, precisely at the time the contract is agreed upon. Fourth, the delivery of goods is carried out at a predetermined time in the future (Chen et al., 2024).

The Salam contract is closely related to the concept of sale and purchase in Islamic jurisprudence. In fact, as explained by Imam Alauddin Al-Kasani, the Salam contract is essentially part of the sale and purchase itself. In classifying the relationship between the contract and the transaction object, sales can be divided into four types: absolute sales (without specific conditions), muqayadah sales (barter), sarf sales (exchange of gold and silver), and salam sales (payment in advance, goods delivered later).

Thus, the Salam contract falls under the category of valid sales and has its own distinct position within the structure of Islamic law (Aryee et al., 2025). Therefore, discussions regarding Salam cannot be separated from the general principles of sales, and are typically placed systematically after the topic of khiyar, as they remain within the same scope of discussion, namely the contract of sale (Al-Jarhi, 2021).

As for the sale and purchase agreement in online thrifting, it is the same as the online sale and purchase agreement in e-commerce, where sellers describe the condition of the items they are selling, highlighting both the pros and cons (Bakar & Rosbi, 2020). In online thrifting, sellers typically use social media platforms like TikTok because they believe selling through such platforms attracts buyers faster than opening a physical store (Ahmad & Hassan, 2022).

Legal Basis of Salam

The legal basis used for salam contracts is found in the Quran, Hadith, and fatwa from the National Sharia Council (DSN) MUI No: 05/DSN-MUI/IV/2000 regarding Salam Sales. This fatwa explains, among other things, the provisions regarding the goods, payment, delivery of goods, in the event of a dispute, and contract cancellation.

Salam sales are one of the forms of contracts permitted in Islam, with strong legitimacy based on the Quran, Hadith, and the consensus of scholars. In Surat Al-Baqarah verse 282, Allah states: "O you who have believed, when you transact a debt for a specified term, write it down." This verse serves as an important foundation for the permissibility of transactions involving the deferral of goods delivery.

Additionally, there is a hadith from Ibn Abbas explaining the practice of Salam transactions during the time of the Prophet Muhammad. It is narrated that when the Prophet arrived in Madinah, the local people were already accustomed to entering into salam contracts for fruits for a period of one to two years. The Prophet then stated that anyone engaging in salam transactions should specify clear measurements, quantities, and time limits.

In addition to the Quranic verses and hadith, the consensus of scholars further strengthens the permissibility of salam contracts. Ibn Mundzir stated that all scholars agreed to permit this type of transaction due to the urgent needs of society. For example, farmers or business owners often require initial capital to manage their businesses before the products are ready for market. In this context, Salam transactions serve as a legitimate solution to help them obtain funds earlier, while also functioning as a mutually beneficial form of cooperation aligned with Sharia principles.

Elements of Salam

In the implementation of the Salam contract, there are several important elements that must be fulfilled for the transaction to be considered valid. First, the parties to the contract, namely the muslim (buyer) who acts as the party placing the order and in need of the goods, and the muslim ilaih (seller) who is responsible for producing or providing the goods according to the order. Second, the object of the contract (muslam fih), which is the ordered goods along with their specifications and agreed-upon price. Third, the contract statement (sighat akad), which is the offer and acceptance indicating mutual agreement between the parties.

Conditions of Salam

In general, the conditions in a salam contract are not much different from those in a conventional sale and purchase contract. However, there is a special feature in a salam contract, namely that the buyer is not required to see the goods directly before making the transaction. In addition, the scholars have established a number of conditions that must be met for a salam contract to be considered valid according to Islamic law. The five main conditions are: (1) the type of goods ordered must be clear, (2) the specifications and measurements must be detailed, (3) the delivery time must be determined precisely, (4) the amount of payment or capital used must be clearly known, and (5) if the delivery process incurs additional costs, the delivery location must also be explicitly stated.

The application of these conditions is intended to provide legal certainty, maintain fairness for both parties, and avoid disputes in the future.

CONCLUSION

A sale and purchase agreement in Islam is a contract between two parties to exchange an item, usually for money, governed by principles ensuring fairness and clarity. The thrift ball business, involving the sale of used clothing still in good condition at lower prices, has become popular and is regulated under Sharia economic law, which aims to maintain justice, balance, and public welfare (maslahah). In Islamic terms, the sale of thrift items typically uses

the salam contract, where payment is made in advance for goods to be delivered later, emphasizing transparency and mutual consent. However, legal discussions show that this business model must avoid elements of uncertainty (gharar) and concealment, such as bundling systems where the condition of goods is not visible, as these violate Sharia principles. To comply with Islamic law, sellers must clearly disclose the condition and contents of goods, enabling buyers to make informed decisions. Future research could explore how digital platforms, where many thrift transactions occur, can be adapted to enhance transparency and compliance with Sharia norms, ensuring ethical trade practices in the growing online thrift market.

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