

Contextualization of the *Mu'amalah* Principle in Marosok: A Study of Living Hadith in the Minangkabau Society

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Abstract

Books list Hadith as a normative text; however, it also transforms into a social practice within Muslim culture. The manifestation is the Marosok tradition in Minangkabau, West Sumatera - Indonesia, which is cattle buying and selling transactions that are carried out non-verbally through hand gestures. This research asks three main questions: (1) How is the practice of the Marosok tradition carried out in the Minangkabau community as non-verbal buying and selling transactions? (2) What are the principles of *mu'amalah* that are substantively reflected in the practice of Marosok? and (3) How can the living hadith approach be used to understand Marosok as a contextualization of hadith teachings in local culture? This study uses a qualitative approach with a literature ethnographic method, based on data from previous research relevant to the hadith of *mu'amalah*, Marosok practices, and Minangkabau cultural dynamics. Researchers carried out a descriptive and interpretive analysis to trace the integration between Islamic teachings and local cultural expressions. The study revealed that participants conducted Marosok using a system of non-verbal bargaining with culturally agreed-upon hand gestures. This system internalized the basic values of *mu'amalah*, such as honesty (*shidq*), mutual pleasure (*taradhin*), and the prohibition of deception (*gharar/ghisy*). The living hadith approach explains that Marosok is the contextualization of *mu'amalah* hadith in local traditions that is in line with *Maqāṣid syarī'ah*, especially in maintaining property (*hiḏz al-māl*) and realizing justice in transactions. Thus, Marosok is proof that the teachings of hadith can live and develop in the cultural diversity of Muslims.

Keywords: *Marosok*, Living Hadith, *Mu'amalah*, *Maqāṣid Syarī'ah*, Minangkabau

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1. Introduction

Minangkabau is an ethnic group in West Sumatra - Indonesia - which has traditional wealth that synergize with Islamic values. One of the unique forms of this synergy is the practice of *non-verbal* buying and selling, known as *marosok*. In this practice, buyers and sellers conduct transactions without verbal speech, using only hand gestures under their sarongs. (Aisyah, 2020; Firmanto, 2021) This practice has academic appeal, especially when it is associated with the principle of *mu'amalah* in Islamic teachings related to buying and selling, namely the principle of mutual mering (*taradhin*) which is the foundation of the validity of the sale and purchase contract. Although this practice seems unusual from a modern buying and selling perspective, it still legally occurs and represents honesty and a strong agreement between sellers and buyers.

In Islam, *mu'amalah practices* such as buying and selling have a strong foundation in the hadiths of the Prophet Muhammad SAW, which emphasize the principles of *ridha* between parties, honesty, and the prohibition of fraud. (Hidayat dkk., 2023) Therefore, we must examine the practice of *marosok* within the framework of living hadith - the study of how Muslims in local communities practice and experience hadith (including the Qur'an) in their economic and cultural lives.

Several previous studies have discussed *marosok* from the perspective of buying and selling in the era of globalization (Nurfadilah dkk., 2024) *maqâshid syari'ah* (Hidayat dkk., 2023) perspective of sharia business ethics (Hanania & Basir, 2024) according to the mechanism of the Islamic (Alfires, 2023) and culture (Asrita & Rhizky, 2024; Siska dkk., 2022; Susanti, 2020).

However, there has been no study that specifically reads it from the perspective of *living hadith*. In fact, this approach can provide a more contextual and dynamic understanding of the relationship between hadith texts and social practices.

This research answers the following questions: (1) How is *the practice of the marosok* tradition carried out in the Minangkabau community as *non-verbal* buying and selling transactions? (2) What principles of *mu'amalah* does the practice of *marosok* substantively reflect? (3) How can the *living hadith* approach be used to understand *marosok* as a contextualization of hadith teachings in local culture?

This research aims to: (1) Describe the phenomenon of *marosok* in Minangkabau society, (2) Analyze how *mu'amalah* principles integrate into the practice of *marosok*, and (3) Demonstrate how the living hadith approach serves as an analytical tool for understanding cultural and Islamic acculturation.

This research is significant because it expands the scope of hadith studies to the realm of local culture, as well as opens up a methodological space to combine the study of hadith texts with cultural ethnography through *the living hadith* approach. Using the Living Hadith framework, the author proposes an alternative approach, demonstrating how people live and practice hadith, especially the principle of taradhin, in local economic-cultural practices. There are three fundamental reasons behind this approach. First, conceptually, hadith is not only understood as a normative text but also as a source of value that shapes the way of life of Muslims in diverse socio-cultural contexts. Second, empirically, the practice of *marosok* is still sustainable and has become an integral part of buying and selling activities in the Minangkabau community. Third, philosophically, the integration between Islamic teachings and local culture is not opposition, but a reflection of the dynamics of Islam that are contextual and rooted in the reality of society. One of the uniqueness of this study is its attempt to combine three aspects at once: religious aspects (hadith), economic aspects (purchase and sale contracts), and cultural aspects (local traditions), in one interconnected and mutually reinforcing research framework.

1. Literature Review

1.1. Marosok

1.1.1. Definition of Marosok

Marosok comes from the Minang language, which means *to feel or touch* (Andalib, 2023) in the term's sense, *marosok* is a habit of the Minangkabau people in conducting non-verbal livestock buying and selling transactions. This buying and selling process only relies on signal movements without overt price conversations. Buyers and sellers use a finger code during handshakes, concealing their hands with cloth, sarongs, hats, or other garments to keep the code secret. (Fadhilah & Dewi, 2017)

The findings show that no verbal communication occurs between the seller and the buyer during the bargaining process. Sellers and buyers use specific hand gestures or fingers to make price offers, gestures both parties understand culturally. Once these nonverbal cues create an agreement, the parties consider the transaction valid and exchange goods. Each number of pressed fingers carries a specific value that is mutually understood by the parties involved in the transaction. (Siska dkk., 2022; Susanti, 2020)



Figure 1: The Form of Marosok Practice in Cattle Buying and Selling Transactions at the Batusangkar Livestock Market

Fig. 1 shows the form of *marosok* practice carried out between farmers and buyers. Data from local research such as (Aisyah, 2020; Asrita & Rhizky, 2024; Susanti, 2020) emphasized that *marosok* is not only an economic practice but also part of the Minangkabau traditional heritage that is inherited across generations. People consider its preservation respect for culture and sharia. (Rafiq, 2021) (Fajarini, 2014) (Siska dkk., 2022)

1.1.2. Marosok Practice

Marosok is done at weekly animal markets. When a buyer is interested in cattle—be it a cow, a goat, or a buffalo—he will approach the seller and sit next to him. The two then covered their hands and bargained by touch, keeping their hands hidden behind a sarong, hat, towel, or other covering.

Lah nampak dek awak jawi nan katuju, batanyoan lah sia nan punyo jawi ko? Lalu ditanyo: 'Bara harago jawi ko?' Dari situ langsung marosok, salaman tangan batutuik kain, ditanyo harago dalam kode jari. (S. D. Mangkuto, komunikasi pribadi, 5 Juni 2025)

(When we have found the cow to buy, then we will ask who does this cow have and how much does it cost? We then negotiate using marosok, covered with a cloth, and bargain with a finger code.

The point is, when the prospective buyer has seen the cow he wants to buy, he will ask who owns the cow and how much it costs. Following this, both parties conduct negotiations using a *marosok* method - a cover cloth - with price bargaining occurring through mutually understood codes and gestures.

Price signals in *marosok* using a finger code. When the seller holds the buyer's finger, one finger can show a value such as a thousand, ten thousand, one hundred thousand, up to one million rupiah, depending on the context of the transaction. Two fingers indicate two thousand, twenty thousand, two hundred

thousand, two million, and so on. Three fingers indicate three thousand, thirty thousand, three hundred thousand, three million, and so on until five fingers. If the seller holds four fingers at once—i.e. index finger, middle finger, ring finger, and little finger—then it becomes the symbol of the number 6, which can mean 6,000, 60,000, 600,000, and so on. Pressing the forefinger, middle finger, and ring finger creates the symbol for the number 7, meaning 7,000, 70,000, 700,000, and so on. Pressing only the index and middle finger creates the number 8 symbol. While one index finger that is pressed shows the number 9, such as 9,000, 90,000, 900,000, and so on. The thumb has a special meaning as a symbol of the number 25, such as 25, 250, 25,000, depending on the situation. (Andalib, 2023)



Figure 1: Finger Gesture Form Made at the Time of Marosok Transaction

Fig. 2 shows the bargaining process carried out by both parties only through code and finger gestures, without the use of the slightest voice. In the bargaining process, if the buyer replies by holding the seller's finger and then turning it to the right, it is a signal that the buyer is asking for a price reduction. Transactions are usually closed with a handshake as a sign of agreement on the agreed price (Alfires, 2023; Siska dkk., 2022). The seller will respond to the gesture with a sign of acceptance - i.e. grasping the buyer's hand - or rejection by releasing a hand or giving a specific gesture. The transaction is legal and binding after the seller grasps the buyer's hand, even without a word. This tradition not only reflects efficiency and confidentiality in transactions, but also shows local values, such as maintaining self-esteem, trust, and social harmony.

1.1.3. Purpose of Marosok

Transactions by *means of a trade* reflect the value of politeness in buying and selling, and play a role in preventing disputes between livestock traders and between sellers and buyers, and avoiding the interference of others in the event

of bargaining between the two parties. This is based on an interview from one of the farmers, who said:

Sabananyo, marosok tu dilakuan supayo harago nan ditawar jo dimintak indak ketahuan dek urang lain. Bara haragonyo ditaruko, jo bara nan dimintak, dilakuan dalam salaman tangan nan ditutuik kain saruang, baliak baju, topi, handuak atau apo sajo yang bisa manutuik tangan, bisa juo baju panggaleh. Tujuannyo, supayo panggaleh nan lain indak tau do sabana-bana harago nan disabuik duo pihak. Jiko harago tu disabuik langsung, bisa didanga dek urang lain. Mako dari itu, marosok dipakai sabagai caro nan sopan, barasiah, jo untuak manyingkian kusuik atau salah paham antaro panggaleh jo pambali, atau iyo juo untuan mahindari campua tangan urang lain yang indak sato lansuang dalam bajua bali ko, jo jauh dari monopoli pasa dari toke-toke tatantu. (S. P. Sati, komunikasi pribadi, 5 Juni 2025)

People perform the marosok to keep the negotiated and requested price secret from others. Traders convey the offered and requested price through a handshake covered with a sarong, a shirt flip, a hat, a towel, or anything that can cover the hand—including their clothes. The goal is so that other traders do not know exactly the price agreed upon by both parties. Directly mentioning the price might allow others to overhear it. Therefore, traders use marosok as a polite, closed way to avoid misunderstandings and prevent interference from uninvolved parties. In addition, this is also to avoid market monopoly by certain traders)

The purpose of *marosok* is to keep the negotiated and requested price secret from others. Using a handshake covered by a sarong, a shirt flip, hat, towel, or any hand covering - including their clothes - traders communicate the offered and requested price. To ensure other traders are unaware of the exact price, this is the goal. Direct mention of the price might allow others to hear it. Therefore, traders use *marosok* as a polite, discreet method to avoid misunderstandings and prevent interference from uninvolved parties. This practice prevents certain traders from monopolizing the market.

At this time, the application of *the marosok tradition* in the livestock market is no longer as strict as in the past. In the past, every transaction of buying and selling livestock had to be carried out in *a mixed* way, whether the buyer understood the method. But now, because more and more buyers come from outside West Sumatra, for those who do not understand the *marosok* tradition, sellers usually invite them to a quieter place to transact openly but still maintain ethics and comfort. As per an interview with one of the buyers:

Kini ko, indak sado urang pandai marosok. Banyak juo nan datang ka pasa tu nan indak tau caro marosok. Jadi, kalau pambali ndak bisa marosok, panjua biaso mambaoknyo ka tampek nan langang, supaya bisa batanyo harago tanpa didanga dek urang lain. Ciek-ciek lah ditanyo, lambek-lambek juo dicari kesepakatan. Tapi, kalau samo-samo toke, biaso marosok masih dipakai, karano sarupo-sarupo pandai mamahami isyaratnyo. (S. P. Bandaro, komunikasi pribadi, 5 Juni 2025)

(Currently, because not everyone is good at practicing marosok. Many also come to the market but do not know how to get there. Therefore, if the buyer does not understand the practice of marosok, the seller will usually invite him to a rather quiet place, so that he can ask for the price without being heard by others. Buyers ask prices slowly, and gradually seek deals. However, if fellow merchants conduct the transaction, they still use marosok because they both understand the code and signals.)

This means that at this time, not everyone is good at doing *marosok*. Many also come to the market but do not know how to get there. Therefore, if the buyer can't get out, the seller will usually invite him to a rather quiet place, so that he can ask for the price without being heard by others. They slowly ask prices and gradually seek deals. However, if fellow wholesalers conduct the transaction, they still often use *marosok* because they both understand the code and signals.

Overall, this *marosok* serves to maintain the confidentiality of the prices offered and avoid open bargaining in public (Alfires, 2023; Fadhilah & Dewi, 2017; Hidayat dkk., 2023) and avoid the intervention of other parties during the transaction. The *Marosok* tradition is part of the local wisdom of Minangkabau, which reflects values such as secrecy, solidarity, and harmony.

1.2. Legal Conditions of Buying and Selling in Islam

In Islam, one should carry out buying and selling (al-bay') fairly, transparently, and based on mutual willingness. The main purpose of the principles of buying and selling in Islam is not only an economic transaction but also part of worship to get the pleasure of Allah SWT and avoid things that are haram and harmful.

1.2.1. Avoiding Ignorance of Information (Intifa' al-Jahalah) and the Element of Gharar ('Adam al-Gharar)

Buyers and sellers must clearly know the goods being sold, eliminating major ambiguities that could lead to disputes. Here, gharar refers to properties or specifications. For example, someone buys an item with a specific specification, but then finds that the item is not suitable. (Bahuty, 2013)

عَنْ أَبِي هُرَيْرَةَ، قَالَ: «نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ بَيْعِ الْحَصَاةِ، وَعَنْ بَيْعِ الْغَزْرِ» (أَخْرَجَهُ مُسْلِمٌ)

From Abu Hurairah, he said: "Rasulullah forbade buying and selling by throwing pebbles (bai' al-hasat), and buying and selling that contains ambiguity". (Narrated by Muslim)

We can classify this ambiguity into four types: Ambiguity concerning the goods being sold, whether in terms of type, category, or quantity as the designation of a guarantor when required. (Bahuty, 2013)

1.2.2. Mutual Pleasure of Both Parties and No Coercion (Intifa' al-Ikrah)

In the sale and purchase agreement, there should be no element that forces one party to sell or buy by force. If there is coercion without sharia reasons, then the sale and purchase contract becomes void. (Syarbaini, 1994)

This is based on the hadith of the Prophet Muhammad:

عَنْ دَاوُدَ بْنِ صَالِحِ الْمَدَنِيِّ، عَنْ أَبِيهِ، قَالَ: سَمِعْتُ أَبَا سَعِيدٍ الْخُدْرِيَّ، يَقُولُ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «إِنَّمَا الْبَيْعُ عَنْ تَرَاضٍ». (رواه ابن ماجه)

From Dawud bin Shalih al-Madani, from his father, he said: I heard Abu Sa'id al-Khudri say: Rasulullah said: "Indeed, buying and selling should be based on mutual pleasure". (Narrated by Ibn Majah)

1.2.3. Honest and Not Causing Harm ('adam ad-dharar)

This means that buying and selling must be honest and must not cause losses to the seller other than the goods or to other parties. (Kisani, 1986) Even though a buyer is a person who does not understand the condition of the goods he buys, the seller must still be honest and must not hide defects in his merchandise.

Here, the Prophet Muhammad said:

عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ رَجُلًا ذَكَرَ لِلنَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنَّهُ يُخَدِّعُ فِي الْبَيْعِ، فَقَالَ: «إِذَا بَايَعْتَ فَقُلْ لَا خِلَابَةَ» (رواه البخاري ومسلم)

From Abdullah bin 'Umar ra., a man complained to Rasulullah the obligation of a seller to be frank about the condition of his merchandise, telling, then say: Lā khilābah (there is no deception) ". (Narrated by al-Bukhari and Muslim)

Regarding the obligation of a seller to be frank about the condition of his merchandise, the Prophet Muhammad also said:

عَنْ عُقْبَةَ بْنِ عَامِرٍ، قَالَ: سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، يَقُولُ: «الْمُسْلِمُ أَخُو الْمُسْلِمِ، وَلَا يَجِلُّ لِمُسْلِمٍ بَاعَ مِنْ أَخِيهِ بَيْعًا فِيهِ عَيْبٌ إِلَّا بَيَّنَّهُ لَهُ» (رواه ابن ماجه)

From 'Uqbah ibn 'Amir, he said: I heard Rasulullah say: "A Muslim is a brother to another Muslim, and it is not lawful for a Muslim to sell something to his brother that has a defect (damage) in him, unless he explains it (first)." (Narrated by Ibn Majah)

عن ابن عباس، قال: قال رسول الله صلى الله عليه وسلم: «لا ضررَ ولا ضرارَ» (رواه ماجه)

From Ibn 'Abbas, he said: Rasulullah said: "It is not permissible (to do) harm, and it is not permissible to repay harm with harm". (Narrated by Ibn Majah)

1.2.4. Fairness in Pricing

Islam allows a person to profit from the buying and selling that he does. Although there are no specific provisions regarding how much profit is obtained, the profits taken must be reasonable and not detrimental to the buyer.

Nabi Muhammad said:

عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، قَالَ: «رَجِمَ اللَّهُ رَجُلًا سَمَحًا إِذَا بَاعَ، وَإِذَا اشْتَرَى، وَإِذَا اقْتَضَى» (أخرجه البخاري)

From Jabir, the Prophet Muhammad said: "Allah blesses a person who acts gently in buying and selling, when demanding rights and when collecting them." (Narrated by al-Bukhari)

1.3. Living Qur'an and Hadith

Linguistically, *Living Qur'an* is a combination of two words, namely *living*, which means 'life' and the Qur'an the phenomenon of the Qur'an in Everyday Life originated the Living Qur'an; this phenomenon reveals how the Muslim community understands and experiences the Qur'an's meaning and function. This Qur'an use stems from an interpretive practice that considers not only the text's meaning but also the perceived spiritual merit of specific verses for daily life. (Junaedi, 2015) it includes the use of the Qur'an in practical life outside of its textual context. (Wasman dkk., 2023) The use of the Qur'an in this way arises from the practice of interpretation that does not solely refer to the understanding of its textual message, but is based on the belief in the existence

of *fadhilah* from certain parts of the Qur`anic text for practical in the daily lives of the people. (Fauzan, 2023) The same is the case with living hadith, where the hadith is essentially living/direct implementation from the Prophet Muhammad SAW to the meaning of the Qur`an verses which are then narrated from the next generation of companions to the next

1.4. Minangkabau Local Wisdom

Local wisdom, which in foreign languages is often also conceptualized as local *wisdom* or local *knowledge* is a set of life views, knowledge, and survival strategies that are realized through various activities of the local community. (Bahardur, 2018) This serves as a solution to answer various challenges in meeting their life needs. As the basis of life knowledge, local wisdom is obtained from life experiences or truths that can be abstract or concrete, while maintaining a balance of values between nature and culture of a community (Mungmachon, 2012) in relation to the Minangkabau people. This concept emphasizes that Islamic law is more than just text; it also broadly benefits humanity in this world and the next.

1.5. Maqasid al-Syariah

Maqasid al-Shariah is etymologically derived from the word *maqshad*, which means “goal”. Terminologically, *Maqasid al-Shariah* refers to the goal or intent that Islamic sharia seeks to achieve in establishing the law. This concept emphasizes that Islamic law is not solely textual, but has a broader dimension as benefits (*maslahah*) for humans in this world and the hereafter. (Ghazali, 1997)

Maqasid al-Syariah is classified into 3 (three) levels; *al-Daruriyyat* (necessity), *al-Hajiyyat* (necessity) and *al-Tahsiniyyat* (perfection) (Auda, 2008) Then the scholars divide the inevitability into 5 (five) ; religious preservation (*hifdz ad-din*), soul (*hifdz an-nafs*), intellect (*hifdz al-aql*), heredity (*hifdz al-nasl*) and wealth (*hifdz al-mal*). (Juwainy, 1997)

The application of *Maqasid al-Shariah* has developed significantly in various aspects, including in contemporary studies (Islam, 2022) Thus, *Maqasid al-Shariah* becomes the main framework for understanding the purpose behind Islamic law, not only in its formal text but also in the broader intention to achieve the benefit of human. (Raysuni, 2005)

In this context, the *Marosok* tradition as a form of nonverbal purchase and sale contracts in Minangkabau also contains the values of *Maqasid al-Shariah* (Hidayat dkk., 2023) especially in maintaining property (*hifdz al-mal*) through the principles of honesty and willingness between the parties to the transaction, as well as maintaining social stability and local cultural values.

2. Methods

We collected data through observation and interviews. These results were then compared, explored, and analyzed alongside data from previous studies on *Marosok* practices. The data sources included interviews, scientific articles, ethnographic reports, and other relevant academic studies. We conducted both descriptive and interpretive analyses to trace the relationship between *Marosok* practices and the values of *mu'amalah* from a hadith perspective. Figure Field 3.a shows the gate of the Batusangkar Livestock Market in West Sumatra. This market operates based on a culturally agreed-upon schedule, where buying and selling take place only on Thursdays.



Figure 2.a: Batusangkar Livestock Market Gate, West Sumatra



Figure 3.b: The Atmosphere of the Batusangkar Livestock Market

Fig. 3 shows the Batusangkar Livestock Market in West Sumatra. This market's buying and selling activities follow a culturally agreed-upon schedule that only takes place on Thursdays. This shows the consistency of the traditional trading system that is still in place today. However, there is a

notable exception around Eid al-Adha. During this period, demand for livestock, such as cattle and goats, increases sharply for sacrificial purposes. Therefore, the market usually opens more frequently than usual to meet the community's needs. This reflects the flexibility of traditional markets in responding to religious and social needs.

3. Results and Discussion

3.1. Result

3.1.1. The Marosok Tradition in the Perspective of Living Hadith

Within the framework of the living hadith, Firstly, Ibn Jarir's hadith, in which the Prophet Muhammad affirms that buying and selling must be based on both parties' willingness, is realized in the marosok principle of agreement through gestures, the main values present in the practice of marosok are the mu'amalah traditions that emphasize honesty, openness, and mutual consent (*tarādin*) between the transacting parties.

Second, the hadith of the Prophet Muhammad This hadith comes from Ibn Jarir. My father told us that al-Qasim, who heard it from Sulaiman al-Ju'fi, heard it from his father, who heard it from Maimun ibn Mihran.

حَدَّثَنَا ابْنُ وَكَيْعٍ، حَدَّثَنَا أَبِي، عَنِ الْقَاسِمِ، عَنِ سُلَيْمَانَ الْجُعْفِيِّ، عَنْ أَبِيهِ، عَنْ مَيْمُونِ بْنِ مِهْرَانَ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: "الْبَيْعُ عَنْ تَرَاضٍ وَالْخِيَارُ بَعْدَ الصَّفَقَةِ وَلَا يَجُلُ لِمُسْلِمٍ أَنْ يَغْشَى مُسْلِمًا". هَذَا حَدِيثٌ مُرْسَلٌ رَوَاهُ ابْنُ جَرِيرٍ

Ibn Waki' narrated to us. My father narrated to us from al-Qasim, who narrated from Sulaiman al-Ju'fi, who narrated from his father, who narrated from Maimun ibn Mihran. Maimun ibn Mihran said that the Messenger of Allah ﷺ said: "A sale must be based on mutual consent. and there is a right of khiyar (choice) after the contract. It is not halal for a Muslim to deceive another Muslim". (Narrated by Ibn Jarir)

Third; It is permissible to sell with an understandable gesture from someone who is not mute, which is the Maliki doctrine, chosen by Ibn Taymiyyah and Ibn al-Qayyim, because the understandable gesture is more permissible than the transaction because it is referred to as speech. The Maliki school of thought holds this view, and Ibn Taymiyyah and Ibn Qayyim adopted it.

يَجُوزُ الْبَيْعُ بِالْإِشَارَةِ الْمَفْهُمَةِ مِنْ غَيْرِ الْأَخْرَسِ، وَهُوَ مَذْهَبُ الْمَالِكِيَّةِ، وَاخْتَارَهُ ابْنُ تَيْمِيَّةَ، وَابْنُ الْقَيِّمِ، وَذَلِكَ لِأَنَّ الْإِشَارَةَ الْمَفْهُمَةَ أَوْلَى بِالْجَوَازِ مِنَ الْمُعَاطَاةِ؛ لِأَنَّهَا يُطْلَقُ عَلَيْهَا أَنَّهَا كَلَامٌ. قَالَ اللَّهُ تَعَالَى: أَيُّتُّكَ أَلَّا تُكَلِّمَ النَّاسَ ثَلَاثَةَ أَيَّامٍ إِلَّا رَمَزًا أَلْ عَمْرَانَ: 41 وَالرَّمْزُ الْإِشَارَةُ

"It is permissible to enter into a sales contract with a sign that can be understood, not just for a mute person". This is the view of the Maliki school of thought and was adopted by Ibn Taymiyyah and Ibn Qayyim.

They argue that an understandable gesture is more permissible than a mu'āṭāh contract (direct delivery without speech or gesture) because a gesture is considered a form of communication. As Allah says, "Your sign is that you cannot speak to people for three days, except by sign" (Q.S. Āli 'Imrān)

This practice applies basic mu'amalah values that align with Maqāṣid al-Syarī'ah's objectives, especially preserving wealth (ḥifẓ al-māl) and reason (ḥifẓ al-'aql), principles closely tied to justice and adherence to just norms. The study reveals three main points. principles of willingness (*tarāḍhin*), honesty (*ṣidq*), and prohibition against fraud. In this context, mutual willingness, even without verbal expression, is required for a valid contract. Thus, both parties can transparently reach an agreement without fraud. Examining hadith in this realm of praxis makes the living hadith approach very relevant to explaining the social dynamics of Muslims who adhere to the values of the Syari'ah but express them through authentic cultural forms. Cheating in the practice of *marosok* not only tarnishes the social dignity of the perpetrator but also has the potential to cause social sanctions. The living hadith approach reveals the hadith as a social practice embodied in Muslim behaviour and traditions, not merely as a normative text in a book. (Asrita & Rhizky, 2024)

By examining hadith in this realm of praxis, the living hadith approach becomes very relevant to explain the social dynamics of Muslims who adhere to the values of the Syari'ah but express them through authentic cultural forms. This approach shows how people negotiate using symbols and hand signals instead of a verbal sales contract, and is shaped contextually and relevant to the needs of local communities.

3.2. Discussion

The living hadith approach allows us to see the hadith not merely as a normative text written in a book, but also as a social practice embodied in the behaviour and traditions of Muslims. In the context of *marosok*, there is a cultural manifestation of the values of the *mu'amalah* hadith that is deeply rooted in Minangkabau society.

3.2.1. Marosok as a Cultural Expression of Hadith

The *marosok* is a concrete form of internalizing the muamalah values. 'This practice shows that Muslim communities adapt hadith texts. Hidayat's findings support this, showing that, in the *marosok*, social mechanisms of symbolism, customary ethics, and collective community beliefs embody Mu'amalah Hadiths. Marosok is a process of social transformation, as well as a way for local communities to express Islamic values in their culture. (Aji dkk., 2021) This demonstrates that hadiths, as Ahmad Rafiq explains, people understand the hadith not only as a normative text but also as a living, transforming social

entity. Hidayat's findings reinforce this view, showing that, in the *marosok*, social mechanisms involving symbolism, customary ethics, and the community's collective beliefs "live" Mu'amalah Hadiths without losing the essence of Islamic teachings.

3.2.2. The Social Construction of Hadith in Local Traditions

The living hadith approach emphasizes that the hadith text undergoes a process of interpretation and social reconstruction in line with changes in time and society. The community objectifies nonverbal symbols, such as hand signals, by collectively accepting them as legitimate ways of conducting transactions. Hidayat's findings (Hidayat dkk., 2023) reinforce this view, showing that, in the *marosok*, Mu'amalah Hadiths are "lived" through social mechanisms involving symbolism, customary ethics, and the community's collective beliefs.

From the perspective of the social construction of reality theory, developed by Peter L. Berger and Thomas Luckmann, (Dreher, 2016; Steets, 2016; Sulaiman, 2016) *Marosok* can be understood as the result of the objectification and internalization of Hadith values within the Minangkabau social system. Objectivation occurs when the community collectively accepts nonverbal symbols, such as hand signals, as legitimate ways of conducting transaction. Thus, *Marosok* functions not only as a method of buying and selling, but also as a medium through which the community transforms, accepts, and embodies Hadith values and Islamic legal principles in social life. (Setyaningsih & Subiyantoro, 2017)

This process shows that the local tradition of *marosok* is not merely a text-free social practice but rather the result of a social construction that emerges from a cultural space valuing the integration of religious values and local culture. *Marosok* is a tangible expression of how the Minangkabau people form and strengthen their identity in ways that respect and contextualize Islamic teachings.

Thus, *Marosok* functions not only as a method of buying and selling but also as a medium through which Normatively, Islamic law ideally forms buying and selling contracts through verbal *ijab* and *qabul*. This practice makes it an integral part of the evolving local culture.

3.2.3. Negotiating Between Adat and Syaria in Marosok

The Minangkabau saying, "*adat basandi syarak, syarak basandi Kitabullah*", reflects an integrative paradigm of culture and Islam. (Mariana dkk., 2024) The *Marosok* demonstrates that negotiations between Adat (*culture*) and

Syaria do not necessarily involve a tug-of-war or compromise; they can also manifest as harmonious collaboration. (Asniah, 2023; Riyantoro & Setiawan, 2022; Syam, 2018) In this context, *marosok* represents hadith praxis in the realm of local culture.

Normatively, Islamic law idealizes buying and selling contracts through verbal *ijab* and *qabul*. However, *fiqh* scholars also allow for other forms of contracts, such as those made by sign, as long as they do not involve fraud and are agreed upon by both parties. (Fawaid, 2020) Thus, *marosok* is legitimate within the framework of *Fiqh* and, in the study of living hadith, becomes a contemporary implementation of the *mu'amalah* teaching.

Marosok maintains the basic principles of *mu'amalah*, which are valid requirements for buying and selling transactions. These include the buyer knowing the condition of the livestock to be purchased beforehand, the seller providing a transparent explanation, and the realization of mutual consent between the two parties without coercion or intervention from a third party during the process. *Marosok* avoids *gharar* (uncertainty), which is prohibited in Syaria law.

Therefore, it can be concluded that the practice of *marosok* fulfils all legal conditions for buying and selling. This shows that Islamic law is dynamic and adaptable to various social and cultural contexts without being confined to rigid textual forms. Therefore, *marosok* plays a role in maintaining the continuity of local traditions and becomes a medium through which *Marosok* does not replace the oral contracts mentioned in the Hadith; instead, it locally represents the spirit of Syar'i contracts, upholding honesty and mutual consent. That the Muslim community in Minangkabau understands hadith not only as reading or memorization but also as ethical guidelines translated into meaningful social actions. This transformation enriches the understanding of the hadith while distancing it from a purely textual and normative approach.

The living hadith approach shows that hadith are dynamic and adaptable to the socio-cultural context of Muslims. *Marosok* is not a substitute for oral contracts mentioned in the Hadith but rather a local representation of the spirit of Syar'i contracts, which uphold the principles of honesty and mutual consent.

This transformation demonstrates how the core values of the hadith can evolve and adapt in modern society without losing their essence. Through *marosok*, the Hadith is not only read and studied but also practiced in daily life in a relevant, contextual way. This creates a bridge between the classical text and contemporary social reality. In the context of *marosok*, people harmoniously internalized *mu'amalah* values such as honesty (*sidq*), mutual consent (*tarāḍhin*), and the prohibition of deception (*gharar/ghisy*) within a nonverbal transactional system based on social cues and symbols.

4. Conclusion

First, *Marosok* in Minangkabau shows that the Hadith functions not only as a normative text but also as an ethical guide. Second, the *marosok* practice clearly shows how society constructs the hadith. *Living hadith* approach provides a strong conceptual framework for understanding how hadith texts interact with social dynamics, culture, and local values. In *marosok*, *mu'amalah* values, such as honesty, mutual consent and transparency, are embodied in daily transactions. Therefore, *marosok* harmoniously integrates custom and syaria, not merely serving as a traditional economic practice.d within a nonverbal transactional system based on social cues and symbols.

Second, the *marosok* practice clearly shows the social construction of hadith. The Minangkabau people do not merely accept Islamic values textually; they also actualize them in a meaningful and contextualized form. This shows the process of objectification and internalization of Hadith values into the social system, as described in Peter L. Berger and Thomas Luckmann's social construction theory. Thus, *marosok* is a cultural expression that integrates custom and syaria harmoniously, not only a traditional economic practice.

Third, as a local representation of the spirit of the syar'i contract, *marosok* is legitimate in *mu'amalah* fiqh, strengthening the principles of *maqāṣid al-syarī'ah*, particularly property preservation (*hifz al-māl*) and social moral protection. This study demonstrates that the Hadith, as a religious text, possesses the adaptive capacity to exist and evolve within society without losing its fundamental value. Thus, *marosok* reflects Islam's success in building bridges between text and reality, and between revelation and culture.

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