

Addition of Non-Official Public Transportation Fares in Palembang City: A Study of Ijārah Contracts and Contemporary Fiqh

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Abstract

This study examines the practice of adding city transportation fares (angkot) outside the official provisions that occur in the KM 5 Palembang area, this is reviewed from the perspective of the *ijārah contract* in the fiqh mu‘āmalah and its relevance in the context of contemporary fiqh. This practice often occurs without transparency and explicit agreement between the driver and passengers, raising questions regarding the validity of the lease-hire contract (*ijārah*) in transportation service transactions. This study uses a juridical-normative and sociological approach with data collection techniques through observation, interviews, and documentation. The results of the study show that the practice of increasing rates outside of official provisions does not fully meet the principles and conditions of the validity of the *ijārah contract*, especially in the aspects of willingness (*tarāḍī*) and clarity of rewards (*ujrah*). From the perspective of contemporary fiqh, the practice also has the potential to contain elements of *gharar* and harm the service users. Therefore, stricter regulations and education on sharia economic law are needed to create justice and openness in transportation service transactions.

Keywords: Ijārah, Contemporary Fiqh, Fare Addition, City Transportation, Gharar.

Abstrak

Penelitian ini mengkaji praktik penambahan tarif angkutan kota (angkot) di luar ketentuan resmi yang terjadi di wilayah KM 5 Palembang, hal ini ditinjau dari perspektif akad *ijārah* dalam fikih mu‘āmalah serta relevansinya dalam konteks fikih kontemporer. Praktik tersebut kerap terjadi tanpa adanya transparansi dan kesepakatan eksplisit antara sopir dan penumpang, sehingga menimbulkan pertanyaan terkait keabsahan akad sewa-menyewa (*ijārah*) dalam transaksi jasa transportasi. Penelitian ini menggunakan pendekatan yuridis-normatif dan sosiologis dengan teknik pengumpulan data melalui observasi, wawancara, dan dokumentasi. Hasil penelitian menunjukkan bahwa praktik penambahan tarif di luar ketentuan resmi tidak sepenuhnya memenuhi rukun dan syarat sahnya akad *ijārah*, khususnya dalam aspek kerelaan (*tarāḍī*) dan kejelasan imbalan (*ujrah*). Dalam perspektif fikih kontemporer, praktik tersebut juga berpotensi mengandung unsur *gharar* dan merugikan pihak pengguna jasa. Oleh karena itu, dibutuhkan regulasi yang lebih tegas dan edukasi hukum ekonomi syariah untuk menciptakan keadilan serta keterbukaan dalam transaksi jasa transportasi.

Kata Kunci: Ijārah, Fikih Kontemporer, Penambahan Tarif, Angkutan Kota, Gharar.

Introduction

Transportation is one of the basic needs of the community in supporting social, economic, and educational activities.¹ In the midst of rapid city growth, city transportation (angkot) is still a transportation option that is widely relied on by the lower middle class, including in Palembang City.² However, in practice, it is often found that there are additional costs of public transportation fares that are not in accordance with the official rates that have been set by the Regional Government (Regional Government).³ This phenomenon is especially prevalent in the Kilometer (KM) 5 area of Palembang, where angkot drivers often set additional fares unilaterally, without an initial agreement with passengers.⁴

The economic needs of the community come from their needs that require transportation.⁵ There has been a significant impact of transportation on regional development in general, especially on accessibility in the community.⁶ Through its actions, transportation technology has changed the face of the world and the transition from many old cities to modern cities today has a transparent relationship to its role as a link in the economic growth of a region.⁷

Improving population mobility services and other resources that can support social and economic development.⁸ Factors that make transportation better are *the routes* that are passed according to their origin and destination, infrastructure that depends on the mode of transportation, means to make moves, public transportation entrepreneurs who provide facilities for the implementation of moves, passengers need public transportation to facilitate the transition from one location to another.⁹

¹ Merdiana Ferdila and Kasful Anwar Us, "Analisis Dampak Transportasi Ojek Online Terhadap Pendapatan Ojek Konvensional Di Kota Jambi," *Indonesian Journal of Islamic Economics and Business* 6, no. 2 (2021): 134–42. <https://doi.org/10.30631/ijoeib.v6i2.776>

² Anriani Safar et al., *Transportasi Publik* (Tohar Media, 2024). h. 1-24.

³ Sellin Windi Wibowo, "Tanggung Jawab Perdata Pengemudi Transportasi Online Grab Terhadap Pembebanan Biaya Tambahan Transaksi Tanpa Persetujuan Penumpang Di Kota Jambi" (Universitas Batanghari Jambi, 2023).

⁴ Wilton Wahab and Weni Ardian, "Analisis Biaya Operasi Kendaraan Dalam Penentuan Tarif Angkutan Umum Metode Direktorat Jenderal Perhubungan Darat 2002 (Studi Kasus: Trayek Angkutan Umum Tabing–Pasar Raya Padang)," *Jurnal Teknik Sipil Institut Teknologi Padang* 5, no. 1 (2018): 16–23. <https://doi.org/10.21063/jts.2018.V501.016-23>

⁵ Ni Putu Decy Arwini and I Made Juniastra, "Peran Transportasi Dalam Dunia Industri," *Jurnal Ilmiah Vastuwidya* 6, no. 1 (2023): 70–77. <https://doi.org/10.47532/jiv.v6i1.794>

⁶ Siti Fatimah, *Pengantar Transportasi* (Myria Publisher, 2019). h. 1-15.

⁷ M Agustien et al., "Sosialisasi Pelayanan Teman Bus Sebagai Upaya Meningkatkan Minat Masyarakat Menggunakan Layanan Angkutan Umum Di Kota Palembang," *Jurnal Pengabdian Community* 4, no. 1 (2022): 29–38.

⁸ Millary Agung Widiawaty, "Faktor-Faktor Urbanisasi Di Indonesia," 2019. h. 1-45.

⁹ Asri Rahmawati Gunawan, Ike Rachmawati, and Dine Meigawati, "Peran Dinas Perhubungan Dalam Tata Kelola Angkutan Umum Perkotaan Di Kota Sukabumi," *DECISION: Jurnal Administrasi Publik* 1, no. 2 (2019): 102–8. <https://doi.org/10.23969/decision.v1i2.1748>

The city of Palembang is the first city to pilot the use of public transportation in Indonesia, which has public *transportation light rail transit* (LRT), transmusi, city transportation and river transportation.¹⁰ The mode of public transportation as a whole most often uses public transportation as a supporting facility in daily life to carry out its activities.¹¹ Public transportation is a series of trips using two or more modes to get to the destination.¹² The existence of public transportation can help people who do not have private vehicles travel and reduce traffic congestion. Public transportation that is often used by the public is city transportation which is usually abbreviated as angkot as transportation that is easy to reach and find.¹³

One of the functions of the local government is to improve community services in the aspect of transportation through public transportation.¹⁴ Transportation authorities must maximize their abilities as policymakers, facility providers, and managers to improve public services in the field of public transportation. Building the unity of the national transportation network with effective, integrated, sufficient capacity, affordable prices, regular, easy, timely, comfortable, and efficient transportation services.¹⁵

Evidence of the presence of the Palembang City Government in regulating transportation modes is reflected in the issuance of Palembang Mayor Regulation Number 85 of 2022 concerning Public Passenger Transportation Fares. In Article 1 paragraph (14), tariffs are defined as "fees charged to users of public passenger transportation services for various types of passenger cars, small buses, and city buses." Furthermore, Article 1 paragraph (16) explains that "public passengers are people who use public transportation services with various types of buses and city transportation." The provisions regarding the amount of fares are regulated in Article 2, which stipulates that the fare for public passenger transportation in the city both for long and short

¹⁰ Septiana Aulia et al., "Analysis of the Role of Infrastructure in Economic Development Growth in Palembang City," *Journal of Economics and Accounting Publications (JUPEA)* 4, no. 1 (2024): 36–54.

¹¹ Slaudiya Anjani Septi Damayanti, "Online Application-Based Transportation: Go-Jek as a Means of Transportation for the City of Surabaya" (Airlangga University, 2017).

¹² S E Harry Yulianto, Syarief Dienan Yahya, and M M SE, *Urban Public Transportation Management* (LPPM STIE YPUP Makassar, 2018).

¹³ Aswar Anas Nasir, "Analysis of the Selection of Public Transportation Modes in Supporting Community Socioeconomic Activities in Enrekang City," *State Islamic University. Makassar*, 2017.

¹⁴ M Pujo Siswoyo, "Public Transportation Service Policies and Challenges," *Journal of Civil Engineering and Planning* 10, no. 2 (2008): 171–80. <https://doi.org/10.15294/jtsp.v10i2.6959>

¹⁵ "The Role of the Transportation Agency in Improving Community Services in the Field of City Transportation", updated March 19, 2022, accessed November 18, 2022. Google, <https://www.kompasiana.com/rmh1997/623560f9bb4486283e6c96e2/peranan-dinas-perhubungan-dalam-meningkatkan-pelayanan-masyarakat-di-bidang-angkutan-kota>.

distances is Rp4,900 for all routes of public passenger cars and city buses. Meanwhile, the special tariff for students wearing school uniforms is set at IDR 3,000.¹⁶

The increase in fuel prices imposed by the government since September 2022 is caused by the high price of crude oil in the global market and the condition of Indonesia as an oil-producing country which is also affected by fluctuations in world energy prices. This policy was taken in response to global economic pressures and to maintain national fiscal stability.¹⁷ The increase in fuel oil (BBM) prices has a direct impact on the increase in the operational costs of public transportation, including public transportation. In response to this, the Ministry of Transportation together with public transportation driver organizations throughout the city of Palembang made an agreement to adjust city transportation fares. This adjustment is carried out through a negotiation process so as not to burden the community. The new fare agreed stipulates that fares for general passengers will increase from Rp4,000 to Rp4,900, while fares for students will be adjusted from Rp2,500 to Rp3,000.¹⁸

The new angkot fare was officially enforced after an agreement between the Transportation Department and the public transportation driver association in Palembang. However, there are several angkot drivers, especially in the Kilometer 5 area, who do not apply tariffs in accordance with the agreement. Although the official agreed rate is Rp4,900, people often pay Rp5,000, and some drivers even ask for an additional fee of Rp2,000 at the time of payment. For example, when a passenger gives Rp10,000, the driver only returns Rp3,000, so that effectively the cost of public transportation becomes Rp7,000. They reason this fare increase due to the increase in fuel prices, even though the official fare has actually been adjusted based on the agreement. Angkot at Kilometer 5 is one of the easiest routes to reach and most used by the community from the Kilometer 12 area to Pasar 16 Ilir.

In this previous study, there are several descriptions of the results of previous studies that have been discussed in various respective problems. Therefore, the researcher tries to explain the development of several scientific papers that have been discussed related to the researcher's discussion, including the following: Lukmanul Hakim in his thesis entitled *"The Law of Adding Ticket*

¹⁶ Article 1 paragraph 16, Regulation of the Mayor of Palembang City Number 85 of 2022 concerning Public Passenger Transportation Fares.

¹⁷ Zulhelmy, "Analysis of Fuel Oil (BBM) Problems in Indonesia in Islamic Perspective", *Journal of economic well-being (Joew)*, Vol. 1 No. 2 (September 2022): 21.

¹⁸ "SAH, this is the latest Palembang angkot fare amount, after fuel increase on September 3, 2022", updated September 8, 2022, accessed November 8, 2022. Google. <https://www.infosumsel.id/sumsel-raja/pr-3624638593/sah-ini-besaran-tarif-angkot-palembang-terbaru-pas-ca-bbm-naik-pad-a-3-september-2022>.

*Fees for Mini Bus Tickets from the Perspective of the Shafi'i School (Travel Case Study in Penyabungan II Village, Penyabungan District, Mandailing Natal Regency)".*¹⁹ This thesis explains the practice of adding the cost of mini bus tickets and according to the opinion of the Shafi'i school of law on the imposition of mini bus transportation ticket prices in Panyabungan II Village, Panyabungan District and Mandailing Natal Regency is inappropriate because it contains elements of coercion and fraud (gharar), so as to cause damage to the substance.

Freyti Silvia Mawu²⁰ in the static civil journal Vol. 4 No.3, March 2016 entitled "*Review of public transportation fares in the city due to changes in fuel prices (Case Study: City Center Route – Malalayang)*". This journal explains that the Government must act as a regulator to routinely review relevant field costs to comply with existing laws and regulations because the increase in fuel prices increases vehicle operational costs. The government must set appropriate tariffs to prevent a recurrence of tariff changes when fuel prices rise or fall because tariffs are always affected by these changes.

As for the conclusions that can be drawn from the previous research, although the themes raised have similarities, namely the increase or increase in public transportation costs. Meanwhile, the difference from the previous research is that the author is more focused on discussing the causes of the increase in public transportation costs outside the amount set by the Palembang City Transportation Office reviewed from *the diploma* contract, so that it can be clearly seen that a difference between the previous research and the research to be studied can be compared.

Research Methods

Research methods are a series of scientific activities that are carried out systematically, methodologically, and consistently to find the truth of a problem.²¹ According to Sugiyono, the research method is a scientific approach to collect data with a clear purpose.²² In simple terms, the research method is a way of solving problems using a scientific approach.²³ This study uses an empirical juridical method with a field research approach, where data is obtained through direct observation, interviews, and the dissemination of questionnaires to the community as the main source.²⁴ The research is qualitative with a descriptive analytical method, which collects data in the form of interviews, documentation, and field notes, then analyzes to find patterns and

¹⁹ Lukmanul Hakim, "The Law of Increasing the Cost of Mini Bus Tickets from the Perspective of Madhhab Syafi'i (A Case Study of Travel in Panyabungan II Village, Panyabungan District, Mandailing Natal Regency)" (State Islamic University of North Sumatra, 2020).

²⁰ Freyti Silvia Mawu, Theo K Sendow, and Joice E Waani, "A Review of Public Transportation Tariffs in Cities Due to Changes in Fuel Prices (Case Study: Route Pusat Kota-Malalayang)," *Journal of Civil Static* 4, no. 3 (2016): 131629.

²¹ Deassy J A Hehanussa et al., "Legal Research Methods," 2023.

²² P D Sugiyono, "Research Methods," *Quantitative, Qualitative, and R&D*, 2010.

²³ Abab District, Pali Regency, "Research Methodology," 2000.

²⁴ Hanif Hasan et al., *Qualitative Research Methods* (Tri Scientific Education Foundation, 2025).

relationships, and is presented in the form of a descriptive narrative.²⁵ The source of research data consists of primary data, namely information obtained directly through interviews with angkot drivers, KM 5 Palembang angkot passengers, and the Palembang City Transportation Office; as well as secondary data in the form of library materials such as books, journals, and related documents.²⁶ The data collection techniques used include face-to-face interviews with respondents and informants, as well as document studies in the form of collecting and recording written data to complete information. Data analysis is carried out in a qualitative descriptive manner with a deductive method, which is the process of thinking from specific data to general conclusions in order to produce scientific solutions to the problem being studied.²⁷

Research and Discussion Results

Factors Causing the Increase in Public Transportation Costs Outside the Official Tariff of the Palembang City Transportation Agency

Palembang Kilometer City Transportation (KM) 5 is one of the city transportation in Palembang, since the increase in fuel costs makes KM 5 angkot drivers already know about the increase in public transportation costs and follow the rules that have been set by the Palembang City Transportation Office contained in the Palembang Mayor Regulation No. 85 of 2022, namely increasing the cost of public transportation which was previously for student fares of Rp. 2,500 increased to Rp. 3,000 and for the general fare of Rp. 4,000 was increased to Rp. 4,900.²⁸

From the agreement on the increase in the cost of public transportation that has been determined with public transportation drivers and the Transportation Agency and then ratified by the Mayor of Palembang, it is actually not in accordance with the increase in fuel costs, it can be seen from the following interview excerpt: "The fuel increase is so swollen for one-way oil that is Rp.25,000 from KM 12-Ampera and from KM 5-Ampera Rp.10,000 and it is not in accordance with the increased angkot cost"²⁹

Based on the interview above, it is clear that the increase in fuel prices affects the increase in the cost of city transportation, but it is not in accordance with the increase in fuel. The fuel that is commonly used by city transportation is the type of pertalite from Rp. 7,650 to Rp. 10,000, the

²⁵ Ahmad Adil et al., "Quantitative and Qualitative Research Methods: Theory and Practice," *Jakarta: Get Press Indonesia*, 2023.

²⁶ Eko Haryono, "Qualitative Research Methodology in Islamic Religious Universities," *An-Nuur* 13, no. 2 (2023).

²⁷ Marinu Waruwu, "Educational Research Approach: Qualitative Research Methods, Quantitative Research Methods, and Mixed Method Research Methods," *Tambusai Education Journal* 7, no. 1 (2023): 2896–2910.

²⁸ The results of an interview with Yadi, driver of Palembang City Transportation, Kilometer 5 City Transportation, March 8, 2023.

²⁹ Interview with Joni, Palembang City Transport driver, Kilometer 5 City Transport, March 8, 2023.

difference in increase is Rp. 2,350, while the cost of city transportation is increased by a small difference of Rp. 500 to Rp. 900 when viewed from the difference in fuel increase is not in accordance with the increase in public transportation costs.

The KM 5 angkot route that has been determined by the mayor is: KM 5-Ampera Department and vice versa from Ampera-KM 5. There are several KM 5 angkot that pass through routes that are not in accordance with the provisions, namely the KM 12-Ampera route. The existence of this route can help people to take 1 angkot that previously went from the 16 ilir market to get to KM 12 must take the angkot 2 times, namely the KM 5 angkot and the Talang Betutu angkot. This can be seen from the following interview excerpts:

We don't have a route to KM 12, our route is only from Ampera to KM 5 and from KM 5 to Ampera. Well, we guessed straight ahead, KM 12 is tolerant of the public transportation 2 times at a cost of Rp. 5,000 one way if 2 times becomes Rp. 10,000. It is better for us to pay Rp. 7,000 less to help housewives reduce the cost of fares.³⁰

From the results of the interview with the driver above, this was done to help the community, especially housewives, in reducing the cost of public transportation when traveling from the 16 ilir market to KM 12 or from KM 12 to the 16 ilir market, because basically humans have a tolerance for others even though these costs are not in accordance with the increase in fuel prices. Furthermore, the KM 5 angkot drivers added the cost by itself of Rp. 2,000 outside the set route, namely the KM 12-Ampera and Ampera-KM 12 routes because the KM 5 angkot does not have a route to KM 12 and the route to KM 12 is a long enough distance to travel. There are some KM 5 angkot that pass through the KM 12-Ampera route then to get the angkot passengers wait at the KM 5 angkot assembly place. This can be seen from the following interview excerpts:

*"If you go up from KM 12 and pass through the police crossing bridge, the cost will be increased by Rp. 7,000, if you go from KM 12 to KM 5, the cost will still be Rp. 5,000."*³¹

Based on the interview with the driver above, the additional cost is set by the driver by itself because he has passed the existing route and the fuel price has increased. From there, the KM 5 angkot drivers made an agreement that the additional cost was applied for the route to KM 12. Then the researcher continued the interview with the passenger Putra (30 years old) about how to increase the cost set by the KM 5 angkot driver. When passengers take the KM 5 angkot, even though the distance up and down is close, there are several angkot drivers who ask for a fee of Rp. 7,000 on the grounds that fuel has increased, so the cost of public transportation has also increased. This can be seen from the following interview excerpts:

³⁰ The results of an interview with Yadi, driver of Palembang City Transportation, Kilometer 5 City Transportation, March 8, 2023.

³¹ Results of an interview with As, driver of Palembang City Transportation, Kilometer 5 City Transportation, March 8, 2023.

At that time I took an angkot from the police to the front of the military I paid Rp. 5,000 but instead the driver asked for Rp. 2,000 more kato the driver of Karno bargonyo Rp.7,000 went up even though the distance was not far away. I don't know that since the fuel price has increased, the cost of public transportation has been set to Rp. 5,000, so I paid an additional Rp. 2,000.³²

The researcher also interviewed one of the passengers Risa (22 years old) whom the researcher met during the research, about how the "additional cost set by the KM 5 angkot driver" even though the distance is close and is included in the KM 5 angkot route, but the angkot driver took the opportunity to add a fee of Rp. 2,000 without any agreement from the passengers. Not all passengers know how much the cost of public transportation from the government has increased and which is determined by the KM 5 angkot driver himself. Then the distance from which area to where the fee is added is Rp. 2,000.³³

The KM 5 angkot driver for this problem has his own opinion as seen from the following interview excerpts:

If it is indeed the ado who is angry with the passengers, they must record the route number and submit it to the government or the apparatus, therefore it is not allowed, we have compromised and deliberated if you go from KM 12 through the new balayuda can be asked for Rp. 7,000. If there is a driver who asks for Rs. The 7,000 close range is already against our rules. We have deliberated that it is possible to follow up on the forced extortion. We have indeed had reports from passengers that our job is to help passengers to ease the cost even though we who did not ask for it became the wrong jago.³⁴

The results of interviews with passengers and drivers stated that this was done by irresponsible drivers to ask for additional fees even though the distance was close even though there was an agreement to increase the angkot fee by Rp. 7,000 for long distances and outside the predetermined route. Adding fees without an agreement between the two parties is included in forcing passengers and making passengers unwilling to provide these additional fees.

Then their public transportation drivers do not have a problem with the increase in costs, which is the problem of public transportation drivers, namely the existence of new or modern public transportation issued by the government, such as *feeders*, reducing passengers who take KM 5 angkot and reducing income every day. This can be seen from the following interview excerpts:

Please help students convey our concerns for public transportation that from the government is reduced or eliminated so that we small people can support our children, children who go to school and even go to college. Ask for a policy from the government for ordinary city transportation like our KM 5 angkot. We don't have a problem with passengers to give fares from KM.12 Rp. 5,000, Rp. 6,000, even Rp. 7,000 alhamdulillah. We were also empty when we were able to get passengers from Pasar 16 ilir to KM 12.³⁵

³² Results of an interview with Putra, Palembang City Transportation Passenger, City Transportation Kilometer 5, March 8, 2023.

³³ Interview results with Risa, Palembang City Transport Passenger, City Transport Kilometer 5, March 8, 2023.

³⁴ The results of an interview with Yadi, driver of Palembang City Transportation, Kilometer 5 City Transportation, March 8, 2023.

³⁵ Interview with Abas Toni, driver of Palembang City Transportation, Kilometer 5 City Transportation, March 8, 2023.

Based on the results of the interview, for city transportation that has had a long route such as the KM 5 angkot, it asks for justice against the government's policy that issues new public transportation and is still enforced for free. The livelihood of the drivers makes a living for their families just by pulling public transportation every day. The income of KM 5 angkot drivers a day is uncertain, sometimes a day from the 16 ilir market to KM 12 is empty how many times no passengers board. Then for those who do not have their own angkot, they must rent and pay a deposit to the owner of the angkot. This can be seen from the following interview excerpts:

From KM 12 we queued, but from the 16 ilir market to KM 12 it was empty until the passengers got up. Income is also not always always always always a greeting bae with a toke, sometimes it is difficult to toke bae a deposit. It's safe to pay, God willing, you will definitely be paid even if Rp. 40,000 - Rp. 50,000 a day just from morning to night, that's not enough, meaning it's not worth it from morning to night, just bring Rp. 50,000 money. Instead of us not being able to work and work properly, it's better for us to drive to give our children with halal caro. A day's deposit to toke is Rp. 120,000 – Rp. 130,000 a day even though it is quiet, but passengers in a day must give a set deposit.³⁶

The results of the interview stated that the drivers must provide a deposit with a predetermined amount and when in one day the income does not reach the target to pay the deposit, the driver uses personal money or if he can't, they owe first to pay the deposit. Then the income obtained by public transportation drivers is limited and does not meet the needs of their families. The causes that affect the increase in public transportation costs outside those set by the Palembang City Transportation Office are as follows:

1. Drivers who increase the cost of city transportation by themselves due to ignorance of the mayor's regulations issued;
2. Kilometer (KM) 5 City Transportation Driver whose goal is to help the community, especially the KM 12 area, to be able to take public transportation only once and pay Rp. 7,000. The angkot driver's agreement stipulates the cost of public transportation of Rp. 7,000 only for KM 12 – Pasar 16 Ilir as well as from the 16 Ilir market – KM 12 and outside the KM 5 angkot route. However, there are several KM 5 angkot that ask for a fee of Rp. 7,000 not in accordance with the agreement of the KM 5 angkot drivers because of the increase in fuel that is not in accordance with the increase in angkot costs;
3. The existence of public transportation that has just been issued by the government and there are some that are still free affects KM 5 angkot to get passengers because of the new transportation called *feeder*;

³⁶ Interview results with Dedek, driver of Palembang City Transportation, City Transportation Kilometer 5, March 8, 2023.

4. The income earned by KM 5 angkot drivers in a day is not in accordance with the deposit that must be paid a day of Rp. 120,000 - Rp. 130,000.

Ijārah and the Problem of Justice of Public Transportation Fares: Perspectives of Islamic Law and Public Policy

From the perspective of Islamic law, *the ijārah contract* is a form of lease-lease agreement based on the principle of mutual benefit (*tawāfuq*) between the tenant and the tenant. In the context of the ³⁷ implementation of public transportation services, the driver or vehicle owner plays the role of a service provider (*mu'jir*), while passengers act as a service beneficiary (*musta'jir*).³⁸ The fundamental principle in *the ijārah contract* requires clarity regarding the rental object in the form of service benefits, duration of time of use, and compensation or rewards (*ujrah*) that are explicitly and transparently agreed upon by both parties, in order to ensure the validity and fairness of the transaction in accordance with sharia provisions.³⁹

Public transportation fares in the context of *ijārah contracts* represent a form of compensation or *ujrah* for services provided by transportation service providers to service users.⁴⁰ In the urban transportation system, the determination of tariffs is generally under the authority of the local government through the Transportation Department as a form of regulation that aims to ensure the principles of justice, affordability, and legal certainty in service transactions.⁴¹ This official tariff setting policy serves as an instrument of protection for the public from possible economic exploitation that can arise due to fluctuations in fuel prices or unilateral decisions on the part of transportation service providers.⁴²

However, in practice on the ground, it is not uncommon for deviations to occur to the official tariff that has been set by the competent authorities.⁴³ One example can be found in the Kilometer 5 area of Palembang, where a number of city transportation drivers set fares above applicable regulations.⁴⁴ The reasons given are generally related to the increase in fuel oil (BBM)

³⁷ Rahmatul Fadhlil and Lulu Aliya Ahmad, "Analysis of Ijārah Contracts on Quick Response Code Indonesian Standard Products," *Al-Mizān: Journal of Islamic Law and Economics* 6, no. 1 (2022): 103–19.

³⁸ Nur Aifa, "A Review of Islamic Law on the Practice of Guarantees in Ijārah Contracts," n.d.

³⁹ Yadi Janwari and Dadin Solihin, "The Theory and Philosophy of Service Contracts in Sharia Economic Law," *Pelita Nusa Journal: Social and Humanities* 3, no. 1 (2023): 66–79. <https://doi.org/10.61612/jpn.v3i1.19>

⁴⁰ Novita Angraeni and Erry Fitrya Primadhany, "Sociological and Philosophical Study of Ijārah and Ijārah Muntahiya Bi Tamlik," *El-Mashlahah* 12, no. 1 (2022): 84–102.

⁴¹ Public Transportation, "Legal Protection of Passengers' Rights," n.d.

⁴² Sulton Bhagaskara Dewa Wendiansyah Putra, "Analysis of the Ideal Tariff for Freight Transportation on the Musi River Using Jukung Ships (Palembang Route – Line 8 Telang)" (Bali Land Transportation Polytechnic, 2024).

⁴³ Alhadi Yan Putra, "Transportation Management: Mode Selection Factors on Transportation Performance through LRT (Light Rail Transit) Service Quality in Palembang City," *Srinwijaya Journal of Management and Business* 18, no. 3 (2020): 195–212. DOI: 10.29259/jmbs.v18i3.13061

⁴⁴ Jefry Indra Haryanto, "Analysis of Vehicle Operational Costs, Ability to Pay and Willingness to Pay for the Determination of Damri Bus Fares for the Palembang–Prabumulih Department" (Bina Darma University, 2022).

prices and the increase in daily operating expenses. This practice raises complex problems, not only from the aspects of sharia law and positive law, but also from the perspective of economic justice and social impact on the public transportation service users. Therefore, this phenomenon requires critical and multidimensional study to formulate a fair and sustainable solution.⁴⁵

From the perspective of muamalah fiqh, the validity of the *ijārah contract* is highly dependent on the fulfillment of the element of willingness (*interādīn*) between the two parties to the contract.⁴⁶ An agreement that takes place without the clear and conscious consent of each party is considered to be defective according to *shari'at*.⁴⁷ In the context of public transportation, if passengers are required to pay fares that exceed the provisions without an initial agreement or feel aggrieved due to the lack of clarity of information about fares, then the contract can be considered invalid. The imbalance of information and pressure in such transactions is contrary to the principles of *transparency, fairness, and willingness* that are the main foundations of all muamalah practices in Islam.⁴⁸

The issue of justice in the determination of public transportation fares does not only concern the relationship between individuals, but also touches on a broader social dimension.⁴⁹ From the perspective of Islamic law, justice is a fundamental principle in every form of muamalah transaction.⁵⁰ Islam expressly prohibits the practice of *ghharar* (ambiguity) and *zulm* (tyranny), which can cause inequality and loss to one party.⁵¹ When public transportation drivers unilaterally increase fares without transparent socialization and without the consent of the passengers, then this action is included in the form of a violation of the principles of fairness and clarity of contract required in *ijārah*.⁵² This condition not only harms the individual rights of consumers, but also has the potential to cause social instability due to unethical economic practices.⁵³

⁴⁵ Lovia Evanne and Leti Karmila, "Communication Patterns of Water Transportation Community Groups on the Musi–Palembang River Bank," *Journal of Communication Sciences Balayudha* 1, no. 2 (2021): 44–58.

⁴⁶ Fithriana Syarqawie, "Fiqh Muamalah," *Banjarmasin: LAIN Antasari Press*, 2015.

⁴⁷ Syaikh Syaikh, Ariyadi Ariyadi, and Norwili Norwili, "Fiqh Muamalah: Understanding Contemporary Concepts and Dialectics" (K-Media, 2020).

⁴⁸ Rahmat Hidayat, "Fiqh Muamalah: Theory and Principles of Sharia Economic Law," 2022.

⁴⁹ Rudy Hermawan, "A Review of Tariff Determination and Toll Road Vehicle Classification System in Indonesia," *Journal of Civil Engineering* 16, no. 2 (2009): 95–101.

⁵⁰ Ahsani Paramita, "Makassar City's Original Regional Revenue Reviewed from Public Transportation Levy Tariff Policy," *Scientific Journal of Accounting and Finance* 1, no. 2 (2022): 28–36.

⁵¹ Muhammad Nadraturaman Hosen, "Analysis of Gharar Forms in Economic Transactions," *Al-Iqtishad: Journal of Sharia Economics* 1, no. 1 (2009).

⁵² Rais Agil Bahtiar, "Potency, Government Role, and Challenges of e-Commerce Development in Indonesia," *Journal of Economics and Public Policy* 11, no. 1 (2020): 13–25. doi:10.22212/jekp.v11i1.1485

⁵³ Rudiansyah Rudiansyah, "A Study of Gharar, Riba, and Maisir in the Perspective of Islamic Economic Transactions," *Al-Huquq: Journal of Indonesian Islamic Economic Law* 2, no. 1 (2020): 98–113. <https://doi.org/10.19105/alhuquq.v2i1.2818>

From a public policy perspective, the role of the government in setting official fares for public transportation is a manifestation of the principle of *maṣlahah 'āmmah* (public good).⁵⁴ The determination of this tariff aims to ensure fair and equitable access to transportation services for all levels of society, especially low-income groups.⁵⁵ In this context, tariff regulation is not only administrative, but also based on the values of social justice and protection of the public interest. Therefore, unilateral actions that violate official tariffs can be considered a form of denial of policies designed to realize the common good, and ultimately have the potential to undermine a just social order.⁵⁶

The reality on the ground shows that weak supervision and firmness from relevant authorities are also the dominant factors in the proliferation of the practice of increasing public transportation fares outside of official provisions. When public transportation drivers feel that there is minimal control from the authorities, there is a tendency to set tariffs based on subjective considerations that are not always in favor of justice for consumers. Within the framework of Islamic law, the existence of rulers (*hākim*) has a fundamental responsibility to uphold social justice, including in regulating economic governance in a fair, transparent, and public interest. The absence of an effective control mechanism actually opens up space for the occurrence of *ihṭilāl* (deviation) of the principles of justice in muamalah.⁵⁷

Passengers are often at a disadvantage due to the limited transportation alternatives and lack of adequate information regarding the applicable official tariffs. This condition causes passengers' bargaining position to be weak, so they are forced to accept an unfair fare policy with no other choice. This situation is clearly contrary to the principle of protection of the weak (*ḍu'afā'*) which is strongly emphasized in the teachings of Islam, where justice and balance in transactions must be maintained for the realization of social harmony.⁵⁸

⁵⁴ Lc Waluyo, "Islamic Economic Fiqh Reform" (Aksara Media Gate (IKAPI Member), 2023).

⁵⁵ Muhammad Yuga Purnama and Roma Ulinnuha, "Transformation of Knowledge and Social Reality of MSE Actors Regarding Halal Labels," *Journal of Sociological Analysis* 12, no. 4 (2023).

⁵⁶ Hanif Mauludin, Enggar Nursasi, and Suhartati Noviana, "The Effectiveness of Organizational Transformation Implementation on Organizational Performance," *Journal of Research and Application: Accounting and Management* 5, no. 3 (2022).

⁵⁷ Endra Setiaji and Akbar Harfianto, "The Transformation of Sin Tax to Green Tax: Encouraging a Green Economy in Indonesia," *JURNAL PAJAK INDONESIA (Indonesian Tax Review)* 7, no. 2 (2023): 43–53. <https://doi.org/10.31092/jpi.v7i2.2499>

⁵⁸ Masripah Masripah et al., "Transformation of Article 21 Income Tax Regulation: In-Depth Analysis and Practical Implications," 2024.

In addition, in the *ijārah* contract, the payment of wages or tariffs should be proportionate to the benefits received by the party who hires the services.⁵⁹ If the increase in tariffs is not accompanied by an improvement in the quality of service, then it can be categorized as *mukāfā'ah ghayr musāwiyah* (unbalanced remuneration), which ultimately harms consumers.⁶⁰ From a transportation policy perspective, this practice of fare deviation also has the potential to undermine the subsidy system or progressive fare planning that has been designed and set by the government. In the long run, this kind of condition can cause inequality in access to services, cause public dissatisfaction, and reduce the level of public trust in transportation management authorities.⁶¹

Islam as a comprehensive system emphasizes the balance between rights and obligations.⁶² Angkot drivers are entitled to earn a decent wage in accordance with the services provided, but they also have an obligation to provide services at rates that are in accordance with the rules and do not burden passengers. On the contrary, passengers are obliged to pay for the services they enjoy, while at the same time having the right to obtain clarity and transparency regarding the rates charged.⁶³ One of the solutions that can be developed from the perspective of contemporary *fiqh* is to strengthen the role of supervisory institutions and increase education to the public.⁶⁴ This education is important so that the public understands their rights, while supervision serves to prevent harmful and unfair practices in public transportation services.⁶⁵

Justice in the *ijārah* contract is not enough just by the fulfillment of formal consent, but must be based on the principles of *adl* (justice), *sidq* (honesty), and *amanah* (responsibility).⁶⁶ The practice of imposing excessive tariffs without notice or transparency is clearly a deviation from these values.⁶⁷ Therefore, the issue of increasing public transportation fares outside the official stipulation can be seen as a failure in the implementation of a fair *ijārah* contract. This condition

⁵⁹ Fauzi Caniago and Piksi Ganesha Polytechnic, "Wage Payment Provisions in Islam," *Textatura Journal* 1, no. 5 (2018): 39.

⁶⁰ Aris Rahmaddillah, "Mark up the Sales of Bus Ticket Prices at the Batoh Terminal Counter in the Perspective of Tas' Ir Al-Jabari," *PETTITA* 3 (2018): 53.

⁶¹ Siti Hidayati et al., "Operational E-Money," *Bank Indonesia* 15 (2006).

⁶² Rois Hamid Siregar and Alwi Padly Harahap, "The Balance of Women's Roles as Mothers and Workers: A Comprehensive Review in the Perspective of the Qur'an and Hadith," *Ibn Abbas* 7, no. 2 (2024): 133–50.

⁶³ Amalia Shabrina, "Communication Strategy of the Medan City Branch of the Employment Social Security Administration Agency in Socializing Non-Wage Recipient Participation (Angkot Drivers and Pedicab Drivers)," 2018.

⁶⁴ Fristiani A R Eka, "A Review of Islamic Law on Drivers' Wages with the Ritase System (Study at PT. Unggul Lestari Logistik Campang Jaya Village, Sukabumi District, Bandar Lampung)" (UIN Raden Intan Lampung, 2024).

⁶⁵ Abdullah Abdullah, "The Impact of the Presence of Online Transportation Services on the Income of City Transportation Drivers in Palangka Raya City" (IAIN Palangka Raya, 2019).

⁶⁶ Siti Aisyah Nuraini, Moh Bahrudin, and Syamsul Hilal, "The Construction of Ijtihad in Contemporary Contracts in the Digital Era," *Journal of Academic Media (JMA)* 2, no. 12 (2024).

⁶⁷ Feriyanto Feriyanto, "The Withdrawal of Parking Levy in the Normative, Juridical, and Sociological Perspectives of Islamic Law," *Az-Zarqa: Journal of Islamic Business Law* 9, no. 2 (n.d.).

demands serious treatment through strict law enforcement, effective transportation regulations, and an educational approach rooted in Islamic values.⁶⁸

Contemporary Fiqh Analysis of the Practice of Increasing Public Transportation Service Fees: A Study of Ijārah Contracts on Angkot KM 5 Palembang

The researcher analyzed how the increase in city transportation costs since the increase in fuel prices by looking at the theory of *the contract* in the increase in costs and based on the Palembang Mayor Regulation on public passenger transportation fares in the Kilometer (KM) 5 Palembang city transportation after the researcher described the results of interviews with drivers and passengers. In the addition of the cost of city transportation kilometers (KM) 5 Palembang which has been determined by the Palembang Mayor Regulation, then another addition is made by the driver by himself. There is a mutual agreement that the KM 12 - 16 ilir market route and vice versa which is not included in the KM 5 angkot route will only have these additional costs. The driver who made the additional fee agreement helps the community in reducing the cost of taking public transportation only once. However, there are some drivers who add costs beyond the agreed agreement. Some drivers who ask for additional fees even though the distance is close and still within the KM 5 angkot route, this is done without an agreement with the passengers, which is a detrimental and coercive act against passengers.

The rules of Fiqh explain that:

الأَصْلُ فِي الْمَعَامَلَةِ الْإِبَاحَةُ إِلَّا أَنْ يَدُلَّ دَلِيلٌ عَلَى تَحْرِيمِهَا

Meaning: The law of origin in all forms of muamalah is halal and permissible unless there is evidence that prohibits it.⁶⁹

From these rules, it can be understood that the original law is permissible or valid and permissible in all transactions including buying and selling and renting unless there is a postulate that prohibits it. However, in Islamic law, coercion and harm to others is one of the prohibited behaviors. This prohibition is a prohibition to prevent a person from committing acts that are contrary to Islamic law and eating other people's property illegally.

In fiqh muamalah, *ijārah* which means "rental within the scope of services" is the practice of activities carried out by city transportation drivers in transporting passengers. *Ijārah* is a lease contract that exchanges manfa'ah and *ujrah*, both benefits of goods and services, between *mu'jir* (lessee and *musta'jir* (lessee) or between *musta'jir* and *ajir* (service provider).⁷⁰ Islam has determined

⁶⁸ Nilam Sari, *Contracts (Akad) and Its Implementation in Islamic Banking in Indonesia*, vol. 1 (Yayasan Pena Banda Aceh, 2015).

⁶⁹ Fathurrahman Azhari, *Qawaid Fiqhiyyah Muamalah*, (Banjarmasin: LPKU, 2015), 135.

⁷⁰ DSN MUI Fatwa No.112/DSN-MUI/IX/2017 concerning *the ijārah* contract.

ijarah as muamalah, which can be in the form of rent or wages. Jumhur Ulama are of the opinion that the law of mubah originates or is permissible if it is carried out in accordance with the rules outlined by the sharia' based on the verses of the Qur'an, the hadith of the Prophet, and the rules of Ijma' Ulama.⁷¹

Ijarah based on the book of the Qur'an as written in the words of Allah SWT as follows:

فَإِنْ أَرْضَعْنَ لَكُمْ فَارْزُقْنَهُنَّ أَجْرَهُنَّ

Meaning: 'Then if they nurse your (children), then give them a reward.' (QS. At-Thalaq: 6)⁷²

Ijarah based on the evidence of the hadith, namely: Hadith narrated by Ibn Majah No. 2162: Meaning: From Muhammad bin Abu Umar Al-Adany, from Sufyan bin Uyainah, from Ibn Thawus, from his father, from Ibn Abbas RA, "The Prophet (peace and blessings of Allaah be upon him) was cupped and gave him a reward." (Saheeh: Ahaadits al-Buyuu' and Mukhtashar as-Syamaa'il al-Muhammadiyah: 311 Muttafaq 'alaih).⁷³

The basic law of *ijarah* is mubah and binding, so the agreed *ijarah* transaction has a law that is binding on the parties and cannot be terminated unilaterally unless there are factors that are detrimental to the transaction such as defects or loss of profit from the rented object.⁷⁴ As a form of transaction, the *diploma* is considered valid and must meet the conditions and must also meet the requirements.⁷⁵ The first pillar of *ijarah*, namely the person who enters into a contract with the *mu'jir* (the person who rents) and the *musta'jir* (the person who rents), in this case called the *mu'jir* is the KM 5 angkot driver who rents the services and the angkot car, and what is referred to as *mus'tajir* is the passenger who takes the KM 5 angkot.

Second, *sighat akad* (*ijab* and *qabul*). *Ijab* is a way of expressing rent, while *qabul* is the approval of a rental contract. In its application, passengers take the KM 5 angkot by waiting for the angkot to pass or to the KM 5 angkot association place that is waiting for passengers. Third, *ujrah* or wages, namely people who do work or provide services will be rewarded by others who use their services. In fact, the cost of the fare is already known by some passengers of Rp. 5,000 when the fuel has increased, and some passengers do not know the cost of the angkot fare which is increased by the angkot driver himself. Fees paid by passengers to KM 5 angkot drivers in return for services provided. There are two types of wages or *ujrahs* in one of which has been mentioned

⁷¹ Abdul Rahman Ghazaly, *Fiqh Muamalat*, 277.

⁷² Ministry of Religion of the Republic of Indonesia, *Mushaf Al-Qur'an and Its Translations*, 65.

⁷³ Ibn Majah, *Sunan Ibn Majah*, 189.

⁷⁴ Andri Soemitra, *Sharia Economic Law*, 122.

⁷⁵ Abd Misno, *Fiqh Muamalah Al-Maaliyah*, 159.

(*ujrah al-musamma*). Both parties to the wage transaction are conditional when they determine that they must be accompanied by willingness (acceptance).

So, just as *the mu'jir* cannot be compelled to receive less than what has been agreed, so *the musta'jir* cannot be forced to pay more than what has been agreed. In its implementation, the wages or *ujrah* that will be paid by passengers to drivers have been stipulated in Palembang Mayor Regulation No. 85 of 2022 concerning public passenger transportation fares. However, in reality there are several drivers who add costs beyond what is set by the Palembang City Transportation Agency and additional costs outside of the agreement of KM 5 angkot drivers, adding to the cost of fare for the KM 12 route which is not included in the KM 5 angkot route due to the fuel problem increasing so that some passengers are forced to pay more than stipulated in the Palembang Mayor Regulation. Fourth, the benefit is a rental item or wage labor. People who receive a salary in exchange for providing their services have the advantage of receiving a wage. The KM 5 Palembang public transportation system actually provides services to deliver users to the desired location.

Judging from the first *ijarah requirement*, namely the two people who have contracted, in practice this is legally stated because of the presence of passengers and drivers. Without the presence of rental passengers, renting services will not happen and vice versa. Then the second condition, namely that both parties declare their willingness to carry out *the ijarah contract*. If one of them is forced to do the contract, then the contract is invalid. This is associated with the problem of increasing the cost of public transportation fares, so it is not in accordance with the requirements of the second diploma. If, the passenger objects to the fare fee requested is not appropriate because the additional fee made by the driver forces the passenger to pay more than the predetermined fee. This can be seen from the following excerpts of interviews with passengers:

At that time I took the KM 5 angkot from Balayuda to the front of the uin and I paid Rp. 5,000 and the driver said Rp. 2,000 again, karno bargony is now Rp. 7,000 since the fuel went up, I gave the additional cost of Rp. 2,000 but I was not sincere because all I knew was that the cost since the fuel went up was Rp. 5,000 according to the KM 5 angkot route.⁷⁶

Then the researcher continued the interview with passengers who took public transportation from the 16 ilir – KM 12 market, this can be seen from the following interview excerpts:

I took the KM 5 angkot from Pasar 16 Ilir – KM 12 paid the Rp. 7,000 fare was in accordance with us taking the angkot 2 times to reach the destination of the KM 5 angkot which according to the route only reached KM 5 bae and the KM 5 angkot which passed through the route to KM 12 helped us take

⁷⁶ Results of an interview with Muthia, Palembang City Transportation Passenger, City Transportation Kilometer 5, March 8, 2023.

*the angkot 1 time directly to the destination. There is no element of coercion on me passengers to pay the fare.*⁷⁷

From the interview with the passengers above, it can be concluded that the passengers were not willing because there was an element of coercion from the driver that was not in accordance with the existing agreements and regulations that had been set. Finally, passengers pay the additional fee forcibly because they have stopped at their destination. Then there are passengers who are willing to pay Rp. 7,000 for helping passengers to take public transportation 1 time from the 16 Ilir – KM 12 market.

So the additional cost of the KM 5 Palembang angkot has not met the *requirements for diploma*, because in practice the additional fees made by the KM 5 angkot driver make passengers less willing to pay with more fees than those that have been set. However, some angkot drivers who pass through the KM 12 route and ask for a fee of Rp. 7,000 to passengers are not a problem because there is no element of coercion to be consensual. As Allah SWT. says in surah An-Nisa' verse 29:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ إِلَّا أَنْ تَكُونَ تِجَارَةً عَنْ تَرَاضٍ مِنْكُمْ وَلَا تَقْتُلُوا أَنْفُسَكُمْ إِنَّ اللَّهَ كَانَ بِكُمْ رَحِيمًا

"O you who have believed, do not eat your neighbor's property in an unlawful way, except in the form of a business on the basis of mutual will among you. Do not kill yourselves. Indeed, Allah is Most Merciful to you."⁷⁸

In the above paragraph, there must be a willingness between passengers and drivers to pay public transportation fares. In the occurrence of the *ijarah contract transaction*, it must meet the principles and conditions to be a valid condition for the *ijarah contract* carried out. In the Compilation of Sharia Economic Law Article 305 explains that if one of the conditions in the *diploma contract* does not exist, then the contract is void. Therefore, it is not enough to solve this problem through a formal legal approach, but must be accompanied by strengthening Islamic ethical values in economic transactions, improving the supervisory function of the authority, and education and moral coaching for transportation actors in order to create a fair, transparent, and sharia-compliant transportation system.

Conclusion

The cause of the increase in city transportation costs in the Kilometer (KM) 5 Palembang area is caused by several factors, including the ignorance of public transportation drivers regarding the latest public transportation tariffs issued after the increase in fuel prices, as well as the efforts

⁷⁷ Interview results with Syaldho, Palembang City Transportation Passenger, City Transportation Kilometer 5, March 8, 2023.

⁷⁸ Department of Religion of the Republic of Indonesia, *Mushaf Al-Qur'an and Its Translation*, 83.

of drivers to increase routes to increase income to meet daily needs. In addition, the presence of new modes of transportation launched by the government, some of which are still free, also reduces the number of KM 5 angkot passengers, so that the driver's income is no longer comparable to the daily deposit obligation of IDR 120,000-130,000. From the perspective of *the ijārah contract*, the additional fee by the driver to passengers who are still on the official route as regulated by the government is a form of violation of the conditions of the validity of the contract, because there is no *interādīn* (willingness of both parties) and the unclear nominal of the additional tariff. This makes the contract *fasid* (defective) according to sharia law and at the same time violates the applicable administrative provisions. However, if the additional fee occurs due to the existence of an additional route outside the official provisions, and the passenger has known and agreed to the additional fare transparently, then *the ijārah contract* can be considered valid because it has met the conditions and harmony stipulated in the fiqh muamalah.

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