

# Buying and Selling Practices in the *Malimit* Customary Law as Examined by the Theory of *Ba'i Muzayyadah*: Case Study in Cubadak Timur Village, Duo Koto District, Pasaman Regency

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## Abstract

Looking at Pasaman Regency, specifically in Nagari Cubadak Timur, a traditional buying and selling practice was found, which is commonly referred to by the community as *malimit*. This practice clearly contradicts the auction buying and selling in Islam, which is commonly referred to as *Ba'i muzayyadah*, where in *malimit* each bid price is taken to belong to the *malimit* committee. This study aims to analyze the implementation of auction buying and selling practices in the *malimit* tradition carried out by the community in Nagari Cubadak Timur, examine the differences between the *malimit* practice and the concept of *ba'i muzayyadah* in Islamic law, and review the *malimit* practice based on sharia principles in buying and selling, especially from the perspective of *ba'i muzayyadah*. As for answering these questions, the researcher conducted field research by going directly to the field to collect data and information from the community directly involved in this *malimit* practice. The data obtained were then analyzed using qualitative descriptive methods. The research results indicate that the practice of *malimit* is carried out through a tiered bidding system by participants, where only the final bidder acquires the auctioned item, while previous bidders contribute a percentage of the price to the *malimit* committee as a form of community cooperation. This research also found a difference between the practice of *malimit* and the concept of *ba'i muzayyadah* in Islamic law. In *ba'i muzayyadah*, the transaction is conducted purely based on a sale and purchase agreement, so only the highest bidder is obligated to pay and is entitled to the item, while other participants who lose the bid have no obligations. Meanwhile, in the practice of *malimit*, the auctioned items come from voluntary community donations, and the proceeds are used for the benefit of the mosque and social activities. Furthermore, the practice of *malimit* essentially fulfills important elements of Sharia principles, such as clarity of the goods, price, and acceptance of the contract during the auction process.

**Keywords:** *Auction Sale and Purchase, Malimit, Ba'i Muzayyadah.*



## A. INTRODUCTION

Humans cannot fulfill their needs alone; they need each other to survive. To meet these needs, humans engage in various business transactions. One of the business activities carried out by humans, as social beings created by God, is *mu'amalah* (transactions). *Mu'amalah* is the interaction and communication between people or parties in daily life for actualization or fulfilling life's needs (Mustofa, 2021). In Islamic teachings, there is the *fiqh* (jurisprudence) of *mu'amalah*, which generally refers to God's rules governing humans as social beings in all worldly affairs.

Specifically, the fiqh of mu'amalah regulates various contracts or transactions that allow humans to mutually own property and exchange benefits based on Islamic law.

Buying and selling, or al-bai, is one of the human activities involved in mu'amalah. Buying and selling is a type of business activity in which a seller and a buyer enter into a mutually consensual transaction regarding a specific item or object. Buying and selling are defined as the exchange of goods for money or goods for other goods by transferring ownership of one party to another based on generosity. Therefore, buying and selling are defined as the exchange of one item for another to expedite the transaction process.

The legal basis for buying and selling is found in Surah al-Baqarah, verse 275:

الَّذِينَ يَأْكُلُونَ الرِّبَا لَا يُفُومُونَ إِلَّا كَمَا يُفُومُ الَّذِي يَتَخَبَّطُهُ الشَّيْطَانُ مِنَ الْمَسِّ ۚ ذَٰلِكَ بِأَنَّهُمْ قَالُوا إِنَّمَا الْبَيْعُ مِثْلُ الرِّبَا ۚ وَأَحَلَّ اللَّهُ الْبَيْعَ وَحَرَّمَ الرِّبَا ۚ فَمَنْ جَاءَهُ مَوْعِظَةٌ مِنْ رَبِّهِ فَانْتَهَىٰ فَلَهُ مَا سَلَفَ ۚ وَأَمَّا مَن لَّمْ يَنْتَهَ إِلَى اللَّهِ ۚ وَمَنْ عَادَ فَأُولَٰئِكَ أَصْحَابُ النَّارِ ۖ هُمْ فِيهَا خَالِدُونَ

It means: *Those who consume interest will stand 'on Judgment Day' like those driven to madness by Satan's touch. That is because they say, "Trade is no different than interest." But Allah has permitted trading and forbidden interest. Whoever refrains—after having received warning from their Lord—may keep their previous gains, and their case is left to Allah. As for those who persist, it is they who will be the residents of the Fire. They will be there forever.*

The verse (وَأَحَلَّ اللَّهُ الْبَيْعَ وَحَرَّمَ الرِّبَا) explains that this may be part of the perfection of the word as a rejection of them or of what they say, even though they know the difference in the law that Allah Ta'ala has established between the two. He is All-Knowing and All-Wise. No one can reject His decree, and Allah is not questioned for what He has done; rather, they are the ones who will be questioned. He is the One Who is All-Knower of the truth and the interests of the matter. Whatever benefits His servants, He permits, and whatever is harmful, He forbids (Ishaq & Abdurrahman, 2004).

The practice of buying and selling is a crucial aspect of everyday economic life and has been practiced by humans since ancient times (Noor, 2024). In Islam, buying and selling transactions must be conducted in accordance with Sharia principles, which prioritize justice, honesty, and the welfare of all (Sahman, 2024). Humans are given freedom of action in economic activities, but it is important to observe Sharia guidelines to ensure that unlimited economic freedom remains within Islamic law (Iswanto, 2022).

Buying and selling themselves have several methods, one of which is an auction (tender). A type of sale in which a seller offers their merchandise in the market to prospective buyers, then the buyers compete to increase the price, and the merchandise is then awarded to the highest bidder (Febriandika et al., 2022). An auction is a form of offering goods to bidders, initially opening the auction at a low price, then gradually increasing it until it is finally awarded to the highest bidder. Ultimately, the highest bidder wins the auction (Bouaicha et al., 2025).

Bai' muzayyadah comes from the word ziyadah, meaning "addition." This additional meaning is similar to riba, which linguistically means " ziyadah" (addition).

Riba refers to the unauthorized taking of additional assets or capital, both in buying and selling transactions and lending. The auction system is an excellent way to accommodate buyers in obtaining the goods they desire (Masturi, 2021). This method can be an attractive alternative because it prioritizes the principles of transparency and fairness, where buyers can offer prices according to their abilities and desires. Ba'i muzayyadah has great potential to increase market efficiency, particularly in determining prices based on competitive mechanisms. This mechanism is frequently used in various sectors (Azali, 2017).

Ba'i muzayyadah is carried out by bargaining for goods being purchased by others. According to Rahmat Syafe'i, the sale of goods being purchased by others is considered a prohibited transaction according to Islamic law. This occurs because a person has agreed to purchase an item but is still in doubt, then another person arrives and orders them to cancel the agreement because they intend to buy it at a higher price (Suherlan, 2023).

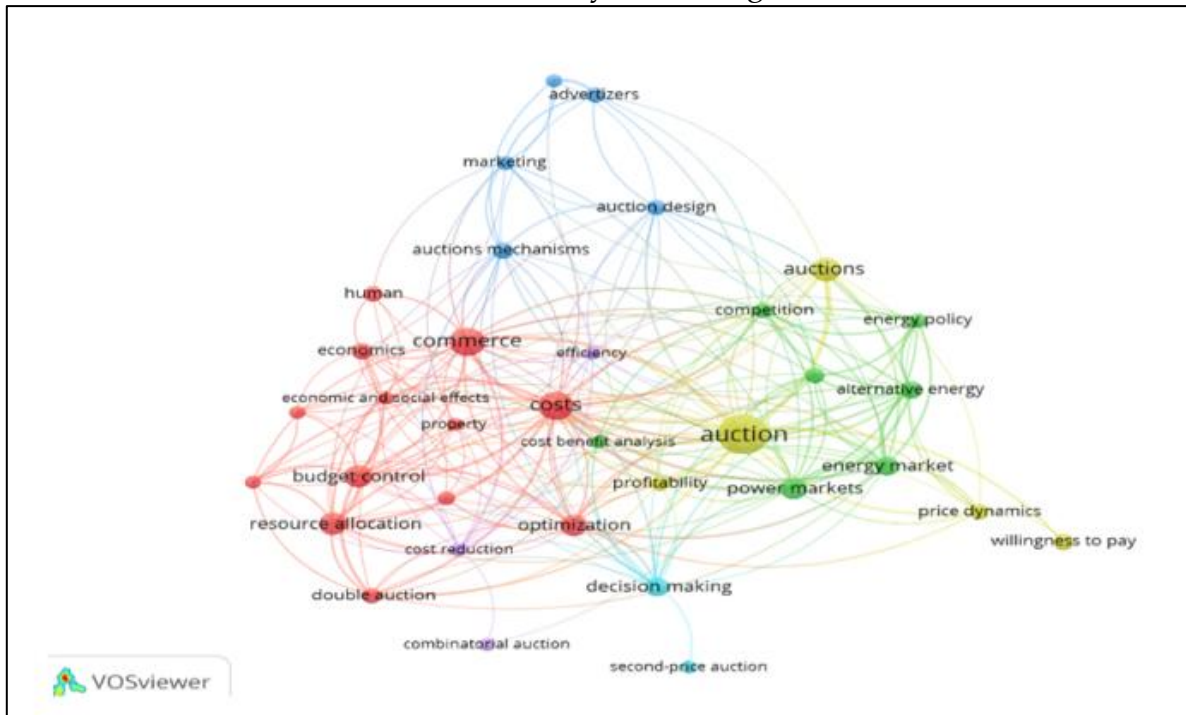
Based on the theoretical explanation and practice of Islamic muamalah (Islamic transactions), which encompass more than just buying and selling, they also encompass systems such as syirkah (contractual agreement), murabahah (murabaha), and the prevention of usury (riba). In this context, the researcher examines an auction practice in the East Cubadak community, called malimit, which, according to preliminary assumptions, deviates from the concept of auctions in Islamic law.

In the East Cubadak Village, Dua Koto District, Pasaman Regency, a community custom was discovered that practically mirrors the concept of ba'i muzayyadah. This community practice is commonly referred to as the malimit custom. While it shares the same concept, the malimit custom has its own unique characteristics in terms of its implementation, timing, and location. An example of the malimit tradition carried out by the people of Nagari Cubadak is carried out with a system where when an item has been opened at a certain price, then buyer 1 bids by increasing the price by 1% from the initial price, then buyer 2 bids by increasing the price by 4% from the initial price, finally buyer 3 bids by increasing the price by 7% from the initial price, and that is the highest final price of the offer, then the item that was made the object of the malimit fell into the hands of buyer 3. Then the percentage of the bids of buyers 1 and 2 is taken by the malimit committee, this is the uniqueness and difference in its implementation with ba'i muzayyadah (auction). In terms of the place of implementation of malimit and its time, this is carried out in the mosque on 3 days after Eid al-Fitr.

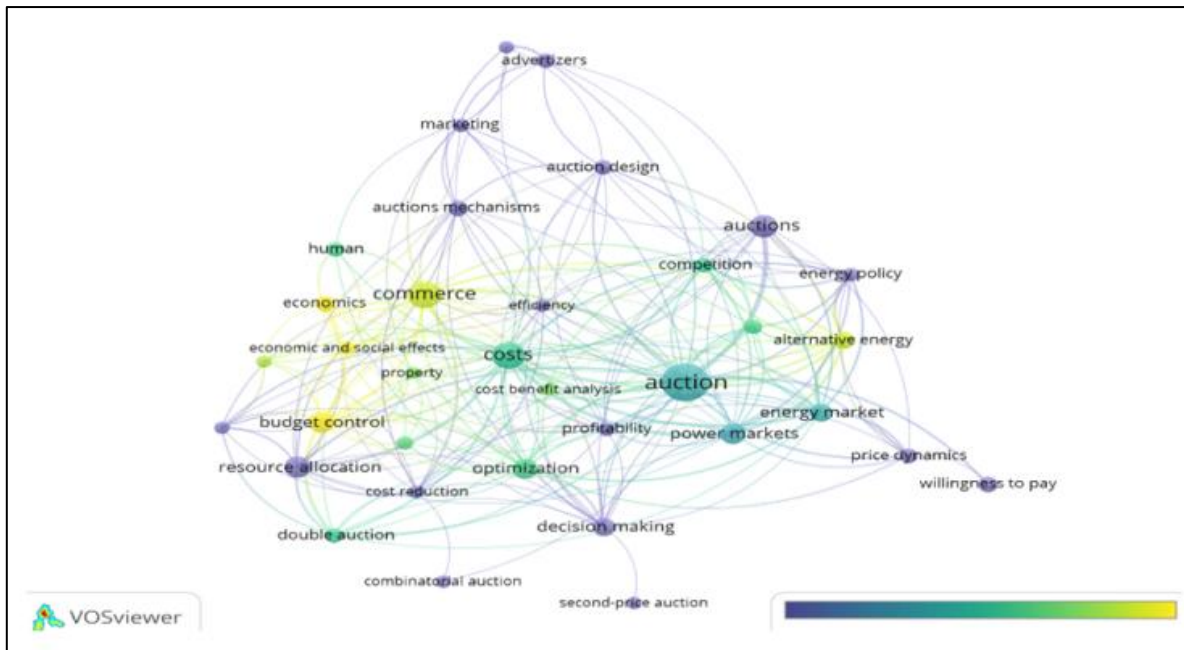
Regarding the malimit tradition, there are many differences and contradictions with the concept of ba'i muzayyadah. The ba'i muzayyadah itself is a form of open auction in which sellers offer goods and buyers freely compete to offer the highest price. The highest bidder wins the transaction, and the entire sale value goes to the seller without any additional burden on the losing bidder. However, in the malimit tradition practiced by the Cubadak community, a unique bidding pattern is found that does not fully align with the ba'i muzayyadah mechanism. Furthermore, the most striking difference lies in the distribution of bidding proceeds, where bidders who do

not win an item are still required to deposit a percentage of their bid, and this amount goes to the malimit organizing committee. This is not the case in the ba'i muzayyadah concept, as losing bidders have no financial obligations to the committee or the seller. Thus, the malimit tradition demonstrates a local modification of the auction system, which not only functions as an economic mechanism but also contains distinctive social and cultural elements.

Based on previous research, the author observed similar studies that primarily focused on auctions. The author then presents this in the form of a map using scientific tools. The bibliometric mapping results using VOSviewer software yield a visual representation of the research theme network (network visualization) and its temporal development (overlay visualization) related to auction studies (auction or ba'i muzayyadah). This mapping provides important information about the direction, concentration, and dynamics of emerging research topics in the global scientific landscape. The network visualization map shows that the keyword "auction" occupies a central node connecting various other research themes. The clustering results reveal three main clusters, each colored differently, indicating the focus of each research area.



**Figure 1. Visualization of Auction Research Theme Clusters Based on Bibliometric Analysis**



**Figure 2. Visualization of Auction Research Theme Clusters Based on Bibliometric Analysis**

The first cluster (in red) focuses on economics and resource efficiency, with keywords such as commerce, costs, budget control, resource allocation, and optimization. This cluster represents research that focuses on cost efficiency, resource allocation, and budget control in auction systems. This means that research in this group primarily discusses how auction mechanisms can improve economic efficiency and optimize the distribution of benefits in trade activities. The second cluster (in green) reflects a more applied research focus in the energy sector and public policy. Dominant keywords such as power markets, energy policy, alternative energy, price dynamics, and willingness to pay indicate that auctions are now widely used in the context of energy markets and renewable energy policies. This research direction signals a shift from theoretical studies to the application of auctions in sustainable energy management, including pricing mechanisms and public involvement in determining the economic value of green energy.

Meanwhile, the third cluster (in blue) demonstrates a trend toward research focusing on auction design and mechanisms, with keywords such as auction design, marketing, advertisers, and decision-making. This cluster demonstrates that, in the early stages, much research addressed the technical and behavioral aspects of bidding decision-making, particularly in digital marketing contexts such as online advertising auctions. Research in this phase laid the foundation for the development of more efficient and automated modern auction systems.

Furthermore, the visualization overlay map enhances understanding by showing the chronological dimension of research development. The blue color on the map indicates topics that were studied relatively early, such as auction design and advertisers, which focused on designing auction mechanisms and digital bidding systems. The green color depicts the transitional phase of research, where the focus shifts to topics such as costs, commerce, and decision-making, linking aspects of

efficiency and profitability to economic practice. The yellow color marks the most recent and cutting-edge research, with themes related to energy policy, power markets, and willingness to pay. This means that the direction of auction research today is increasingly integrated with strategic issues such as energy policy, economic sustainability, and consumer awareness of value and price. Overall, the results of this mapping show that research on auctions (*bai' muzayyadah*) has undergone a conceptual and thematic transformation. Initially, the research focus was more on the technical aspects and efficiency of auction systems, but now it is evolving towards practical applications in the public sector, energy, and sustainable economics. However, the legal, ethical, and Sharia-compliant aspects of auction mechanisms remain relatively rare within this global research network.

Therefore, the research on the *malimit* tradition in Nagari Cubadak Timur presents significant novelty, as it attempts to examine the traditional auction practices of local communities through the perspective of Islamic law and socio-religious values. This study not only broadens the scope of the discourse of *bai' muzayyadah* into a cultural and customary context but also adds anthropological and normative dimensions that have not been widely touched upon in global research. Thus, this research contributes to bridging local traditions and Islamic economic theory, while enriching the understanding of the implementation of sharia principles in auction buying and selling practices in contemporary society. The purpose of this study is to explore the practice of auction buying and selling in the *malimit* custom in Nagari Cubadak Timur, and the researcher wants to know the difference between this *malimit* tradition and the concept of *ba'i muzayyadah* in Islamic law. Finally, this study aims to ensure the conformity of the *malimi* practice with Sharia principles in buying and selling, especially from the perspective of *ba'i muzayyadah*. Based on the objectives of this research, this theme is unique and interesting to be used as a new research topic.

## **B. LITERATURE REVIEW**

### **1. Buying and Selling Practices**

Buying and selling (sale and purchase) in Arabic is known as *al-bai*, which etymologically refers to the exchange of one thing for another as part of an interaction carried out to fulfill human needs. In its broader meaning, *al-bai* reflects an activity involving the transfer of ownership of goods or benefits between two parties based on mutual agreement and willingness (Putra, 2023). The linguistic definition of buying and selling in Indonesian describes it as an activity of exchanging goods with other goods in a certain manner that has been agreed upon by the parties involved in the transaction. This concept not only includes the exchange of physical goods but also covers services and the use of a medium of exchange, such as money, which functions to facilitate transactions and determine the value of goods being traded (Khotimah, 2023). Through buying and selling activities, people can meet their daily needs, distribute resources, and support the continuity of economic activities within society. In modern developments, buying and selling transactions are not limited to direct

face-to-face exchanges, but can also be conducted through digital platforms and electronic systems while still maintaining the same essential principle of value exchange between parties (Zunaidi et al., 2022).

According to Hanafi scholars, buying and selling have two meanings: a specific one and a general one.

- a. The specific meaning is that buying and selling is the exchange of goods for two currencies (gold and silver) and the like, or the exchange of goods for money or the like in a specific manner. These terms refer to the exchange of goods and the price between the seller and the buyer (Bitros, 2022).
- b. The general meaning is that buying and selling is the exchange of property for property in a specific manner, including material goods or money (Herryani, 2023).

According to Malikiyah scholars, buying and selling have two meanings: general buying and selling and specific buying and selling.

- a. A sale and purchase in the general sense is a contract to exchange something that is not for benefit or enjoyment. A contract is a contract that binds both parties. An exchange is one party submitting an exchange for something that is exchanged by the other party. And something that is not a benefit is that the object exchanged is not a substance; it functions as an object of sale, so it is not a benefit or a result (Muhammad et al., 2024).
- b. A sale and purchase in the specific sense is a contract to exchange something that is not for benefit or a delicacy that has an attraction, the exchange is not gold or silver, the object is realizable and exists immediately, it does not constitute debt whether the item is present with the buyer or not, the goods are goods whose properties are already known or are known in advance (Bager et al., 2022).

Syafi'iyah scholars define buying and selling as an agreement that contains the exchange of property for other property under certain conditions aimed at obtaining permanent ownership of objects or benefits. This definition emphasizes that a sale and purchase transaction is not merely an ordinary exchange activity, but a legal agreement that must fulfill specific requirements and principles to be considered valid according to Islamic law (Bachev, 2024). The concept of ownership in this perspective also highlights the transfer of rights from one party to another in a lawful and mutually agreed manner, so that both parties obtain certainty and protection in the transaction process. In addition, the exchange involved in buying and selling is not limited to tangible goods, but may also include benefits or utilities that have recognized economic value within society (McManus, 2023).

According to Ulama Hanabilah, buying and selling are interpreted as the exchange of property for property, or the exchange of lawful benefits for lawful benefits permanently, provided that the transaction does not involve elements of usury and is not related to debt mechanisms. This definition demonstrates the importance of permissibility and fairness within Islamic economic transactions, where every object or benefit exchanged must be lawful and clearly recognized in value and

ownership (Azizah, 2022). The Hanabilah perspective also stresses that buying and selling should be conducted transparently and free from prohibited elements that may harm one of the parties involved. Therefore, the principles of honesty, mutual consent, and clarity become fundamental aspects in ensuring that sale and purchase activities are carried out in accordance with Islamic teachings and can create balanced economic relations within society (Sukti, 2025).

According to Hasby Ash-Shiddieqy, the definition of buying and selling is the exchange of objects for other objects by surrendering or transferring ownership rights to a substitute in a manner permitted under Islamic law. This definition emphasizes that buying and selling is not merely the transfer of goods, but also a legal process involving the transfer of ownership rights between two parties based on mutual agreement and lawful procedures (Azizah, 2022). Aqad is established based on exchanging property for property, creating a permanent transfer of ownership rights from the seller to the buyer after the transaction has been completed. Through this process, each party gains legal certainty regarding the rights and obligations arising from the transaction, so buying and selling become an important form of economic interaction carried out in accordance with Islamic principles of justice, transparency, and mutual consent (Ruhtiani, 2023).

Based on the definitions above, it can be concluded that buying and selling is an agreement entered into by both parties voluntarily so that both can benefit each other, so there will be a permanent exchange of property rights in a way that is justified by the Sharia. What is meant by being in accordance with sharia is fulfilling the pillars and conditions of buying and selling (Bakung et al., 2022).

### **C. METHOD**

A method is a method used to conduct an activity, using careful thought to achieve a goal. Research, on the other hand, can be defined as an effort to discover, develop, and test the truth of a body of knowledge. This activity typically arises and is undertaken due to a problem that requires an answer, a desire to prove what has been experienced throughout life, or to learn more about the background of an event. Research methods detail the processes involved in the research. This research focuses on an in-depth understanding of the practice of buying and selling in the Malimit tradition in Nagari Cubadak. Qualitative research allows researchers to explore the diverse meanings, experiences, and perspectives of individuals and groups related to the issue under study. This type of research is descriptive analytical, aiming to describe and analyze the existing legal situation and assess the extent to which the principles of ba'i muzayadah interact and influence each other within the concept of buying and selling in the Malimit tradition. This includes identifying relevant legal norms and how these norms are implemented in society (Setiyani et al., 2026).

## D. RESULT AND DISCUSSION

### 1. Auction Buying and Selling Practices in the Malimit Tradition by the East Cubadak Community

Auctions are generally recognized as a form of open transaction, in which goods are sold to the highest bidder through a free, competitive price process. In the context of Islamic law, this practice is known as *ba'i muzayyadah*, a system of buying and selling through an open and transparent bargaining mechanism. Auctions are typically held in public forums such as markets, halls, or government buildings, and only the participant who wins the highest bid is required to pay the price. However, the people of Nagari Cubadak Timur have a unique form of auction, known as the malimit tradition. This tradition is not conducted freely like most auctions, but rather through systematic customary rules that have been collectively agreed upon for generations. Malimit is not only about buying and selling, but also part of a social ritual that reflects religious values, solidarity, and community togetherness.

Malimit is typically held on the third day after Eid al-Fitr, and takes place in the mosque as the center of activities. The malimit committee is formed by community leaders, including the *ninik mamak* (leaders of the village heads), the *surau* teacher, and the village youth. They are tasked with collecting items from the community, compiling a list of items to be auctioned, and leading the auction according to customary rules. According to an interview with Pak Idas, a customary leader, regarding the origins of the malimit trading tradition, he stated:

*"Lelang nadong di ampong surasah on diadongkon sejak tahun 1974, jadi namangobansa tokoh agama mon solok mangajar SD di sarasah dari sejak mulai monni dengan inisiatip muswarah para pemangku adat, maka diadongkon ma lelang di masjid dimana untuk mencari dana untuk pembangunan masjid"*

"The auction in Sarasan village has been held since 1974, so the one who brought it was a religious figure from Solok who taught elementary school at Sarasah. Since then, with the initiative of a discussion among traditional leaders, the auction was held at the mosque, the initial aim of which was to seek and collect funds for the construction of the mosque"

Then, along with this, the researcher also asked why the auction was held at the mosque, which also resonated with Mr. Idas's answer:

*"Pada saati diadongkon di masjid karna tempat nai, pertama adong suatu kebijakan mon tokoh adat dan panitia masjid"*

"When it's held at the mosque, it's because of an agreement between the traditional leaders and the local mosque committee"

From this interview, it was discovered that this tradition of buying and selling malimit originated from a religious leader who taught in the local village of Sarasah. The religious leader who initiated this initiative, named Saripuddin, came from Solok. The initial purpose of holding this auction was to meet construction needs at the local mosque. The tradition was then held at the mosque due to its easy accessibility and the agreement of the traditional leaders and the mosque committee.

From these interviews, it is known that the tradition of buying and selling "malimit" originated from a religious figure who taught in the local village of Sarasah. The religious figure who initiated this initiative, Saripuddin, is from Solok. The initial purpose of holding this auction was to meet construction needs at the local mosque. The tradition was then held at the mosque due to its easy accessibility, with the agreement of the traditional leaders and the mosque committee.

The formation of the "malimit" committee in Nagari Cubadak Timur is not a formal and rigid process like in larger organizations, but rather a collaborative process based on mutual agreement among the residents. Typically, several weeks before Eid al-Fitr, community leaders such as the ninik mamak (headmen of the mosque), the mosque imam, and village elders gather at the surau (prayer hall) or the home of a traditional leader to discuss preparations for the "malimit" tradition. During this meeting, they select those trusted to serve on the committee, taking into account those with free time, experience, and trustworthiness within the community. There is no voting; everything proceeds through deliberation and consensus, as has been the tradition for generations.

Once the committee is formed, its duties are divided according to its members' abilities and credentials. Some will announce the collection of donated items to the community, others will record the items received, and still others will lead the auction during the malimit. Typically, the auction leader is a communicative, outgoing figure who can lighten the mood, as this event also serves as a form of entertainment for the community. Meanwhile, the youth and teenagers of the mosque will be involved in setting up the venue, setting up the loudspeakers, and assisting with the distribution of the auction proceeds. This process not only reflects a fair division of labor but also demonstrates how the values of togetherness and social trust remain the main foundations of traditional traditions like malimit. According to an interview with Mr. Arlin, a mosque administrator and former chairman of this year's malimit organizing committee:

*"Hami mangumumkon dua poken sebelum lebaran, su masyarakati sompat menyiapkon barang na, sudena sumbangani nai suka rela sajo, biasona anak rantau be dohot jio menyumbang lewat keluarga diampungngon"*

"We announce it two weeks before Eid, so that people have time to prepare goods. All donations are voluntary. Usually, overseas children also contribute through their families in the village."

The committee also set up a small stage in the mosque foyer, along with a list of community members. Malimit is not only a place for buying and selling, but also a moment to honor the community and demonstrate the spirit of community togetherness. The activity always begins with a prayer, signifying that this event is not merely a worldly activity, but also a spiritual one. From this observation, it can be concluded that the initial process of malimit takes place within the community's collective consciousness, where the committee's role is not merely technical, but also symbolic, as guardians of tradition and unifiers of the community. The mosque was

chosen as the main location because it is considered the most sacred and neutral place, strengthening the spiritual legitimacy of the malimit process itself.

The items auctioned at Malimit are very diverse, ranging from packaged rice and Eid cakes, new clothing, sarongs, small jewelry, and even livestock such as chickens and goats. All are donated by the local community, including children from other regions who want to participate in mosque construction or other social activities in their hometowns. In an interview with Mrs. Yurnalis, one of the contributors and regular participants in malimit sales in Nagari Cubadak Timur, she said:

*"au biasona leng kirim haranjang kobun mon hotang. I inda harana au adong, tapi harana dungma menjadi suatu kebiasaan almarhumah ayah nyami mon najolo. Rasana kolo inda dohot malimiton inda longkop rasana hari rayoi"*

"I usually send rattan garden baskets. It's not because I have many, but because it's a custom passed down from my late father. I feel like Eid isn't complete without a malimit"

These items not only have economic value, but also symbolic and emotional value. Each donated item serves as evidence of the community's social involvement and represents their family identity. Sometimes, residents even donate old items of historical value, such as inherited fabrics or handicrafts. This demonstrates that malimit is not simply a market transaction, but rather part of the social life cycle of the community. The auctioned items represent the relationship between individuals and their communities and serve as a means of preserving collective memory. The researchers then asked one of the organizers of the malimit sale and purchase event about the process:

*"disepakati jolo hargana, dohot masarakat na hadir umumna tawaran dimule mon neneng, contohnya lima puluh ribu, mule ditawaran limaratus, seribu, limaribu sampai non tawaran terahir adong na barani dilimit ia"*

"The price is first agreed upon by the people present, generally the bids start from the smallest, for example, fifty thousand, then start entering bids increasing by five hundred, one thousand, five thousand, until the final bid is limited if anyone dares"

Once this is agreed upon and the items announced by the committee and approved by the community, the bidding system within the malimit begins. The items then automatically go to the highest bidder, who is the legitimate buyer. The difference in price between the first and second bidders goes to the committee or is donated to the mosque's treasury. A community leader, Mr. Darman, explained:

*"na dohot menawar biasona dungma dibotuhale aturan mainna malimit. Hale inda merasa dirugion, harana niatnyale inda mendalisi untung, tapi sebagai bentuk sedekah. Bahkan nasu dapot barang dohot sonang harana bisa dohot kegiatan malimiton"*

"Those who bid already know the rules. They don't feel disadvantaged, as their intention isn't to profit, but rather to do so as a form of charity. Even those who lose the bid usually feel happy to have participated"

This analysis shows that community willingness is key to the legitimacy of the malimit system. Offers locked to a certain percentage may seem inflexible, but this

system is implemented with a high level of social awareness and agreement. The value of the offer, or the percentage increase in the initial price of the goods, which is later taken by the committee, is not seen as a mere figure, but rather as a symbol of the community's contribution to maintaining traditions and financing social institutions like mosques.

## **2. The Difference between the Practice of Malimit and the Concept of Ba'i muzayyadah in Islamic Law**

The Malimit tradition in Nagari Cubadak Timur is a unique example of how local communities have developed a buying and selling system that is not only economic but also contains traditional, spiritual, and social elements. Held three days after Eid al-Fitr, in the mosque as the center of activity, this tradition is designed not solely for profit, but also to strengthen ties, strengthen the mosque institution, and foster a spirit of togetherness. Meanwhile, in Islamic law, the concept of ba'i muzayyadah, or auction, is known as an open form of buying and selling, where each bidder has the freedom to raise the price without percentage limits, and only the highest bidder pays.

This model emphasizes the principles of free competition, clarity of contracts, and the prohibition of manipulation (najasy). This phenomenon becomes interesting when compared to the two, as both are based on the concept of bidding, yet differ systematically and philosophically. Malimit is unique in its bidding system. The items auctioned come from voluntary donations from the community, both in the village and from abroad. These items can include rice, holiday cakes, clothing, jewelry, and even livestock. The following are some of the characteristics and aspects contained in the practice of the Mallimit tradition:

### **a. Structured Customs.**

The malimit tradition has a standard system and rules passed down through generations, such as the time of implementation (the third day after Eid al-Fitr), the location (at the mosque), and the form of free bidding, with the final bidder then chosen, with the committee taking any increase in the initial price.

### **b. Collective and Communal**

The implementation process involves many elements of society: traditional leaders, imams, youth, and the general public. The auctioned items come from voluntary donations from residents, making it an activity that reflects social solidarity and togetherness.

### **c. Contains Social and Spiritual Values**

Because it is held in a mosque and the proceeds are used for social purposes (such as the mosque's treasury), malimit is not only an economic transaction, but also an act of worship, charity, and a form of collective good after Ramadan.

### **d. Custom-Based Economic Transactions**

Although it is a form of buying and selling, the bidding system is not as free as in a public auction. Bids are set at fixed prices, and the losing bidder still contributes to the committee, indicating that the economy in malimit is framed within customary rules.

e. Participatory and Voluntary

Residents contribute items without coercion, and bidders participate in the process with full awareness of the rules. This demonstrates a high level of willingness (tarāḍī) in the implementation of this tradition.

f. Humanistic and Intimate

The atmosphere of the malimit is filled with intimacy, laughter, and togetherness. There is no aggressive competition like in conventional auctions. Even those who lose the bid still feel happy because they feel they have participated.

g. Based on Symbolic and Cultural Values

The auctioned items often have emotional or symbolic value, such as inherited clothing, handmade cakes, or family farm produce. This indicates that this tradition also preserves local cultural values.

h. Implementing the Islamic Value System and Urf'

The malimit tradition accommodates Islamic values such as charity, willingness, and togetherness, and is justified through the approach of 'urf sahih (community customs that do not conflict with Islamic principles).

The main problem arises when the practice of malimit is referred to as a form of auction or a type of ba'i muzayyadah, even though there are a number of fundamental differences in the system and principles. On the one hand, malimit does take the form of tiered bidding, with the highest bidder receiving the prize. However, on the other hand, this system does not allow for free bidding and involves taking funds from losing bidders. Ba'i muzayyadah is a form of auction where sellers offer their goods to the public, and buyers then compete to bid the highest price. This system is permissible in Islam if it complies with the principles of sound muamalah (transactions). Its distinctive characteristics are:

a. Open Competition

Each auction participant is allowed to voluntarily and openly bid higher prices. There are no limits on the number of participants or the amount of price increases.

b. Highest Paying Buyer

In ba'i muzayyadah, only the winning buyer (the highest bidder) is obligated to pay. There are no obligations or deductions for losing bidders.

c. Price Transparency and Process Transparency

Prices start at a certain figure and then increase based on participant interest. All bids are made openly, not secretly, eliminating the potential for manipulation.

d. Prohibition of False Bids

Bids made by individuals who have no intention of buying, simply to increase the price, are strictly prohibited. This is considered fraud because it harms other bidders and creates a false price.

e. Upholding the Values of Fairness and Voluntary Agreement

Despite competition, contracts are made voluntarily and without coercion. The seller may accept or reject the highest bid if it does not reach the desired price.

The practice of auctioning has a strong basis in Islamic law. A hadith narrated by Bukhari mentions that the Prophet Muhammad (peace be upon him) once auctioned off a friend's property to pay off his debt, with the proceeds distributed to the rightful party. This demonstrates that auctions are permissible, as long as they meet the requirements for a valid sale and purchase agreement: the presence of a seller and a buyer, a clear object of the transaction, a known price, and a valid acceptance of the contract. Thus, the practice of auctioning is not only an economic system but also a form of transaction that maintains ethics and fairness. The losing bidder is not burdened with financial liability, as in principle, only the party benefiting from the goods is obligated to pay.

After examining the basic characteristics of the malimit and ba'i muzayyadah traditions, it can be concluded that both are superficially similar, but fundamentally different in their systems, contract structures, and legal consequences. Both models involve a bidding process, where the goods are awarded to the participant with the highest price. However, in the practice of malimit, the bidding system is not free or open, but rather has a predetermined order and percentage. Another striking difference lies in the consequences for losing bidders. In the Islamic auction system (ba'i muzayyadah), only the highest bidder is obligated to pay and acquire the goods. Meanwhile, in the practice of malimit, the first and second bidders are still required to pay a percentage of the price increase, even if they do not acquire the goods. This raises questions from a fiqh perspective, because in a sale and purchase agreement, the principle of justice requires payment to be made in conjunction with the receipt of benefits or goods. However, in the context of malimit, this payment is accepted by the community as a form of charity or social contribution, not merely as payment for a commercial transaction.

Normatively, the practice of malimit does not fully align with the ba'i muzayyadah system as stipulated in classical fiqh literature. However, malimit gains social legitimacy through collective societal acceptance and mutual consent, known in Islamic law as the concept of 'urf sahih.' Urf sahih refers to societal customs that do not directly conflict with sharia principles. As long as all parties involved know, understand, and agree to the applicable rules, including payment by the losing bidder, this tradition can be viewed as a form of conditional sale and purchase reinforced by charitable values and social interests. Furthermore, as long as there is no element of fraud, coercion, or manipulation, and all parties participate consciously and with good intentions, transactions such as malimit can be categorized as a form of social sale or a tabarru' (voluntary contribution) contract, rather than a purely commercial transaction.

Thus, although malimit cannot be categorized as ba'i muzayyadah in pure fiqh, it remains a muamalah practice that enjoys socio-religious legitimacy within society. When Islamic values meet strong local customs, acculturation occurs, simultaneously influencing the religious and economic life of the community. The following table compares each aspect of general buying and selling, ba'i muzayyadah, and the malimit buying and selling tradition:

**Table 1. Comparison: Ba'i muzayyadah, General Buying and Selling, and Malimit Tradition**

Aspect	<i>Ba'i muzayyadah</i> ( <i>Sharia Auction</i> )	General Sale and Purchase ( <i>Bai'</i> )	Malimit Tradition (East Cubadak Village)
Types of Contracts	Open auction sale and purchase	Normal one-on-one buying and selling	Local custom-based tiered offerings
Bidding System	Open, flexible, unlimited	No open bids, price agreed upon	Open Flexible, Unlimited
Number of Bidders	No limit	Two parties only (seller-buyer)	No limit
Bid Winner	Highest bidder	Buyers who agree on the price	Highest bidder
Payment by Losing Bidder	Nothing, only winners pay	Not applicable because there is only one buyer	The losing bidder still pays according to the increase in the bid price.
Transaction Object	Certain goods or services	Agreed goods or services	Donated goods: rice, cakes, clothes, livestock, etc.
Economic Motivation	Commercial, seeking maximum profit	Commercial, seeking reasonable profit	Social, religious, and customary (not purely commercial)
Sharia Legality	Valid according to Muamalah fiqh and authentic hadith	Valid according to the Qur'an and Hadith	It can be accepted as 'urf shahih with the principle of consent
Social/Cultural Elements	At a minimum, focus on the economy	Depends on context	Very high: cooperation, charity, shared traditions
Involvement of Social Institutions	None (generally individuals or	It is not mandatory to	Arranged by the committee, the funds go into the mosque or

	trading institutions)	involve institutions	the traditional institution's treasury.
Venue	Free, hall, auction house, online	In markets, shops, and public transaction places	In the mosque, openly.

Based on the answers of the research informants and also the comparative explanation between the malimit buying and selling tradition and the conventional auction system, differences in the contracts were also found. The following table shows the differences in the contracts between the malimit buying and selling tradition and conventional auctions:

**Table 2. Comparison of Malimit Traditional Contract with Conventional Auction**

Comparative Elements	Tabarru' Contract (Social Contract)	Tijarah Contract (Commercial Contract)
Purpose of the Contract	Giving benefits or kindness without expecting anything in return	To gain profit or gain
Example of Contract	Grants, loans (ariyah), endowments, qardh	Buying and selling (bai'), renting (ijarah), syirkah, mudharabah
Rewards/Benefits	No material reward is expected	There are benefits to be gained in return
Nature of Relationships	Having a mutually helpful nature (ta'awun)	Of a business transaction nature (mu'awadhah)
Risk of Loss	Not economically taken into account	There is a possibility of profit and loss
Legal Consequences	The giver does not demand a reply	There are rights and obligations between the two parties
Objectives of Sharia (Maqashid)	Cultivating social solidarity	Realizing justice in economic transactions
Contractual Boundaries	Flexible, can be verbal or customary	More formal, often accompanied by contract documents

### 3. The Conformity of Malimit Buying and Selling Practices with Sharia Principles in Buying and Selling from the Perspective of Ba'i Muzayyadah

In Islamic financial transactions, prices are determined based on the wishes of both buyers and sellers. In many cases, goods are sold to the buyer who offers the highest price. From a sharia perspective, transactions involving this auction process

are referred to as *bai' muzayadah*, which is defined as a method of selling goods and/or services based on the highest bid.

Specifically, in *bai' muzayadah* transactions, the seller offers goods to several buyers who compete to offer the highest price. This process culminates in the seller selling to the highest bidder, with the buyer taking possession of the goods.

In principle, Islamic sharia permits the sale of lawful goods by auction, which in Islamic jurisprudence is referred to as *bai' muzayadah*. Scholars have even reached consensus (*ijma'*) on the permissibility of auction sales. Ibn Qudamah, Ibn Abdil Bar, and others narrate that it was a common practice in Muslim markets in the past. As Umar ibn al-Khattab also did, this was because the community needed the practice of auctions as a method of buying and selling. This opinion is held by all the Hanafi, Maliki, Shafi'i, Hanbali, and Dzahiri schools of thought. However, a small number of scholars, such as An-Nakha'i and Al-Auza'i, objected.

One of the hadiths regarding the auction includes Anas bin Malik RA, who narrated that there was an Ansar man who came to see the Prophet. And he asked something from the Prophet PBUH. Then the Prophet saw. asked the man, "Is there nothing in your house"? The man answered, "Yes. Two pieces of cloth, one for wearing and the other for sitting, and a cup for drinking water." Prophet saw. said, "Then bring those two things to me". The man came to take him. Prophet saw. asked, "Who would want to buy this item?" One of his friends answered, "I want to buy it for one dirham." Prophet saw. asked again, "Is there anyone who wants to buy it at a higher price?" Prophet saw. offer it up to two or three times. Suddenly, one of his friends said, "I want to buy it for two dirhams". So, the Prophet saw. He gave the two items to him, and he took the two dirhams and gave them to the Ansar man. (HR Ahmad, Abu Dawud, an-Nasa'i, and at-Tirmidhi).

The *malimit* tradition practiced in Nagari Cubadak Timur essentially reflects the spirit of buying and selling, which has social and religious value. In its implementation, the community competes not only to acquire goods but also to contribute to charity and support religious activities through the mosque. The auctioned items are voluntarily collected by residents, both those living in the village and those who have migrated, and then sold in a family atmosphere.

From a sharia perspective, the *malimit* practice fulfills several essential elements of buying and selling, such as the clarity of the goods (*ma'qud 'alayh*), a set price, and the acceptance and acceptance of the terms between the committee and the winning bidder. Interestingly, the entire process takes place with the willing consent (*tarāḍī*) of the participating parties. Even those who lose the bid do not feel disadvantaged, as they are aware from the outset that their funds will be used for the common good. One resident, Mr. Syukur, stated in an interview:

"We didn't come just to buy things. This is also part of our worship. The important thing is that we contribute to the mosque, even if we don't get anything"

This statement emphasizes that spiritual values predominate over business aspects in this tradition. However, when viewed strictly through the lens of *ba'i*

muzayyadah in muamalah jurisprudence, several important differences must be noted. In ba'i muzayyadah, only the highest bidder is required to pay, while the loser is not subject to any burden. Meanwhile, in malimit, the losing bidder still contributes a percentage of the bid. This could be considered deviant if understood as a pure sale, because according to Sharia principles, it is not permissible to collect payment from a party who does not receive the benefit or goods, unless it is intended as a gift or voluntary contribution (tabarru'). Therefore, proper intention and contract are necessary to ensure this practice does not deviate from Sharia.

By considering the social context and the collective intentions of the community, the practice of malimit is still acceptable within the framework of Islamic law, particularly with the approach of 'urf sahih, namely local customs that do not conflict with basic sharia principles. As long as people engage in it consciously, without coercion, and with the intention of doing good, this system can be categorized as a form of social interaction that is legitimate according to custom and justified by Islamic law. This demonstrates how Islamic law can coexist with local culture, provided that the principles of justice, willingness, and public benefit are maintained.

## E. CONCLUSION

The malimit tradition in Nagari Cubadak Timur is a form of traditional auction that differs from the concept of ba'i muzayyadah in Islamic law. Its tiered bidding system is not solely for commercial purposes, but is based on the spirit of cooperation and tabarru', where unsuccessful bidders still make voluntary contributions to social and religious interests, particularly the construction of mosques. This practice fulfills basic sharia principles such as clarity of object, price, and ijab and qabul (contractual agreement), although it differs in terms of payment obligations for the losing party. Therefore, malimit is acceptable under Islamic law as long as it is conducted voluntarily and with the intention of worship. Future research is recommended to expand the study to other regions to identify the diversity of traditional auction forms and enrich the understanding of the integration of Islamic values into traditional economic practices.

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