



REVIEW OF ISLAMIC LAW ON THE SALE AND PURCHASE OF TIGHT AND OPEN CLOTHING

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ABSTRACT

This research examines the practice of selling tight clothing that occurs in the community. The purpose of this research is to find out the law of buying and selling tight clothing in Islam. Basically the law of buying and selling is permissible, but in this study a closer look at the object being traded, namely tight clothing. The research method used is descriptive research analysis with data sources in the form of reference books related to this issue. The results of this study indicate that from the perspective of Islamic law, buying and selling tight clothes is permissible. However, the seller should give tips to buyers not to wear tight clothes in public places to avoid unwanted things from happening.

Keywords: Sale and purchase, tight clothing, Islamic law.

ABSTRAK

Penelitian ini mengkaji tentang praktek jual yang pakaian ketat yang terjadi di lapisan masyarakat. Adapun tujuan dari penelitian ini adalah mengetahui hukum memperjualbelikan pakaian ketat dalam islam. Pada dasarnya hukum jual beli adalah mubah, namun dalam penelitian ini meninjau lebih dekat terhadap objek yang diperjualbelikan yaitu pakaian ketat. Pakaian yang ketat terutama bagi seorang muslimah, ketika dipakai akan tampak bentuk tubuh. Metode penelitian yang digunakan ini adalah penelitian deskriptif analisis dengan sumber data berupa buku-buku rujukan yang berkaitan dengan masalah ini. Dari hasil penelitian ini menunjukkan bahwa perspektif hukum islam jual beli pakaian ketat hukumnya adalah mubah. Karena dikembalikan kepada hukum asal jual beli, dan pakaian ketat bukanlah najis sehingga tidak terlarang untuk diperjualbelikan. Namun, sebaiknya penjual memberikan tips kepada pembeli untuk tidak memakai pakaian ketat di tempat umum menghindari hal yang tidak diinginkan terjadi.

Kata Kunci: Jual beli, pakaian ketat, hukum islam.

INTRODUCTION

This research needs to be discussed because the assessment of some people on the object of buying and selling tight clothes is absolutely haram, seeing the number of people, especially Muslim women who use tight clothes in public places that show the shape of the body. However, when viewed from the terms and conditions of the sale and purchase, everything is fulfilled. The more humans on earth, the higher the sense of competition among them. One way to fulfill desires and to achieve happiness is by buying and selling. Buying and selling activities are always carried out by the community because it is a livelihood and also fulfills needs.

However, the times make competence in the business world also grow, sellers must be smart in choosing objects to be traded so that buyers are interested. The latest clothing or fashion is a necessity that is always sought after and needed by the community, especially women.

Bondan Perwira L's research (2018) with the title Analysis of Islamic Law on the Practice of Buying and Selling Tight Clothing for Women at Putri Collection Shop Gading Fajar 2 Sidoarjo Market. From the results of this study indicate that the Islamic view of the practice of buying and selling at the Putri collection store is in accordance with the provisions of buying and selling, namely fulfilling the terms and conditions, there are sellers and buyers, in accordance with the provisions of the Sharia and the goods being traded are clearly in place. Then the object being traded is a permissible product, so according to the researcher that the conclusion of the practice of buying and selling paper materials at the Putri Collection store seen from the pillars and conditions has been fulfilled, so in terms of the view of Islamic law analysis of buying and selling practices at the Putri collection store is something that is permissible and legal. sale and purchase.

According to researchers, tight clothing is clothing that is not in accordance with Islamic religious provisions which should be loose, not thin and not show curves. According to researchers in trading and wearing tight clothing according to Islam is haram. Haram in question is materially halal, but the model causes it to become haram. So if the act is haram then the things that lead to the act are also considered haram. So, wearing tight clothing is haram and trading it is also haram.

According to the researchers, the problem of buying and selling with the object of tight clothing needs to be analyzed further, especially for the reasons of the sellers, which are solely efforts and obligations to meet the family's livelihood,

METHODS

This research is qualitative, and analyzed with a sociological approach to the practice of buying and selling tight clothes in Banjarmasin. The reason is because there are

many enthusiasts of the latest fashion, especially in Banjarmasin City, so that the sellers also try to have the latest models in their stores. Then the researcher conducted an interview with one of the tight clothing sellers, based on the interview the information that the researcher got was that the seller only sold tight clothes and was hands off on how the buyer used it.

RESULTS AND DISCUSSIONS:

The scholars agree to define buying and selling as the exchange of property for property in certain ways that aim to transfer ownership. Fashion or what we know better as a style of dress, nowadays there are so many kinds. One of the fashion models favored by women is tight clothing. Tight clothing is clothing that when worn forms curves or body shapes.

The emergence of various fashion or clothing styles is none other than one of them, namely the influence of the Western world, many people, especially teenagers and adults, imitate the dressing style of Westerners.

From this, it can be seen that the interest of people from various circles in fashion or dressing style is the reason for the large number of sellers who provide various types of clothing including tight clothing. In addition, trading or buying and selling is a large part of the livelihood of the community, especially in Banjarmasin City.

The standard of living in the city and in the village is certainly different, so those who are in the city and work as traders must be smart in varying their merchandise so that they are always in demand, because the more enthusiasts, the higher the economic value. Another reason the sellers still sell clothes (tight) is because selling clothes does not have the potential to spoil like food.

As for the legal basis for the disyariatkan of buying and selling:

وَأَحَلَّ اللَّهُ الْبَيْعَ وَحَرَّمَ الرِّبَا

Meaning: "Allah has justified buying and selling and forbidden usury". (Q.s.Al-Baqarah [2]:275).

The most correct view, according to Imam Shafi'i, is that the verse is general in nature, in that it implies the permissibility of every sale and purchase, unless there is evidence to the contrary.

From the first argument that researchers use, it can be understood that all buying and selling is basically permissible as long as the pillars and conditions are met. A pillar is something that must be fulfilled for the validity of a job, while a condition is a provision that must be heeded and carried out.

The pillars and conditions of buying and selling are as follows:

1. There is a seller and a buyer.

In connection with the requirements of the two people who make a contract, namely that they must be mumayyiz, baligh, and have reason. So it is not valid if a madman, drunk makes a contract. In addition, the sale and purchase made by a child is also invalid unless the goods purchased are only small items.

2. Sighat (Ijab Kabul)

Ijab Kabul is an expression of the willingness or agreement of both parties between the seller and the buyer. For example, as is the custom in Banjar, the seller says "sell lah" or "sell what you can, ask for it willingly" and the buyer answers "inggih tukar, ask for it willingly." However, this ijab Kabul does not have to be the same in every transaction because each region has different customs. The most important thing is that the two parties to the contract (the seller and the buyer) are both willing.

3. There is a price and goods that are traded.

It is not valid if the exchange rate is not clearly stated in the transaction, for example selling goods at a price agreed at the end.

Then the conditions of the goods traded by Imam Syafi'i divide it into 4, namely:

- a. The goods being traded are pure.
- b. The item can be utilized.
- c. The goods being traded are not vague.
- d. The goods being traded do not belong to someone else.

Then the researchers also took the argument from one of the fiqh rules relating to buying and selling, namely:

الأَصْلُ فِي الْمُعَامَلَةِ الْحَلُّ وَالْإِبَاحَةُ

(The basic principle in muamalah is halal and permissible).

The meaning of this rule is that all contracts are considered halal, until there is evidence that forbids it. In matters of muamalah, whether new or old, the principle is permissible. It is not permissible for someone to reject the law of permissibility, unless there is a valid and clear argument prohibiting it.

Islamic Law Review of the Motivation of Tight Clothing Sellers at the Initial M Store in Banjarmasin

Previously, the researcher did not clearly convey the name of the shop that sold this tight clothing because at the request of the seller as my informant, so to respect their privacy I only mentioned initials.

In society, buying and selling clothes is always popular, especially with the latest types and models. All groups are tempted, especially women both adults and teenagers.

In 2022, it is not surprising that many people, especially women, use tight clothing on a daily basis, especially when visiting crowded places such as tourism. From this, the sellers also always maximize their efforts so as not to be left behind with the existing fashion models. Because if the merchandise they sell is not popular, it also has an impact on the lack of income of the sellers. And this is the main factor why the practice of buying and selling tight clothing continues and even grows in society.

The researcher conducted an interview with one of the tight clothing sellers as follows:

Researcher : "Assalamualaikum introduce, My name Umi Kalsum from UIN Antasari Banjarmasin student wants to do a little interview for academic purposes, is you pleased?"

Seller : "Yes *waalaikumsalam* what interview?"

Researcher : "I want to buy and sell related to buying and selling."

Seller : "Yes, please."

Researcher : "Regarding buying and selling, beforehand, I apologize for the clothes that, for example, have rather short sleeves, or tight pants, after which pian consumers go out of the house, what is the response of pian as a seller."

Seller : "Well for that is out of my business, because my job is to sell goods in order to make a living and also every buyer has explained the goods clearly so that they don't feel cheated."

Researcher : "So far, the majority of those who infect pian selling are from what circles."

Seller : "Emmm most of the people who trade are adults and teenagers."

Researcher : "Thank you very much for your time and answer."

Seller : "You're welcome, hopefully it will help you against this simple answer."

Based on the results of the interviews above, the researchers analyzed the practice of buying and selling tight clothing from the perspective of Islamic law as follows:

The majority of buyers are adults, who in general can and are able to utilize the goods they buy. And this is in accordance with the provisions of the Shari'a. So this sale and purchase is considered valid according to Islamic law.

Then related to the object being traded, namely tight clothing, materially the object is pure and not an object that is absolutely haram such as khamr and others. Tight clothing is also not a dangerous object and the goods being traded are purely the seller's property not the property of others.

The approach taken by researchers related to the above case is to prioritize maqasid sharia. The concept of maqasid sharia is to realize the good while keeping away the bad or maslahat, because Islam and maslahat are twin brothers that cannot be separated.

The maslahah referred to by the researcher is from the results of interviews conducted that the reason for selling tight clothes is to make a living, which means fulfilling needs, fulfilling all needs is one way of hifdzu nafs which is part of maqasid sharia itself.

Interestingly, according to the researcher, this research is a closer look at objects that are generally considered haram. Here the researcher examines further not only from the object but from the pillars, conditions of sale and purchase and the reasons for the sellers who are legal considerations according to the researcher.

According to researchers, a possible solution is that the seller should provide explanations and tips to the buyer not to wear tight clothes in public places to avoid fitnah, and other unwanted things.

And for the buyer to buy tight clothes but not to wear in public, but for themselves only or for those who are married for their husbands only.

CONCLUSION

Based on the analysis above, the researcher concludes that the sale and purchase of tight clothing is permissible and valid because it is returned to its original law as the rules that the researcher mentioned earlier. Tight clothing is not an unclean or dangerous object so it is not prohibited from being traded. And the transactions carried out by sellers and buyers are also clear and not vague, because if it is not clear, it will harm one party.

As for the reason for the permissibility of buying and selling tight clothes, namely the fulfillment of the terms and conditions of buying and selling, and the goods being traded are not prohibited objects such as alcohol or pigs. So according to the researchers, the law of buying and selling is returned to the original law, which is permissible until there is

evidence that changes it. The benefit of this research for the community may be that it is not easy to say that someone's business is haram or not right, but we need to examine the reasons for these sellers. In determining the law we also need to weigh the maslahat and mudharat.

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