

Consumer Protection of Pematangsiantar Intercity Bus Passengers In the Practice of Overload (Analysis Study of the Sadd Adz-Dzari'ah Evidence)

Isro Ayu Marbun¹, Zulkifli Nas²

^{1,2}Universitas Islam Negeri Sumatera Utara, Indonesia

Email: isro0204213106@uinsu.ac.id¹, zulkiflinas@uinsu.ac.id²

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Abstract

The phenomenon of overload on intercity buses still occurs frequently and has the potential to endanger passenger safety. This condition shows that consumer protection in the transportation sector has not been running optimally, so it needs to be studied further, both from the perspective of positive law and Islamic law, especially through the postulates of sadd adz-dzari'ah as an effort to prevent potential dangers. This study aims to find out how overload practices occur on Pematangsiantar intercity buses and how to protect the legal for passenger consumers who experience this practice, as well as analyze it from the perspective of Islamic law through the postulates of sadd adz-dzari'ah as a form of prevention against harm to consumers. The research method used is non-doctrinal research (empirical juridical) with a statute approach and a conceptual approach and is analyzed qualitatively. The results of the study show that the practice of overloading bus passengers still occurs frequently, especially at certain times. This condition causes passengers to experience discomfort while increasing safety risks. On the other hand, legal protection for passengers in this practice has not been running optimally. This can be seen from the weak supervision, low awareness of business actors, and the lack of effort of passengers in demanding their rights. When viewed from the perspective of Islamic law, the practice of overload is clearly contrary to the postulates of sadd adz-dzari'ah, because it opens up opportunities for greater harm. Therefore, this practice should be prevented from the beginning as a form of protection for the safety and benefit of passengers.

INTRODUCTION

Transportation is a very important means in supporting people's mobility to meet various life needs. Through transportation, the movement of people and goods from one place to another can be done more easily, quickly, and efficiently (Idayanti, 2023). One of the most widely used modes of transportation by the public is public transportation. Public transportation is a means of transportation that is used jointly by many people and is usually provided to serve the travel needs of the wider community, which has a common origin and destination and is subject to certain tariffs (Retnowati et al., 2022). Among the various modes of public transportation available, buses are one of the most widely used, especially to support learning, work, and other activities in different cities.

However, behind this convenience, there is a serious problem that often occurs in the field, namely the practice of *overload* or excess passenger load. This phenomenon is still often found on intercity bus routes, especially in the Pematangsiantar area, where passengers exceed the seating capacity provided, as a result of which passenger comfort and safety are neglected. In the context

of positive law, this practice has injured the rights of consumers as stipulated in Article 4 of Law Number 8 of 1999 concerning Consumer Protection, which affirms that consumers have the right to comfort, security, and safety in using services. In addition, the practice of *overload* is also contrary to Article 138 paragraph (1) of Law Number 22 of 2009 concerning Road Traffic and Transportation, which states that the obligation of public transportation is to fulfill safe, comfortable, and safe transportation. When passengers have to stand, crowd, and face the risk of accidents, then these rights are clearly not fulfilled. Passengers who have carried out their obligations as consumers are actually the aggrieved parties. The gap between the available rule of law and practice on the ground reflects the need for more consistent law enforcement and stronger protections for communities.

The practice of *overload* from the perspective of Islamic law can be analyzed through the *sadd adẖ-dẖari'ah* approach, which is one of the *ijtihad* postulates that aims to prevent damage or danger by closing all means that can lead to harm (Imana & Sucipto, 2024). Overload on the bus, although for the company or driver can provide economic benefits, but this practice has the potential to endanger the safety of passengers and the wider community of road users (*hiẖ al-naḥs*) and even open up opportunities for greater violations of the law in the future. Therefore, the researcher is interested in reviewing in depth how the practice of *overloading* on Pematangsiantar intercity buses is not only in violation of positive laws, but also not in accordance with the rules of Islamic law, namely the postulates of *sadd adẖ-dẖari'ah* which although it has benefits, this practice also contains high risks.

Some previous research relevant to this topic was discussed by Ayuning Tyas Aziz Putri et al., which focused on the analysis of legal protection for passengers due to *overload* practices with the result that legal protection for consumers has not been implemented optimally. Then research by Hasbi Muhammad, Suradi, and Rinitami Njatrijani which focuses on the responsibility of bus companies based on Law No. 8 of 1999 and Law No. 22 of 2009, which shows that companies have tried to carry out their responsibilities according to the provisions even though *overload* practices still occur. Also, research by Yenni Yusnita which focuses on the suitability of *overload practices* with the concept of *ijarah bi al-manfa'ah* and Permenhub Number 32 of 2016, which concluded that the practice is not in accordance with the contract and provisions of transportation capacity. In contrast to these studies, this study examines the practice of *overload* not only from a positive legal perspective, but also through the analysis of the postulates of *sadd adẖ-dẖari'ah* as a preventive approach in preventing harm so as to provide a more comprehensive analysis of consumer protection.

Based on this description, the focus of the problem in this research includes three things, namely: (1) how *overload practices* on intercity buses in Pematangsiantar occur, (2) how to form legal protection for bus passenger consumers who experience *overload practices*, and (3) how to view Islamic law through the postulates of *sadd adẖ-dẖari'ah* against *overload practices* as a form of consumer protection.

Although previously research has been conducted on the same topic, there are still research gaps that need to be filled. This research is important because *overload practices* on public transportation still occur frequently and have the potential to endanger passenger safety. Previous research has discussed more in terms of positive law or contract only, so it has not studied prevention efforts thoroughly through the postulates of *sadd adẖ-dẖari'ah*. Therefore, this research is expected to provide a more comprehensive understanding in an effort to protect passengers as consumers. This study aims to find out how *overload practices* on Pematangsiantar intercity buses

and how to protect the legal for passenger consumers who experience this practice and analyze it from the perspective of Islamic law based on the postulates of *sadd adz-dzari'ah* as a form of prevention of harm to consumers.

METHODS

The type of research used in this writing is non-doctrinal legal research (empirical juridical), which is legal research that not only examines legal norms in laws and regulations, but also looks at how the law works and is applied in people's lives (Gunardi, 2022). This study aims to analyze the gap between *das sollen* (the law that should be) and *das sein* (the law that occurs in the field), especially related to overload practices in intercity bus transportation in Pematangsiantar. The approach used in this study is a *statute approach* by examining various regulations related to consumer protection and land transportation, such as Law Number 8 of 1999 concerning Consumer Protection and Law Number 22 of 2009 concerning Road Traffic and Transportation. In addition, this research is also supported by a conceptual approach, especially in analyzing overload practices through the postulates of *sadd adz-dzari'ah* in Islamic law. The data sources in this study consist of two types, namely primary data and secondary data. Primary data was obtained directly through interviews with related parties such as passengers, drivers, and intercity bus companies in Pematangsiantar. Meanwhile, secondary data was obtained through literature studies which included primary legal materials, namely laws and regulations, secondary legal materials, namely books, scientific journals, and previous research results, and tertiary legal materials, namely legal dictionaries. Data analysis is carried out qualitatively, namely by deciphering, connecting and interpreting data obtained from the field and literature, so that it can produce systematic and comprehensive conclusions related to overload practices and legal protection for consumers in the perspective of positive law and Islamic law.

RESULTS AND DISCUSSION

A. Overload Practice on Pematangsiantar Intercity Buses

Overload is a condition when buses transport passengers beyond the set capacity, potentially disrupting the security, comfort, and safety of passengers (Gunawan et al., 2023). Overload practices still often occur on intercity buses in the Pematangsiantar area, especially during peak hours, the Eid al-Fitr homecoming season, as well as the Christmas and New Year holidays when transportation demand increases. This condition involves various groups of passengers, such as workers, students, students, and the general public who continue to use buses even though they are full. The occurrence of *overload* is influenced by several factors, including the desire of companies and drivers to increase revenue (Satino et al., 2026). On the other hand, weak supervision and law enforcement from the authorities causes the practice of *overload* to become a habit that is considered reasonable in transportation operations. In addition, the low awareness of passengers towards their right to safety and comfort has also exacerbated this condition (Savira & Kartika, 2026).

Based on the results of interviews with passengers, *overload practices* cause the space inside the bus to become narrow and crowded, air circulation is reduced, and many passengers have to stand during the trip until they experience fatigue (Nuris, Interview, 2026). Several speakers also expressed concerns about their safety because excess load is considered to disturb the balance of vehicles, increase the risk of accidents, and open up opportunities for crime on the bus (Desi, Interview, 2026).

This condition cannot be separated from operational practices in the field involving the role of drivers and transportation service managers. An interview with one of the PT Eldivo bus drivers, Tunas Arta, revealed that the addition of passengers was still carried out even though the capacity had been met, especially to meet the company's deposit target and obtain additional income. In fact, passengers without official tickets are often a direct income for bus crews (Misriono, Interview, 2026). Similar findings were also obtained from PT Indah Transport (INTRA) drivers who stated that compliance with *overload* regulations is still low due to the lack of coaching to them and weak supervision, so that economic interests take precedence over passenger safety (Sirait, Interview, 2026).

On the other hand, the bus management has basically provided roadworthy vehicles and facilities according to capacity. However, suboptimal supervision during the trip causes violations to persist, including ticket sales without seat certainty that results in vehicles exceeding capacity (Pandiangan, Interview, 2026). In addition, economic pressure to cover operational costs, such as fuel and vehicle maintenance, has also encouraged companies to maximize the number of passengers (Situmorang, Interview, 2026). Thus, it can be understood that *overload* practices are a complex problem because they are influenced by economic factors, weak supervision and the company's operational system that has not fully prioritized passenger safety.

B. Legal Protection for Bus Passenger Consumers in Overload Practices

Consumer protection is a legal guarantee provided to consumers to avoid various actions that can harm their rights (Zulham, 2013). In the context of public transportation, bus passengers are positioned as service consumers who are entitled to protection for security, comfort, and safety during the trip. Therefore, business actors are obliged to fulfill these rights as affirmed in Article 4 of Law Number 8 of 1999 concerning Consumer Protection.

Protection of passengers is also regulated in Article 137 and Article 138 paragraph (1) of Law Number 22 of 2009 concerning Road Traffic and Transportation which emphasizes that the implementation of passenger transportation must prioritize the security and safety of passengers and be carried out in accordance with the vehicle capacity that has been determined (Haq et al., 2025). In addition, in Article 142 of the same law, it is affirmed that public transportation companies are responsible for losses suffered by passengers due to the provision of transportation (Savira & Kartika, 2026). Therefore, legal protection for passengers is not enough, only repressive through the provision of compensation as stipulated in Article 19 of Law Number 8 of 1999 concerning Consumer Protection, but must also be realized preventively through stricter supervision and the implementation of clear service standards. Thus, potential losses due to overload practices can be prevented from the beginning, while ensuring passengers' right to obtain legal protection through complaint mechanisms to consumer protection institutions or through the courts (Febrianto & Damayanti, 2025).

Although normatively passengers have been given the right to obtain legal protection through complaint mechanisms and court channels, the results of the study show that these mechanisms have not run optimally. Some passengers have submitted complaints related to overload practices, but not all bus companies provide clear access to complaints and the response provided is often slow so that passengers are reluctant to report (Maria, Interview, 2026). In addition, the absence of strict sanctions against bus drivers and crews who overload, as well as inconsistent supervision from the Transportation Department and the police, have also aggravated this condition so that the practice of overload continues to recur (Imay, Interview, 2026). This

condition shows that legal responsibility cannot be fully imposed on the driver or the conductor. As business actors, bus companies are still obliged to ensure the security, comfort, and safety of passengers as stipulated in Law Number 8 of 1999 concerning Consumer Protection. Thus, the responsibility between the driver and the company is tiered, namely the driver is responsible for operations in the field, while the company is responsible as a transportation service provider because it has the authority to regulate the operational system, set work targets, and supervise the vehicle crew. This provision is in line with Article 1367 of the Civil Code which states that the employer is responsible for losses caused by his subordinates in carrying out their work, as well as Article 234 of Law Number 22 of 2009 which affirms that the driver, vehicle owner, and/or public transportation company is responsible for losses suffered by passengers and third parties due to the driver's negligence.

As a form of responsibility, bus companies are basically obliged to ensure the safety, comfort, and safety of passengers and provide compensation in the event of losses due to accidents, including through insurance protection for passengers who have official tickets (Situmorang, Interview, 2026). On the other hand, the Transportation and Police Service also supervise overload practices. However, the supervision has not run optimally because it has not been carried out consistently and continuously. Therefore, synergy is needed between bus companies, the government, and the community so that overload practices can be prevented and the rights of passengers as consumers can be protected to the maximum (Garingging, 2025). Thus, consumer protection needs to be realized not only normatively, but also through concrete measures that ensure safety, comfort, and protection of passenger rights, namely the following:

1. Refusal of passengers when capacity is full.
Bus companies should expressly not raise passengers when seat capacity has been met. This is not just a technical rule, but a form of direct protection for the safety of passengers so that they are not in risky crowded conditions. In practice, violations often occur due to the lack of commitment from business actors to comply with safety standards (Ira, Interview, 2026).
2. Guaranteed seats and decent travel conditions for every passenger.
Every passenger who has paid the fare is entitled to a suitable seat. If it is not met, then passengers should be given the option not to continue the journey or get compensation. This is related to consumers' rights to comfort and safety in using transportation services (Savira & Kartika, 2026).
3. Active education to passengers about the dangers of overload.
Passengers need to be educated about the dangers of overload either through writing on the bus, announcements, or direct socialization to understand the risk of accidents and injuries due to vehicles exceeding capacity. This education is important because many passengers still consider overload conditions to be normal (Widjaja & Prasetyo, 2024).
4. Increasing the awareness of business actors through coaching and supervision.
Business actors need to be given guidance and supervision to understand that overload practices are not only administrative violations, but also have the potential to give rise to legal liability (Haq et al., 2025).
5. Compensation or compensation in real terms.
Passengers who are harmed by overload, he has the right to sue the bus company to provide compensation, either in the form of refunds, compensation, or other forms of

compensation. This is part of the responsibility of business actors to consumers in transportation agreements (Nur Falinda & Saputra, 2022).

6. Easy and responsive access to complaints.

Passengers must be given easy and responsive access to complaints that are not only formal, but really followed up to provide a deterrent effect for business actors (Budi, 2025).

Based on these findings, it can be seen that consumer protection in overload practices has not been running optimally, so it is necessary to increase awareness, law enforcement and synergy between business actors, the government, and the community so that consumer protection can run effectively, not only limited to written rules, but really manifested in daily practice, so as to create a safe, fair, and safety-prioritized transportation system.

C. Analysis of Overload Practices Based on the Evidence of Sadd Adz-Dzari'ah

The word *sadd adz-dzari'ah* is a term that consists of two words, namely *sadd* and *dzari'ah*. The word *sadd* comes from the verb "*sadda-yasuddu-saddan*" which means to close, prevent, or obstruct, while *dzari'ah* means a way, a means (*wasilah*), or a cause that can lead to an action (Suparmin, 2014). Panji Adam Agus Putra, who quoted the opinion of Ibn Qayyim al-Jauziyyah, explained that *dzari'ah* is everything that functions as an intermediary that can lead a person to a certain goal or deed (Agus Putra, 2024). This definition is in line with the opinion of Muhammad Abu Zahrah who stated:

وَالذَّرَائِعُ مَعْنَاهَا الْوَسِيلَةُ، وَالذَّرَائِعُ فِي الْفَقْهِ أَشْيَاءُ يَكُونُ طَرِيقًا إِلَى مُحَرَّمَ أَوْ مُحَلَّلٍ، فَإِنَّهُ يَأْخُذُ بِحُكْمِهِ

Meaning: *Dzari'ah* means means or intermediary. In fiqh, *dzari'ah* is something that can be a path to something that is haram or halal, so that the law follows the purpose it aims to achieve (Zahrah, 1958). Furthermore, Syafruddin Syam explained that *dzari'ah* is everything that has the potential to lead to an outcome, either leading to prohibited acts and causing harm (*mafsadah*), or leading to good deeds and producing benefits (*mashlahah*) (Sham, 2021). Therefore, the application of *sadd adz-dzari'ah* is not only aimed at preventing damage, but also ensures that every activity carried out actually produces benefits greater than the mudharat.

Ibn Qayyim al-Jauziyyah explained that everything that can lead to corruption is not just one form, but has several levels, and all of them need to be anticipated so as not to cause sin or disobedience. Broadly speaking, it divides *adz-dzari'ah* into four categories of principles, namely: (Ningrum Nasution & Permata, 2024)

1. *Adz-dzari'ah* which from the beginning directly led to destruction.
2. *Adz-dzari'ah* which is basically allowed, but it is done with bad intentions.
3. *Adz-dzari'ah* which is outwardly permissible and not accompanied by bad intentions, but in its implementation causes more harm than benefits.
4. *Adz-dzari'ah* is basically permissible and can sometimes lead to harm, but the benefits produced are much greater than the potential harms, so they can still be tolerated.

Regarding the practice of *overloading* bus passengers, of the four *categories of adz-dzari'ah* proposed by Ibn Qayyim al-Jauziyyah, the most relevant is in the third category. Basically, the activity of transporting passengers is something that is allowed and is part of transportation services. However, when done beyond the predetermined capacity, the impact that arises actually leads to more harm than benefit. This can be seen from the condition of passengers who have to stand for a long time, crowd, and are in unsafe situations, especially when the bus is driving at high speed or braking suddenly. At this point, the practice of *overload* is no longer just a technical

problem, but has become a means (dzariah) that opens up opportunities for danger, both in the form of accidents, injuries, and other losses.

One of the foundations of the Qur'an that is the basis for the application of *the principle of sadd ad-dzari'ah* is found in the words of Allah SWT in Surah Al-Anam verse 108:

وَلَا تَسُبُّوا الَّذِينَ يَدْعُونَ مِنْ دُونِ اللَّهِ فَيَسُبُّوا اللَّهَ عَدْوًا بِغَيْرِ عِلْمٍ كَذَلِكَ زَيَّنَّا لِكُلِّ أُمَّةٍ عَمَلَهُمْ ثُمَّ إِلَىٰ رَبِّهِمْ مَرْجِعُهُمْ فَيُنَبِّئُهُمْ بِمَا كَانُوا يَعْمَلُونَ

Meaning: And do not curse any worship that they worship other than Allah, for they will curse Allah by going beyond the limits without any basis of knowledge. Thus, We have made every ummah to consider their work well. Then to the Lord where they returned, then He would tell them what they had done.

This verse shows that Islam prohibits an act that is basically permissible if the act has the potential to cause greater damage. In other words, sharia prioritizes efforts to prevent the emergence of mafsadah rather than waiting for the damage to actually occur (Permata, 2025).

In addition to the Qur'an, the concept of *sadd ad-dzari'ah* is also strengthened by the hadith of the Prophet PBUH, namely the hadith *la dharara wa la dharar* which emphasizes that it is not permissible to harm oneself or others (Alamudi et al., 2024). In the practice of overloading bus passengers, the potential danger is real because it can threaten safety, reduce comfort, and harm passengers. Therefore, *overload* is not only contrary to the hadith, but also a form of *ad-dzari'ah* that must be prevented because it causes more mafsadah than maslahah.

The application of *sadd ad-dzari'ah* in the case of *overload* has a positive value because it encourages bus companies to prioritize passenger safety over economic interests alone. When a company refuses to increase passengers after the vehicle's capacity is met, this action is a form of prevention against potential dangers as well as a form of responsibility of business actors in protecting consumer rights. Thus, passengers get a safer, more comfortable, and more decent journey, while the driver can operate the vehicle more focused so that the risk of accidents can be minimized.

On the other hand, if the principle of *sadd ad-dzari'ah* is ignored, *overload* will become a means that opens up opportunities for mafsadah. The results of the study show that passengers have to stand in crowded conditions, comfort is reduced, and there is a risk of accidents due to vehicles carrying passengers exceeding capacity. This condition shows that the company's economic interests take precedence over the protection of the life and rights of consumers, thus contradicting the purpose of Islamic law and positive legal provisions.

The application of *sadd ad-dzari'ah* in transportation practice is not only intended to prohibit an act, but also aims to realize benefits for all parties. The benefits referred to in this study are the creation of transportation services that provide protection for life (*hifz al-nafs*), ensure the security, comfort, and safety of passengers, and provide certainty that the rights of consumers as users of transportation services are respected and fulfilled by business actors. Prevention of *overload* is not intended to hinder the company's business activities, but to ensure that transportation services continue to run without sacrificing public safety. Thus, the prevention of *overload practices* is a tangible form of applying the postulates of *sadd ad-dzari'ah*, which is to close all paths that have the potential to lead to loss and harm, so that the purpose of sharia to realize benefits and prevent the occurrence of mafsadah can be achieved optimally. In the perspective of Islamic law, passenger protection is not only concerned with the fulfillment of rights and obligations, but also moral responsibility. Bus companies should not accept payments from passengers without providing safe, comfortable, and decent service. Therefore, the fulfillment of passenger rights is a legal

obligation as well as a moral responsibility that must be carried out by transportation service providers (Arfa & Nas, 2021).

To strengthen this analysis, it is important to relate it to the pillars of *dzari'ah* as explained by Muhammad Hasyim Al-Burhani based on the writings of Dina Sakinah and Zulham, namely: the existence of an act that is basically permissible because it functions as a means (*washilah*), there is a strong suspicion that the act leads to mafsada (*al-ijdhah*), and the existence of the final goal in the form of a prohibited act (*al-mutawasil ilaih*) (Sakinah & Zulham, 2022).

These three pillars are fulfilled in the practice of overload. In terms of *washilah*, the activity of transporting passengers is an act that is basically allowed as part of transportation services. However, when carried out beyond capacity, these activities turn into a means that potentially lead to danger. From the side of *al-ijdhah*, there is a very strong suspicion that *overload* will cause mafsadat, such as discomfort, crowded conditions, and an increased risk of accidents due to reduced vehicle stability and safety. As for *al-mutawasil ilaih*, this practice ultimately leads to prohibited impacts, namely the occurrence of losses, injuries, and even threats to the safety of passengers and other road users.

Based on the overall analysis, the practice of *overloading* bus passengers is a clear example of the application of *the postulates of sadd adz-dzari'ah* in community life. Activities that were originally allowed turned into acts that must be prevented because they cause more mafsadah than maslahah. Therefore, limiting the number of passengers according to the capacity of the vehicle not only reflects compliance with laws and regulations, but also is the implementation of sharia values in protecting lives, safeguarding consumer rights, and realizing a safe, fair, and common benefit-oriented transportation system.

CONCLUSION

Based on the results of the research that has been carried out, it can be concluded that *overload practices* on Pematangsiantar intercity buses still occur frequently, especially in periods with high passenger mobility. This practice is influenced by economic factors, weak supervision, and limited transportation options for the public, thereby reducing comfort and increasing risks to passenger safety. Legal protection for bus passenger consumers has basically been regulated in Law Number 8 of 1999 concerning Consumer Protection and Law Number 22 of 2009 concerning Road Traffic and Transportation. However, the implementation is not optimal because the supervision, law enforcement, and complaint mechanism are still weak. Therefore, preventive and repressive efforts involving bus companies, the government, and the community are needed to ensure the fulfillment of passengers' rights. Meanwhile, based on the postulates of *sadd adz-dzari'ah*, the practice of *overload* is an act that must be prevented because it causes more mafsadah than maslahah. Although transporting passengers is generally allowed, such actions become prohibited if they are carried out beyond capacity, endangering safety, reducing comfort, and threatening the lives of passengers. Therefore, the prevention of *overload* is the implementation of *the principle of sadd adz-dzari'ah* in realizing consumer protection and a transportation system that is safe, comfortable, fair, and in accordance with sharia values.

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