



## CONSUMER PROTECTION AGAINST THE RISKS OF ILLEGAL FERRY SERVICES: A CONSUMER PROTECTION LAW PERSPECTIVE (CASE STUDY ON MURSALA ISLAND)

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### ABSTRACT

Sea transportation to Mursala Island constitutes the primary access supporting marine tourism in Central Tapanuli Regency. However, the operation of small-scale vessels in open waters directly facing the Indian Ocean, combined with weak enforcement of maritime safety regulations, has generated significant legal and safety risks for passengers as consumers. This study examines the legal protection of consumers against risks arising from illegal ferry services to Mursala Island within the framework of Indonesian consumer protection law. Employing an empirical juridical approach, the research integrates statutory, conceptual, and case analyses. Data were collected through field observations, semi-structured interviews with service providers and passengers, and examination of relevant legislation and legal literature. The findings reveal four interrelated categories of risk: geographical and weather-related hazards, technical deficiencies of vessels, absence of proper business licensing, and weak legal protection mechanisms. The study demonstrates that consumer protection remains largely formalistic, as passengers often lack adequate safety facilities, clear safety procedures, transparent information, and enforceable compensation mechanisms. In practice, liability is frequently resolved informally without legal certainty, thereby weakening consumers' legal position. This research contributes to the discourse on consumer protection in maritime tourism by highlighting the regulatory gap between normative legal frameworks and operational realities in small-scale coastal transport services. Strengthening governmental supervision, enforcing compliance with maritime safety standards, and institutionalizing clear liability mechanisms are imperative to ensure substantive consumer protection.

**Keywords:** Consumer Protection, Illegal Ferry Services, Maritime Safety, Mursala Island

## 1. INTRODUCTION

Maritime transportation plays a strategic role in supporting marine tourism mobility in the Indonesian archipelago. Many coastal tourist destinations lack land access or major port infrastructure, making dependence on small vessels and traditional ferry services unavoidable (Donesia et al., 2023). In this context, ferry services serve not only as a means of mobility but also as a determining factor in the sustainability of the regional tourism sector.

Mursala Island in Central Tapanuli Regency is a marine tourism destination that has seen an increase in tourist visits in recent years (Gulo et al., 2024). Access to the island relies entirely on sea crossings using modified fishing boats or small speedboats. However, the geographical characteristics of the west coast of Sumatra, which faces directly onto the Indian Ocean, place the waters around Mursala Island in the open sea, subject to high waves, strong currents, and rapid and unpredictable weather changes. These conditions significantly increase shipping safety risks.

The problem becomes more complex when these ferry services operate without meeting ship seaworthiness standards and business licensing requirements as stipulated in national shipping regulations. In small-scale maritime transportation practices, weak supervision and low compliance with safety standards often contribute to an increased potential for accidents (Sadipun & Sudirman, 2021). Operating vessels without seaworthiness certification and adequate safety equipment directly increases the risk to passengers as service consumers (Bachtiar Arif Nur Abdiansyah et al., 2023).

From a legal perspective, the relationship between ferry service providers and passengers is a legal relationship between business actors and consumers, as stipulated in Law Number 8 of 1999 concerning Consumer Protection. Consumers have the right to security, safety, comfort, and accurate and honest information regarding the services they use (Republic of Indonesia, 1999). Under the legal doctrine of consumer protection, business actors are not only obligated to provide services but also to guarantee the quality and safety of those services (Kristiyanti, 2022). Therefore, the operation of illegal ferry services has the potential to violate consumer rights and create uncertainty regarding legal accountability.

Previous studies have discussed aspects of shipping safety and consumer protection in maritime transportation services. Research by Sadipun and Sudirman (2021) highlights the weak supervisory function of harbor masters in ensuring the safety of tourist vessels, while Rapidawati (2022) examines consumer protection in officially licensed water transportation services. Both studies make important contributions to understanding business compliance with safety regulations and the fulfillment of consumer rights. However, previous research still has limitations in specifically examining the practices of ferry services operating without permits and their implications for consumers' legal standing.

Furthermore, there has been no comprehensive study analyzing the interrelationships between geographic risk, ship technical risk, licensing risk, and legal protection risk within a single legal framework for consumer protection in local marine tourism areas. However, in practice, these four types of risks are intertwined and increase the potential for consumer losses. This gap between legal norms and operational reality indicates a

regulatory gap in the implementation of consumer protection in the regional marine tourism transportation sector.

Conceptually, consumer protection is a legal instrument to balance the bargaining power between businesses and consumers in service transactions (Zulham, 2017). In the context of illegal ferry services, the absence of business permits, official tickets, and the absence of formal accountability mechanisms leave consumers in a structurally weak position. Travel risks are essentially borne by passengers without clear guarantees of compensation in the event of losses.

Based on this background, this study aims to: (1) identify and classify the risks of ferry services to Mursala Island; and (2) analyze legal protection for consumers regarding illegal ferry services from a consumer protection law perspective.

This research contributes novelty by integrating operational risk analysis and legal liability analysis within a single legal framework for consumer protection in small-scale tourism marine transportation services. Theoretically, this research expands the discourse on consumer protection in the informal water transportation sector. Practically, the findings are expected to serve as a basis for strengthening government oversight and increasing business compliance with safety standards and applicable legal provisions.

## 2. RESEARCH METHOD

This research employs an empirical juridical method, a legal research method that examines the application of legal norms in practice through field data. To analyze the legal framework governing shipping safety and consumer protection, this study employs a statute approach by examining Law Number 8 of 1999 concerning Consumer Protection, Law Number 66 of 2024 concerning Shipping, and the Ministry of Transportation's technical regulations regarding tourist vessel safety standards.

Theoretical strengthening is carried out through a conceptual approach, examining the concept of consumer protection and risk theory in maritime transportation. Meanwhile, a living case approach is used to understand actual consumer protection practices in the field, particularly regarding the operation of Mursala Island ferry services, which are largely managed by local communities without structured safety standards (Muhaimin, 2020).

Data collection was conducted through observation, interviews, and document studies. Field observations were used to assess boat conditions, safety facilities, and the operational practices of ferry service providers. Semi-structured interviews were conducted with service providers and consumers to obtain information on safety practices, crossing risks, emergency procedures, service transparency, and their perceptions of the protection provided.

A documentary review was conducted of relevant laws and regulations, books, and scientific journals. All data was analyzed using qualitative analysis methods through data reduction, interpretation, and comparisons between legal norms and field facts. Using this approach, the research yielded a comprehensive analysis of the effectiveness of consumer protection and gaps in the implementation of safety standards in crossing services to Mursala Island.

### 3. RESULT AND ANALYSIS

#### **Overview of Mursala Island Ferry Services**

Sea ferry services to Mursala Island are the primary mobility infrastructure supporting marine tourism activities in Central Tapanuli Regency. Structurally, these services operate as a small-scale, community-based transport service, using modified fishing boats or fiberglass speedboats. This phenomenon aligns with the characteristics of coastal tourism transportation in Indonesia, where sea transportation services often develop organically without systematic integration with national safety standards (Donesia et al., 2023).

Geographically, Mursala Island is located in open waters directly facing the Indian Ocean. These open water characteristics result in relatively high waves, strong currents, and rapid weather fluctuations. In the maritime safety literature, open sea conditions with high wave intensity are categorized as high-risk waters for small-scale passenger vessels (Maulidia et al., 2024). Therefore, objectively, the ferry route to Mursala Island is within a maritime risk zone that requires stricter safety standards.

However, field observations indicate that most vessels operating do not meet formal seaworthiness standards. Vessels are generally privately owned and operated based on practical experience without administratively verified seaworthiness certification. Safety equipment such as life jackets is available, but is not supported by emergency communication devices, written evacuation procedures, or pre-departure safety briefings. This situation indicates a discrepancy between normative safety standards for tourist vessels as stipulated in shipping regulations and operational practices in the field (Bachtiar Arif Nur Abdiansyah et al., 2023).

In terms of business structure, the management pattern of ferry services on Mursala Island tends to be homogeneous. Service providers are generally sole proprietorships without formal legal entities. Operational systems, carrying capacities, and service mechanisms are relatively uniform across operators. This uniformity stems not from regulatory standards, but from local customs and inherited practices. From a business law perspective, this situation demonstrates the weak institutionalization of small-scale maritime transportation business governance.

In the context of consumer protection law, these characteristics have significant implications. The relationship between service providers and passengers is informal, without formal tickets or written travel contracts. In fact, under consumer protection law, transportation services fall under the category of service transactions, which entail obligations to guarantee safety and responsibility for risks associated with using the service (Kristiyanti, 2022). The absence of official transaction documents has the potential to weaken consumers' legal standing in the event of a dispute.

Normatively, Law Number 8 of 1999 concerning Consumer Protection guarantees consumers' rights to security, safety, and accurate information when using services (Republic of Indonesia, 1999). Meanwhile, Law Number 66 of 2024 concerning Shipping affirms the obligation of sea transportation operators to ensure the seaworthiness of vessels and passenger safety (INDONESIA, 2024). However, field findings indicate a regulatory gap, namely the gap between applicable legal norms and operational implementation at the local level.

This phenomenon demonstrates that ferry services on Mursala Island are developing faster than their supervisory and law enforcement capacity. The port authority's weak oversight of small-scale tourist vessels is a problem also identified in previous research in other tourist areas in Indonesia (Sadipun & Sudirman, 2021). Therefore, the issues occurring on Mursala Island are not isolated phenomena, but rather part of a structural problem in national maritime tourism transportation.

### **Risks of Ferry Services on Mursala Island**

Ferry services to Mursala Island carry a relatively high level of risk due to natural, geographical, technical, and legal factors. The geographical characteristics of the west coast of Sumatra, which faces directly onto the Indian Ocean, mean that the waters around Mursala Island frequently experience high waves, strong ocean currents, and rapid and unpredictable weather changes. These conditions make sea crossings more dangerous than those in enclosed waters.

Based on field research and interviews with key informants, the risks of ferry services to Mursala Island can be classified into four main categories:

#### **1. Geographical and Weather Risks**

Ferry services to Mursala Island carry a relatively high level of risk due to several factors, including natural factors. The geographical characteristics of the west coast of Sumatra, which directly faces the Indian Ocean, cause the waters around Mursala Island to frequently experience high waves, strong ocean currents, and rapid and unpredictable weather changes. These conditions require ferry operations not only to be skilled at sailing but also to have transportation facilities that meet navigational safety standards.

Mursala Island is located in open waters directly facing the Indian Ocean, resulting in relatively strong ocean currents and waves. This geographic risk is exacerbated by the Dolphin speedboat accident, demonstrating the high dangers of these waters for small-scale passenger vessels.

The reality of these ferry risks was clearly demonstrated in the Dolphin speedboat accident in 2024 in the waters off Mursala Island. The boat, carrying dozens of tourists, capsized due to bad weather and high waves, resulting in fatalities and injuries. This incident demonstrates that the risks of ferry crossings are not merely potential but real threats that can cause serious harm to passengers. Extreme weather, suspected overloading, and a lack of safety facilities were the primary causes of the accident. In addition to the extreme weather conditions, the vessel's non-compliance with safety standards, a lack of seaworthiness inspections, and non-compliance with shipping regulations increase the likelihood of an accident (Maulidia et al., 2024).

The Dolphin case also highlights the lack of preparedness for emergencies. No information regarding safety procedures was provided to passengers prior to departure, and there was no apparent structured emergency response system. This emphasizes that the risks of crossings stem not only from natural factors but also from negligence in implementing maritime safety standards. Every ship carrying passengers is required to provide safety equipment such as life jackets, lifeboats, communication devices, and rescue procedures (SUhadi & Pratiwi, 2025). However, according to shipping regulations, a weather check by the BMKG and departure approval from the harbormaster are

mandatory before a ship sails. The captain's decision to continue the voyage despite potentially dangerous weather conditions was a crucial factor contributing to the incident (News, 2024).

## 2. Technical Risks and Vessel Safety

According to an interview with Irsan (27), a ferry service provider,

*"The vessel used is a modified fishing boat. The ownership of the vessel is still private, so the vessel doesn't have a permit. We only provide life jackets. In case of an emergency, passengers can be evacuated to the nearest island."*

From the interview with the service provider, it is clear that the technical condition of the Mursala Island ferry boat still falls far short of shipping safety standards. The use of a modified fishing boat, limited safety equipment, and the lack of an operational permit indicate that safety is not a top priority in ferry service operations. This puts passengers at high risk of accidents, especially when faced with unpredictable weather and water conditions. An interview with Wahyudi (22 years old) revealed that

*"During the trip, there was no safety briefing from the crew, and passengers were not provided with information about emergency procedures in the event of an accident. Furthermore, in the event of bad weather, tourist destinations were diverted to other locations, which I believe is detrimental to passengers."*

Interviews with other service providers also encountered challenges due to refusals to provide information. However, interviews with service users and passengers revealed that the service providers were generally similar.

In maritime transportation, ships serve as the primary means of navigation and crossing. Therefore, ships used as transportation must be in adequate technical condition and safe for sailing. Every ship intending to sail must first meet seaworthiness requirements, ensuring that it is deemed ready and seaworthy before being used to transport passengers or goods (Tarigan, 2023).

## 3. Risks Related to Business Licenses

Besides technical factors, ferry risks are also closely related to legal aspects, particularly those related to ferry service licensing. Interviews indicate that not all service providers have official permits from the relevant agencies. This lack of permits not only violates shipping regulations but also directly impacts passenger protection. In the event of an accident, consumers' legal standing is weakened due to the lack of a clear basis for legal liability.

## 4. Legal Protection Risk

Another risk faced by consumers of illegal ferry services is the weak legal protection of consumer rights. In practice, consumers often do not receive clear information regarding the condition of the vessel, safety standards, or the risks of sea travel. Furthermore, there is no clear complaint mechanism or accountability for losses incurred by consumers.

This situation contradicts the principles of consumer protection as stipulated in Law Number 8 of 1999 concerning Consumer Protection, which guarantees consumers'

rights to security, safety, and comfort when using services. This weak legal protection demonstrates a gap between legal norms and practice, leaving consumers of illegal ferry services in a legally unprotected position.

An interview with Iwan (32), a consumer, stated that

*"If problems or losses occur during the trip, they are resolved amicably without a clear legal accountability mechanism. Passengers have no basis for claiming compensation because there is no written agreement or official transaction evidence from the outset."*

Iwan's statement also suggests that the lack of a compensation mechanism reflects a lack of passenger protection, leaving all travel risks entirely at the mercy of the fate and skill of the ferry operator. However, he noted that the operator's service is generally friendly and communicative, so a sense of security is based more on personal trust than on formal protection mechanisms.

These three statements from the interviewees indicate that the Mursala Island ferry service is still operated based on custom and trust, rather than on safety standards, business legality, and consumer protection as stipulated in laws and regulations. Consumers are in a weak position because they lack legal certainty regarding safety, information, or the right to compensation.

These findings reinforce the analysis that the risks of crossing Mursala Island stem not only from natural factors, but also from weak enforcement of safety standards, low legal awareness among business operators, and a lack of integration of consumer protection systems. Therefore, these interviews confirm that consumer protection in Mursala Island crossing services remains normative and has not been effectively implemented in practice.

From an Islamic legal perspective, passenger safety in sea crossing services is a non-negotiable obligation because it is directly related to the protection of life (*ḥifẓ al-nafs*). This is in line with Allah's word in QS. Al-Baqarah (2): 195:

وَأَنْفِقُوا فِي سَبِيلِ اللَّهِ وَلَا تُلْقُوا بِأَيْدِيكُمْ إِلَى التَّهْلُكَةِ ۚ وَأَحْسِنُوا ۚ إِنَّ اللَّهَ يُحِبُّ الْمُحْسِنِينَ

*Meaning: "Spend in the way of Allah, do not plunge yourself into destruction, and do good. Indeed, Allah loves those who do good."*

This verse explains that it prohibits every act that plunges oneself into perdition, so that the use of ships that are not seaworthy, overloaded, and ignoring safety standards can be seen as acts that are contrary to the principles of the Shari'a.

Apart from that, in QS. An-Nisā' (4): 58 emphasizes the obligation to convey trust to those entitled to it, which in this context means that ferry service providers bear full responsibility for ensuring passenger safety as a form of professional trust.

إِنَّ اللَّهَ يَأْمُرُكُمْ أَنْ تُؤَدُّوا الْأَمَانَاتِ إِلَىٰ أَهْلِهَا

*Meaning: "Indeed, Allah commands you to deliver trusts to those entitled to them." (Ministry of Religious Affairs, 2025)*

Ferry service providers are entrusted with ensuring passenger safety. Violations of safety standards, the lack of protective equipment, and the absence of risk protection constitute a betrayal of that trust. This verse reinforces the principle of business accountability from an Islamic legal perspective.

Through Minister of Transportation Regulation No. 82 of 2014 concerning Tourist Vessel Safety Standards, the government stipulates that tourist vessels must meet safety equipment standards, limit passenger numbers, conduct technical feasibility checks, and provide a safety briefing before departure (Bachtiar Arif Nur Abdiansyah et al., 2023). However, observations on Mursala Island indicate that most service providers continue to ignore these requirements. The lack of routine supervision and seaworthiness certification means that safety standards are largely determined by the experience of service providers, rather than applicable regulations. This situation demonstrates that law enforcement is a major challenge in promoting consumer protection in the regional marine tourism sector.

From this, we can conclude that the government's role in overseeing speedboat safety standards at tourist attractions is crucial to ensure that business operators comply with applicable regulations and ensure consumer safety. This demonstrates the state's role in realizing the common good (Trihafsari & Permata, 2024).

Thus, the risks of Mursala Island ferry services can be classified into four main categories: geographical and weather risks, technical ship risks, licensing, and legal risks resulting from non-compliance with licensing requirements. These four types of risks are interrelated and increase the potential for losses for passengers. This situation indicates that ferry services to Mursala Island remain at a high risk level and require serious attention within the framework of consumer protection and the legal accountability of service providers.

### **Consumer Protection for Mursala Island Ferry Services**

Consumer protection in sea ferry services must be placed within the framework of the legal relationship between business actors and service users. From a consumer protection legal perspective, passengers are legal subjects with the right to security, safety, comfort, and accurate and transparent information regarding the services they use (Republic of Indonesia, 1999). Law Number 8 of 1999 emphasizes that business actors are obliged to guarantee the quality of services and are responsible for any losses arising from the use of these services. Conceptually, consumer protection serves to balance the bargaining position between business actors and consumers in transactions that tend to be asymmetrical (Kristiyanti, 2022). Therefore, in the context of Mursala Island ferry services, safety standards and legal accountability mechanisms should be an inherent part of business operators' obligations.

However, research shows that consumer protection in Mursala Island ferry services remains formal and substantive. Passengers generally do not receive adequate information regarding vessel conditions, cargo capacity, safety procedures, or travel risks. There are no official tickets, written contracts, or travel documents that could serve as legal basis in the event of a dispute. This situation suggests that the legal relationship between service providers and passengers is based more on personal trust than on a structured legal protection system. From a consumer law perspective, the absence of such contractual instruments has the potential to weaken consumers' evidentiary position in the event of a loss (Zulham, 2017).

From a safety perspective, consumer protection has not fully met the principle of due care, or the obligation of business operators to exercise due care. Safety equipment

availability remains limited, and not all operators provide pre-departure safety briefings. This is despite shipping regulations requiring all passenger vessels to meet seaworthiness standards, limit passenger numbers, and provide adequate safety equipment (INDONESIA, 2024). In the shipping safety literature, neglect of technical standards for small-scale tourist vessels is a major factor in the increased risk of maritime accidents (Bachtiar Arif Nur Abdiansyah et al., 2023). Therefore, consumer safety protection on Mursala Island remains at a minimal level of compliance, even falling below normative standards.

Legal liability also shows significant weaknesses. Article 19 of the Consumer Protection Law requires business operators to provide compensation for losses suffered by consumers due to the use of services (Republic of Indonesia, 1999). However, field findings indicate that if losses occur, settlements are handled amicably without a clear legal mechanism. There is no travel insurance system or structured compensation scheme implemented by service providers. This pattern reflects the lack of internalization of the principle of strict liability in small-scale maritime transportation services, resulting in consumers bearing more of the risk.

The gap between legal norms and practice in the field demonstrates a regulatory gap in the implementation of consumer protection in the local maritime tourism sector. Previous research has shown that weak oversight and low compliance by business operators with shipping safety regulations are issues also prevalent in other tourism areas (Sadipun & Sudirman, 2021). Therefore, the issue of consumer protection in Mursala Island ferry services is not solely a matter for individual operators, but rather part of a structural problem within the small-scale maritime transportation oversight system.

Overall, consumer protection in Mursala Island ferry services remains normative and has not been effectively implemented. Passengers have not yet fully enjoyed the rights to safety, information, and compensation guaranteed by law. To achieve substantive protection, strengthened government oversight, increased legal awareness among business operators, and the institutionalization of clear and standardized accountability mechanisms are necessary. Without these reforms, ferry services will continue to operate under high-risk conditions with weak legal protection for consumers.

#### 4. CONCLUSION

This study shows that ferry services to Mursala Island have a strategic function in supporting marine tourism activities, but operate under high-risk conditions that are not fully balanced by adequate legal protection for consumers. It was found that consumer protection remains formal and not substantive, characterized by weak safety standards, suboptimal business legality, the absence of a structured accountability mechanism, and the dominance of informal trust-based relationships between operators and passengers. This condition indicates a gap between legal norms for consumer protection and operational practices in the field, so that consumers' rights to security, safety, and compensation are not effectively guaranteed. Therefore, strengthening supervision, enforcing ship seaworthiness standards, and institutionalizing a clear accountability system are strategic steps to realize more substantive consumer protection in local-scale marine tourism transportation services.

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