



## WORKSHOP OWNER'S RESPONSIBILITY FOR MOTORCYCLE DAMAGES AFTER REPAIR: WAHBAH AZ-ZUHAILI'S PERSPECTIVE CASE STUDY OF NORTH PADANG LAWAS REGENCY, PADANG BOLAK DISTRICT

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### ABSTRACT

*This study examines the liability of workshop owners for motorcycle damage after repair services in Padang Bolak Subdistrict, North Padang Lawas Regency, and analyzes it through the perspective of Wahbah az-Zuhaili's Islamic legal thought. The research responds to the gap between normative consumer protection regulations and empirical practices in small-scale repair services. Using an empirical legal approach with qualitative analysis, data were collected through in-depth interviews, observation, and documentation, then examined in light of Indonesian Consumer Protection Law and the fiqh concept of ijarah and dhaman. The findings reveal that workshop owners' liability has not been implemented adequately. Most workshop owners avoid providing compensation or re-repair services even when post-repair damage is linked to technical negligence. This condition is influenced by limited legal awareness, economic constraints, and weak professional ethics. From Wahbah az-Zuhaili's perspective, repair services constitute an ijarah contract grounded in trust (amanah) and liability (dhaman). Any negligence resulting in loss obliges the service provider to bear responsibility under the principle of al-ghurm bil ghunn. This study contributes theoretically by integrating empirical consumer protection issues with contemporary Islamic legal doctrine, demonstrating that liability in service transactions is not merely a legal obligation under national law but also a binding moral and sharia obligation. Practically, the findings highlight the need to strengthen legal literacy and ethical awareness among service providers to ensure fair and accountable consumer protection.*

**Keywords:** Liability, Workshop Services, Consumer Protection, Wahbah az-Zuhaili, Ijarah

## 1. INTRODUCTION

The development of land transportation in Indonesia over the past two decades has shown significant growth, particularly in motorcycle ownership as the primary mode of transportation for the public. Data from the Central Statistics Agency (BPS) indicates that

in 2022, the number of motorized vehicles in Indonesia reached more than 152 million units, approximately 83% of which were motorcycles (BPS, 2023). This phenomenon confirms that motorcycles serve not only as a means of mobility but also as an instrument of economic productivity, particularly in semi-urban and rural areas. Consequently, the need for vehicle maintenance and repair services is increasing.

The increasing demand for repair services has implications for the legal relationship between businesses and consumers. From a positive legal perspective, Law Number 8 of 1999 concerning Consumer Protection expressly requires businesses to be responsible for losses arising from the use of goods and/or services (Republic of Indonesia, 1999). Article 19 of the law regulates the obligation to compensate for damages caused by the services provided. However, various studies show that consumer protection in the informal service sector remains weak in practice, particularly in small-scale businesses such as general repair shops (Siregar, 2023).

Previous studies on repair shop services generally focused on service quality and customer satisfaction (Rahman, 2021) or on consumer protection from a general positive law perspective (Siregar, 2023). Meanwhile, studies on business actors' responsibilities from an Islamic legal perspective have focused more on the principles of business ethics and responsibility in normative muamalah transactions (Marlina, 2021; Zahid, 2023). These studies have not specifically examined the empirical practice of motorcycle repair shop accountability using an integrative approach between positive law and contemporary Islamic jurisprudence, particularly the perspective of Wahbah az-Zuhaili. Thus, there is a research gap in local empirical analysis systematically linked to the theory of responsibility in Islamic jurisprudence.

In the context of Islamic law, responsibility in service transactions falls within the framework of the ijarah contract. Wahbah az-Zuhaili emphasized that service providers (ajir) are obligated to uphold the trust and are responsible for any losses arising from negligence or technical errors based on the principle of dhaman (az-Zuhaili, 2021). This principle is reinforced by the principle of al-ghurm bil ghunnah, which states that the party benefiting from a contract must also bear the risks arising from it (al-Suyuti, 2020). This concept demonstrates that responsibility in Islam is not only moral but also has clear legal consequences.

The reality on the ground demonstrates a gap between norms and practices. Based on initial findings in Padang Bolak District, several consumers complained about motorcycle damage that recurred after repairs without adequate accountability from the workshop owner. The lack of written agreements, weak transparency regarding spare parts usage, and the absence of service guarantee standards weaken consumers' bargaining position. This situation not only contradicts positive law but also the principle of *la dharar wa la dhirar*, which prohibits any form of action that harms another party in Islam (Zahid, 2022).

Theoretically, this issue is important because it concerns the relationship between state law and Islamic law in the economic practices of Muslim communities. The integration of these two perspectives is relevant in the context of Indonesia, a country with a pluralistic legal system that accommodates Sharia values in socio-economic practices. Practically, this issue concerns the protection of consumer rights, public trust in business actors, and the strengthening of Sharia-based business ethics.

Based on this description, this research has both academic and practical urgency. Academically, this research fills the gap in empirical studies regarding the accountability of repair shop services from Wahbah az-Zuhaili's perspective, integrated with Indonesian positive law. Practically, this research is expected to provide normative and ethical recommendations for business actors and increase consumer legal awareness at the local level. Therefore, this research focuses on three research questions: (1) how workshop owners are held accountable for motorcycle damage after repair in Padang Bolak District; (2) the factors influencing the implementation of this accountability; and (3) how Wahbah az-Zuhaili's perspective analyzes this practice within the framework of the ijarah contract and the concept of dhaman.

Thus, this research not only seeks to describe empirical phenomena, but also to build a normative analysis that brings together positive law and Islamic law within a fair and ethical consumer protection framework.

## 2. RESEARCH METHOD

The type of research used in this paper is empirical legal research (field research) with a descriptive-analytical nature. Empirical legal research was chosen because its focus is not only on written legal norms but also on community practices, particularly regarding the liability of repair shop owners for motorcycle damage after repairs in Padang Bolak District, North Padang Lawas Regency. The research location was purposively selected in Padang Bolak District. This area is home to numerous motorcycle repair shops that serve as community service centers, and preliminary interviews revealed cases of consumers suffering losses due to post-repair damage.

The data sources in this study consist of primary, secondary, and tertiary data. Primary data were obtained directly from the field through interviews with repair shop owners, consumers who have experienced post-repair damage, and religious leaders in Padang Bolak District.

Secondary data was obtained from a literature review, including Law Number 8 of 1999 concerning Consumer Protection, contemporary Islamic jurisprudence literature by Wahbah az-Zuhaili (*al-Fiqh al-Islami wa Adillatuhu*), and scholarly books and articles related to consumer protection and legal liability. Tertiary data was obtained from legal dictionaries, encyclopedias, and other supporting documents to aid understanding of legal terms.

Data collection was conducted through three methods. First, in-depth interviews with consumers, repair shop owners, and religious leaders were conducted to obtain information regarding liability practices. Second, direct observation at repair shops aimed to examine the vehicle repair process, service standards, and the type of guarantees provided by repair shop owners to consumers. Third, documentation was conducted, collecting documents, notes, and archives related to post-repair damage cases, as well as Islamic and positive legal literature. Data analysis was conducted using descriptive qualitative methods. Data obtained from the field were first reduced to select information relevant to the research focus, then presented in narrative form. Next, the data was analyzed by comparing practice in the field with positive legal provisions, especially the Consumer Protection Law, as well as Wahbah az-Zuhaili's views on responsibility in service contracts (*iijarah*). Thus, it is hoped that the results of this research will be able to

provide a complete picture of the responsibility of workshop owners from the perspective of positive law and Islamic law.

### 3. RESULT AND ANALYSIS

#### **Liability Practices of Workshop Owners for Post-Repair Motorcycle Damage**

Research results in Padang Bolak District indicate that the practice of liability of workshop owners for post-repair motorcycle damage remains informal and unstandardized. The legal relationship between workshops and consumers is generally based on verbal agreements without written contracts or clear service guarantees. This relationship pattern places consumers in a weak bargaining position because they lack a basis for proof in the event of a dispute. In the context of consumer protection law, this type of relationship demonstrates the weak implementation of the principles of legal certainty and transparency in service transactions (Republik Indonesia, 1999).

Empirically, three patterns of liability were found among workshop owners. First, re-repairs at no additional cost if the damage occurred within a short period of time and was still considered directly related to the previous repair. Second, discounts were offered as a form of indirect compensation. Third, denial of responsibility, arguing that the damage was caused by the age of the vehicle or consumer misuse. Of the ten consumers interviewed, six received no form of liability. This finding suggests that liability still relies on the good faith of the workshop owner, rather than on normative awareness of legal obligations.

When analyzed from a positive legal perspective, this practice does not fully align with Article 19 of Law Number 8 of 1999 concerning Consumer Protection, which requires business actors to provide compensation for damage or loss resulting from services provided (Republic of Indonesia, 1999). This norm embodies the principle of liability based on fault, whereby business actors cannot simply absolve themselves of responsibility without clear proof that the damage was not the result of technical negligence. In practice, general reasons such as "vehicle age" are often used as normative justification without an objective verification process. This situation reflects a gap between legal norms and implementation in the informal service sector.

Previous research has shown that the workshop service sector in regional areas generally lacks standard operating procedures, so service quality is highly dependent on the competence of individual mechanics (Rahman, 2021). Furthermore, weak oversight and low legal literacy among business actors worsen consumer protection (Siregar, 2023). The findings of this study support this argument by demonstrating that structural factors such as the absence of written contracts and minimal legal education encourage the practice of shifting responsibility to consumers. Thus, the issue of accountability is not merely individual, but also structural and systemic.

Furthermore, voluntary accountability practices demonstrate the dominance of personal ethics over formal legal obligations. Some repair shop owners continue to provide repairs to maintain their reputation and customer loyalty. This demonstrates that social reputation and community trust play a significant role in local business practices. However, reliance on personal ethics without a strong legal framework has the potential to create uncertainty and injustice for consumers. In consumer protection theory, legal

certainty and guaranteed liability are key elements in creating fairness in the relationship between businesses and consumers (Marzuki, 2021).

Analytical evidence shows that accountability practices in Padang Bolak District demonstrate a dualism between norms and reality. On the one hand, there is a clear legal obligation to provide compensation for damages resulting from services. On the other hand, field practice still shows a tendency to avoid responsibility through unverified technical excuses. This gap confirms that consumer protection in the informal service sector still faces serious challenges, both in terms of regulation, legal literacy, and business culture. Therefore, strengthening service guarantee mechanisms and increasing legal awareness among business actors is an urgent need to create a fairer and more accountable accountability system.

### **Factors Influencing the Implementation of Accountability by Workshop Owners**

Research findings indicate that one of the main factors influencing the weak implementation of accountability by workshop owners is low legal literacy. Most workshop owners do not comprehensively understand their legal obligations under Law Number 8 of 1999 concerning Consumer Protection, particularly regarding the obligation to provide compensation for losses resulting from services provided (Republic of Indonesia, 1999). This limited understanding of the law results in business practices being based more on local customs and personal experiences than on applicable legal norms. In the context of empirical legal research, this situation demonstrates that the existence of legal norms does not necessarily guarantee effective implementation without the support of public legal awareness (Soekanto, 2021).

In addition to cognitive factors, economic factors also significantly influence liability practices. Most of the workshops studied were micro or small businesses with limited capital, so providing compensation was perceived as a financial burden that could reduce business profits. This short-term economic orientation encouraged workshop owners to avoid liability if post-repair damage was deemed potentially materially detrimental. From a consumer protection theory perspective, the economic structure of small business owners often hinders the optimal implementation of the principle of liability (Marzuki, 2021). However, from a normative perspective, economic limitations cannot be used as a justification for ignoring legal obligations to consumers.

Another factor influencing accountability is the weak internalization of professional ethics in service business practices. While some repair shops offer free repairs to maintain their reputation and customer loyalty, this practice remains individual and unsystematic. This suggests that accountability mechanisms rely more on considerations of social reputation than on formal legal obligations. In Islamic business ethics studies, responsibility in service transactions is not only contractual but also moral and religious, requiring a commitment to the principles of trust and justice (Marlina, 2021). When business ethics are not strongly internalized, the tendency to avoid responsibility increases.

Furthermore, local business culture and weak external oversight mechanisms also influence accountability practices. In the informal business context, relationships between repair shop owners and consumers are often built on social closeness and personal trust, leading to informal dispute resolution without clear legal mechanisms. While this pattern can foster social harmony, in situations of unequal bargaining power, consumers are

potentially disadvantaged. Previous research has shown that weak oversight of the informal service sector is one of the causes of low consumer protection standards (Siregar, 2023). Thus, structural, economic, and cultural factors simultaneously influence the effectiveness of workshop owners' accountability at the local level.

### **Analysis of Wahbah Az-Zuhaili's Perspective on Workshop Owners' Accountability**

From the perspective of Islamic jurisprudence (fiqh muamalah), as explained by Wahbah az-Zuhaili, workshop services can be categorized as an ijarah contract, a service rental contract between a service provider (ajir) and a service user (musta'jir) (az-Zuhaili, 2021). In this contract, the service provider is obligated to perform work in accordance with the agreement and reasonable professional standards. Az-Zuhaili emphasized that the ijarah relationship is not merely contractual but also contains a trust dimension. This means that the receipt of compensation for services creates a moral and legal obligation to provide adequate work results and not harm the other party. In the context of workshop services, these obligations include technical accuracy, the use of appropriate spare parts, and responsibility for errors arising from negligence.

Furthermore, the concept of dhaman in Islamic jurisprudence (fiqh muamalah) is the primary basis for liability in the event of a loss. Az-Zuhaili explains that a repairman is obligated to bear the loss if proven negligent (tafrīt) or violating (ta'addī) in the performance of his duties (az-Zuhaili, 2021). Therefore, if damage to a motorcycle after repairs occurs due to technical errors or a lack of care during the repair process, the sharia obligation to compensate for the loss rests with the repair shop owner. The argument that the damage constitutes a "normal risk" cannot be justified if there is a rationally identifiable element of negligence.

The fiqh principle of al-ghurm bil ghunm (risk is proportional to benefit) supports this argument. This principle states that the party receiving the benefit or advantage from a contract must also be prepared to bear the risks arising from it (al-Suyuti, 2020). In the context of a repair shop, the business owner receives a profit in the form of service fees, so normatively, he must also bear the risk of loss arising from errors in the performance of those services. This principle shows that Islam places a balance between the right to gain profits and the obligation to bear responsibility as a principle of economic justice.

Apart from that, the principle of *la dharar wa la dhirar* (must not cause harm and must not respond to harm with harm) is the ethical basis for muamalah (Zahid, 2022). If the workshop owner refuses to be responsible for damage arising from his negligence, then this action can be categorized as a form of action that is detrimental to other parties. In Wahbah az-Zuhaili's perspective, economic transactions in Islam must be oriented towards justice and avoid elements of injustice. Therefore, ignoring post-repair responsibilities is not only contrary to positive legal norms, but also to the basic principles of justice in the Shari'a.

Analytically, field findings showing the practice of avoiding responsibility in Padang Bolak District indicate a mismatch between business practices and the principles of muamalah fiqh. Wahbah az-Zuhaili's perspective provides a firm normative framework that accountability in service contracts is legally and morally binding. Thus, the integration of the concepts of ijarah, dhaman, and al-ghurm bil ghunm strengthens the argument that the workshop owner's obligations are not only administrative obligations

under state law, but also sharia obligations inherent in every service transaction. This also demonstrates that consumer protection from an Islamic perspective has a strong and relevant theoretical basis for addressing issues in service business practices at the local level.

#### 4. CONCLUSION

This study shows that the practice of workshop owners' liability for motorcycle damage after repair in Padang Bolak District is still not optimal and tends to depend on individual goodwill, rather than on normative awareness of legal obligations. The gap between the provisions of the Consumer Protection Law and practice in the field is influenced by low legal literacy, limited business economics, and weak internalization of professional ethics in the informal service sector. From Wahbah az-Zuhaili's perspective, workshop services are included in the ijarah contract which contains the principles of trust and responsibility, so that any negligence that causes losses requires compensation based on the concept of dhaman and the principle of balance between benefits and risks. Thus, the responsibility of workshop owners is not only an administrative obligation in the positive legal system, but also a moral and sharia obligation inherent in every service transaction, so that strengthening legal and ethical awareness based on sharia values is an important step to realize fair and socially just consumer protection.

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