



NIGHT MARKET MANAGERS' RESPONSIBILITY TOWARDS CONSUMER SAFETY STANDARDS AT THE NAGA NUSANTARA NIGHT MARKET (MMTC) FROM THE MAQASID SYARIAH PERSPECTIVE

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Article Info

Article history:

Received :

Revised :

Accepted :

Available online

<http://jurnal.uinsu.ac.id/index.php/analytica>

E-ISSN: 2541-5263

P-ISSN: 1411-4380



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ABSTRACT

Night markets serve as an alternative form of recreation for the public, offering a variety of amusement rides at affordable prices. However, behind their appeal, they also present significant safety risks for visitors, especially concerning the rides. This study aims to examine the liability of the management in ensuring consumer safety standards for victims of the ontang-anting ride accident at the Naga Nusantara Night Market. The research employs an empirical legal method with a sociological approach, collecting primary data through direct interviews. The findings indicate that the lack of safety procedures and negligence in ride maintenance led to physical injuries to consumers. The issue was resolved through compensation, representing a form of civil liability. Viewed from the principle of *hifz al-nafs* within *Maqāṣid al-Sharī'ah*, the incident constitutes a violation of the core objectives of Islamic law. Therefore, enhanced supervision, regular inspections, and safety education are necessary to ensure consumer rights and prevent similar incidents in the future.

Keywords: Maqasid al-Sharia, Night Market, Consumer Protection

1. INTRODUCTION

In today's modern era, various forms of entertainment are available to meet people's recreational needs. As consumers, people use these services to spend time with family or friends. The enormous potential of the entertainment sector encourages businesses to compete in providing tourist destinations, both natural and man-made. In providing entertainment venues, businesses have a significant responsibility to prioritize the safety and security of their consumers.

In an effort to protect the public, the government has established a number of regulations that serve as guidelines for businesses to ensure consumers feel safe and protected. One form of this protection is realized through Law Number 8 of

2008 concerning Consumer Protection, which emphasizes that consumer safety and comfort must be the top priority in the provision of goods and/or services.

The increasing public interest in entertainment venues has resulted in a growing variety of tourist destinations offered at varying prices. Affordable entertainment venues are a primary choice for the public, one of which is night markets, which offer a variety of rides at affordable prices. Night markets are a popular recreational alternative because they are accessible to a wide range of people.

One well-known night market is the Naga Nusantara Night Market, located in the MMTC Pancing area. This night market has become an iconic nightlife destination in the Pancing area and its surroundings. The existence of these attractions requires managers to consistently ensure the safety and comfort of the facilities used. However, in practice, night markets can pose serious potential safety risks to visitors. These risks are generally caused by managers' negligence in meeting safety standards or by a lack of awareness and legal responsibility towards consumers.

Law No. 8 of 1999 stipulates that business operators are required to provide honest and transparent information and guarantee the safety of the goods and/or services they offer. However, in addition to a positive legal approach, this study also utilizes a religious approach through the perspective of *maqasid al-sharia* (Islamic principles). This concept was developed by Imam al-Syatibi, who stated that *sharia* was revealed to safeguard five essential elements: safeguarding religion (*hifz al-din*), safeguarding the soul (*hifz al-nafs*), safeguarding the mind (*hifz al-'aql*), safeguarding descendants (*hifz al-nash*), and safeguarding property (*hifz al-mal*). In this context, consumer safety is directly related to *hifz al-nafs*. The failure of night market operators to ensure consumer safety is considered a violation of the *maqasid al-Shari'ah* (Islamic principle) because it poses a threat to consumer safety.

The dual perspectives of law and *maqasid al-Shari'ah* in the context of consumer protection at night markets create a comprehensive analytical framework. This research specifically examines the Naga Nusantara Night Market as a case study, where an accident involving a bouncing ride provides clear evidence of the gap between regulations and their implementation. Therefore, this article aims to examine the management's accountability towards consumers harmed by bouncing ride accidents and provides an overview of the concept of *maqasid al-Shari'ah*.

2. RESEARCH METHOD

The research method used in this journal is an empirical legal research method. The empirical legal research method is a method that uses data obtained directly from the field to understand how the law works in real practice. The approach used

in this study is a sociological approach, with data collection methods through in-depth interviews conducted directly with night market managers, then a case approach is used to explore accidents on the ontang-anting ride that reflect negligence in meeting safety standards. Secondary data in this study were obtained through literature studies from several journals and relevant laws and regulations. The data obtained were analyzed using qualitative methods by drawing conclusions from the resolution of accident cases on the ontang-anting ride.

3. RESULT AND ANALYSIS

Analysis of the Ontang-Anting Ride Accident Case at the Naga Nusantara Night Market

According to the Big Indonesian Dictionary (KBBI), a night market is a type of market that operates at night and typically features a variety of entertainment, food stalls, and other performances. This activity is generally held over several consecutive nights as part of a celebration or commemoration of a particular event (KBBI 2025). From the definition of a night market according to the KBBI, it can be concluded that a night market is a place where various entertainment and economic activities take place. Generally, night markets are held for a predetermined time or are temporary in commemoration or celebration of certain events, such as national holidays, regional anniversaries, or cultural events. Night markets also serve as social spaces for people to gather or enjoy the atmosphere of the night market (Riyadi 2021).

The management of the Naga Nusantara Night Market has a significant responsibility to ensure consumer safety and security standards. Consumer protection regarding visitor safety is a series of steps aimed at ensuring legal certainty in protecting consumer rights (Hernoko 2020). In this case, consumers are often in a weaker position than businesses, so legal regulations are needed to guarantee the protection of their rights. The 1985 Guidelines for Consumer Protection issued by the United Nations (UN) state that consumers across all countries have basic social rights. These rights include: the right to accurate, true, and honest information; the right to safety and security; the right to choose; the right to express an opinion; the right to compensation; the right to obtain basic necessities; the right to a clean and healthy environment and the obligation to protect it; and the right to basic education. The UN urges all its member states to implement these consumer rights in their respective countries (Nurul Hidayah Apriyanti Ritonga 2023).

Normatively, the Consumer Protection Law states that every consumer has the right to a sense of security, safety, and comfort when consuming goods and/or services, as stipulated in Article 4 (a). All forms of public events, such as night markets, must meet safe service standards and not pose a risk to visitors. In this

regard, the safety of the rides is crucial for the comfort of night market visitors. According to Article 1 paragraph (1) of Law No. 8 of 1999 concerning Consumer Protection, consumer protection is defined as a step to guarantee legal certainty in order to protect consumers (Republic of Indonesia 1999). One form of legal protection is realized through the fulfillment of consumer rights by business actors. In the context of a night market, the management acts as a business actor who provides various services through the facilities and infrastructure available at the night market. Therefore, all forms of activity that occur in the night market are the responsibility of the night market management, including losses resulting from negligence which are their responsibility.

Negligence on the part of the Naga Nusantara Night Market occurred on one of the now-defunct rides, the ontang-anting (or "hanging"), which requires a safe and stable structure and mechanical system. In the incident, it was discovered that a critical component of the ontang-anting was damaged. The axle broke, causing the operator holding the ontang-anting machine to lose balance and control in one of the visitor seats. The management's lack of proper inspection of the ride's safety standards led to the accident involving a customer.

As a result of the malfunction, two visitors riding the ontang-anting fell during operation. Although the accident did not result in any fatalities, both victims suffered minor physical injuries, including bruises and sprains. While no further medical treatment was required, the incident raised significant concerns about the safety and security standards at the night market, which subsequently highlighted the management's responsibility for customer safety.

Following this incident, the night market management took steps to resolve the matter amicably. The management apologized and accepted moral and financial responsibility. They provided compensation to the two victims to cover medical expenses and as compensation for the inconvenience and trauma they experienced. Although the settlement was amicable and without formal legal proceedings, this incident remains important from a consumer protection perspective.

Technically, the night market management also lacked safety procedures for visitors wishing to ride the rides, and instructions for using the rides were inadequate. The only procedure was that visitors had to purchase tickets and then be allowed on the rides without any height, weight, or medical checks. This is common at other night markets. These safety standards are the minimum required to protect consumers from accidents on rides.

This situation is inconsistent with the provisions stipulated in Article 4, letters a and c of Law No. 8 of 1999, and contradicts the Regulation of the Minister of Tourism and Creative Economy No. 4 of 2021 concerning Business Activity Standards for the Implementation of Risk-Based Business Licensing in the Tourism Sector (Kemenparekraf 2021), particularly the section governing Standard Operating Procedure documents and/or instructions for implementing business

management systems. These work instructions contain safety procedures for visitors, particularly in contexts involving public risks, such as amusement rides. Ideally, SOPs for amusement rides (ISO 2015) concerning visitor safety should include:

- a. Ride operational procedures, explaining the start and stop of rides, and when they should not be operated.
- b. Equipment suitability standards, including inspection schedules and who is responsible for checking and recording the results.
- c. Visitor requirements, including age limits, height, weight, and health conditions.
- d. Pre-operation inspections, including safety harnesses, harnesses, control systems, and ride balance.
- e. Procedures for delivering safety instructions, officers are required to provide directions before visitors board.

Based on Law No. 8 of 1999 concerning Consumer Protection, consumers have the right to security and safety when consuming or using the goods and/or services provided. The failure of night market operators to guarantee this aspect can be considered a form of negligence, in accordance with Article 19 paragraph (1) of the Consumer Protection Law, which states that business actors are obliged to provide compensation for consumer losses resulting from the use of their services (Basyir 2004). Legal protection and security guarantees can be realized through fulfilling consumer rights, providing health services, protecting personal data, ensuring the operational feasibility of facilities, and providing insurance as a precautionary measure against risks such as loss, accidents, and even death (Maliki and Fitriyah 2023).

From the perspective of *maqasid sharia*, the incident that occurred at the Naga Nusantara Night Market violates the principle of *hifz an-nafs* (protecting the soul), which is the primary objective of implementing *sharia*. Imam Asy-Syatibi emphasized that in all social and economic activities, any form of practice that endangers human life, whether directly or indirectly, is prohibited. Given the negligence committed by the night market, even though the management has fulfilled its responsibilities, it must still seriously improve the ride safety system. These improvements include routine inspections, ride feasibility tests, and even training for operators operating the rides, in accordance with Regulation of the Minister of Tourism and Creative Economy Number 4 of 2021 concerning Business Activity Standards (Kemenparekraf 2021). These improvements are necessary to ensure visitors can enjoy the night market facilities safely and comfortably, and to prevent further accidents involving visitors enjoying the rides.

Negligent actions by management that result in losses for consumers constitute grounds for consumers to pursue their rights through a lawsuit for compensation

(Zulham 2013). Business actors' liability for losses suffered by consumers can be categorized into several forms of liability, namely:

a. Civil Liability

This liability is based on Article 1365 of the Civil Code concerning unlawful acts. In this case, injured consumers can file a civil lawsuit against the night market management for the losses they have suffered, both material and immaterial (R. Subekti 2017). This includes negligence in providing safe facilities, lack of supervision and inspections, or violations of consumer rights.

b. Criminal Liability.

If consumer losses occur due to gross negligence or even intentional acts that potentially endanger the safety of visitors or consumers, then the management's liability in this case is no longer limited to civil matters but can also be subject to criminal sanctions. Article 62 of the Consumer Protection Law states that business actors who violate consumer protection provisions can be subject to imprisonment and/or fines (Republic of Indonesia 1999).

c. Administrative Liability

Business actors or managers can be subject to administrative sanctions by government agencies or relevant institutions. These sanctions can include warnings, revocation of business permits, confiscation of goods, or even closure of the business. This is within the authority of supervisory agencies such as the Trade Office or the Food and Drug Monitoring Agency (BPOM), depending on the type of violation (Hernoko 2020).

Based on the chronology of events and the handling of the accident involving the ontang-anting amusement ride at the Naga Nusantara Night Market, the appropriate form of liability in this case is civil liability. Civil liability, or compensation, in this case is based on the actual losses suffered by consumers, namely two visitors who suffered relatively minor physical injuries due to damage to the ride. As a form of responsibility, the night market management resolved the matter amicably by providing compensation to cover the victims' medical expenses.

The compensation provided by the night market to the victims reflects the management's responsibility to consumers, namely, efforts to restore consumers to their pre-loss condition. This form of liability applies if no intentional action is found on the part of the management. This resolution was carried out without involving criminal or administrative legal proceedings. The management also promised to pay more attention to checking the suitability of the equipment used on each ride.

Consumer Protection at the Naga Nusantara Night Market in Review of Maqasid Syariah

Consumer protection in Imam Asy-Syatibi's perspective is an important part of implementing maqasid sharia which emphasizes maintaining the benefit of humanity. In the context of the Naga Nusantara Night Market (MMTC), consumer protection is not limited only to aspects of service and economic transactions, but also concerns life safety, facility security, and consumers' rights to a safe environment. According to Imam Ash-Syatibi, the main aim of the revelation of Islamic Sharia was to bring about the benefit of humanity, both in this world and in the afterlife (Shāṭibī 1991). Sharia itself functions as a guideline which not only regulates life outwardly, but also aims to safeguard human interests in various aspects of life. In the view of Imam Asy-Syatibi, Islamic laws are established solely to bring benefits (maslahah) and prevent damage (mafsadah).

Linguistically, the term maqasid sharia comes from two words, namely maqasid and sharia. The word maqasid is the plural form of maqsad, which means goal or purpose (Ramadhan 2019). Meanwhile, sharia literally means the path to a water source, which in a broader sense is interpreted as a path that leads humans to the true source of life (Febrianti Aryet and Harahap 2025). Imam Ash-Syatibi then grouped the maqasid of sharia into three main levels, namely:

1. Al-Maqasid al-Dharuriyyah, which are the goals of sharia that are fundamental and essential to human life. Without the fulfillment of these elements, human life will experience chaos, even destruction, both in this world and the hereafter. The five main elements in this category are: (Zahrah 2014) preserving religion (al-din), preserving the soul (al-nafs), preserving the intellect (al-aql), preserving descendants (al-nasl), and preserving wealth (al-mal).
 - a. Preserving Religion (Hifz al-din). Preserving religion means avoiding all forms of slander that could damage the sanctity of religion, as well as maintaining the safety of individuals in practicing their beliefs. This also includes efforts to resist the temptations of lust and prevent actions that could lead to moral and spiritual corruption.
 - b. Preserving the Soul (Hifz al-nafs). Preserving the soul includes efforts to protect the right to live a dignified and noble life, such as the physical safety of life, limbs, and personal honor. This also includes freedom to choose a profession, freedom of thought and expression, freedom of speech, and so on.
 - c. Preserving the Mind (hifz al-aql). Protecting the mind aims to safeguard the human ability to think from various things that can damage it, so that individuals can continue to contribute positively to social life. Islamic Sharia establishes preventive measures to enhance the potential of the mind and guard against things that weaken its function.

- d. Maintaining offspring (hifz al-nasl). Caring for offspring aims to maintain the continuity of human generations so that they remain physically, mentally and morally healthy. This is realized through good management of family life, including providing love and appropriate education to children so that they grow up with good morals and adequate intelligence.
 - e. Maintaining assets (hifz al-mal). Protecting wealth means encouraging people to obtain and manage wealth in a halal and orderly manner, as well as abstaining from fraudulent actions or harming others. Islam emphasizes the importance of justice and honesty in economic activities so that the wealth obtained can be a source of benefit, not damage.
2. Al-Maqasid al-Hajjiyyah, is everything that refers to things that humans need to avoid difficulties and obtain ease in living life. If maslahah is not maintained at this level, it can cause hardship and even misery.
 3. Al-Maqasid al-Tahsiniyyah, is something that exists better to perfect human welfare. If this benefit is not protected, the quality of life will be reduced and feel less than perfect, even though it will not cause misery and destruction (Shāṭibī 1991).

From Imam Ash-Syatibi's perspective, the Maqasid al-Dharuriyyah (Dharuriyyah) is the core of the Maqasid Sharia, which functions to safeguard human survival as a whole. The five main aspects that must be safeguarded in this category are religion, life, intellect, lineage, and property (Kurniawan and Hudafi 2021). The most relevant aspect to this case is the Maqasid al-Dharuriyyah, namely the protection of the soul (hifz al-nafs). When an accident occurs due to a malfunctioning amusement ride that causes injury to a customer, the operator has failed to fulfill this element of the Maqasid Sharia in protecting the customer's life. Human life is a crucial trust in Islamic Sharia. Negligence that endangers life, even if it does not result in death, can still be considered a violation of the Maqasid Sharia.

When an accident occurs, such as a malfunctioning amusement ride that causes injury to a visitor, this constitutes a violation of the principle of life protection. Imam Ash-Syatibi stated that all harm (mafsadah) must be prevented, and human protection is a top priority in the implementation of sharia. Therefore, the management of the Naga Nusantara Night Market has a sharia and social responsibility to take measures such as regular inspections, ride feasibility tests, safety training, and providing first aid as concrete examples of the principle of safeguarding lives.

The extreme rides at the night market have the potential to endanger the lives of consumers if an accident occurs during operation. This is evident in the case of the ontang-anting ride, which suffered a broken axle during operation. Regardless of the accident on the ontang-anting ride, the management remains obligated to provide protection to consumers, for example by providing seat belts or other

safety systems on both extreme and regular rides. Furthermore, the management is also responsible for providing compensation in the event of an accident while riding any ride. These measures aim to create a sense of safety for visitors, thus realizing one of the primary objectives of al-Maqasid al-Dharuriyyah: protecting the lives of visitors.

4. CONCLUSION

The management of the Naga Nusantara Night Market has a legal and moral responsibility to ensure the safety and security of visitors as part of consumer protection. The findings of this study indicate that negligence in ride maintenance and the lack of adequate safety procedures constitute a failure to ensure safety standards. The accident on the ontang-anting ride is clear evidence that the management failed to implement a safety system in accordance with Law Number 8 of 1999 concerning Consumer Protection and Regulation of the Minister of Tourism and Creative Economy Number 4 of 2021.

In this case, the management chose to resolve the matter amicably by providing compensation to the victim, reflecting civil liability. The management also promised to improve safety procedures or comprehensively revamp the system for visitors to prevent a recurrence of undesirable incidents such as accidents on rides. However, this approach does not eliminate the management's obligation to comprehensively revamp the system. From the perspective of the maqasid sharia (obligatory obligations of sharia), specifically the principle of ḥifẓ al-nafs (protection of life), neglecting the safety of life violates the primary objectives of Islamic law. Imam Ash-Syatibi emphasized that all forms of social and economic activity must ensure human safety. Therefore, accidents due to negligence, even if not fatal, still constitute a violation of the maqasid sharia.

Furthermore, appropriate steps in response to this case include comprehensive safety certification of rides, the need for oversight by authorized government agencies, and public education regarding consumer safety rights. The limitations of this study lie in its scope, which only covered one location and one case. Therefore, further research with a broader scope and a more diverse approach is needed to strengthen consumer protection in the entertainment sector on a sustainable basis.

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