

## **RETRIBUTION COLLECTION PRACTICES OF STREET VENDORS FROM THE PERSPECTIVE OF SHARIA ECONOMIC LAW IN SIGLI CITY OF INDONESIA**

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### **Abstract**

Informal economic activities such as street vending have become an integral part of the socio-economic dynamics in urban areas, including Sigli City. The presence of street vendors not only meets the daily needs of the community but also serves as a livelihood for the lower-middle economic class. However, the practice of managing and collecting retribution fees from street vendors still presents various issues, particularly concerning legality and fairness. This study aims to analyse the retribution collection practices imposed on street vendors in Sigli City from the perspective of Islamic economic law. Using a descriptive qualitative method, data were obtained through field observations, interviews with vendors and local authorities, and a review of regulatory documents. The findings reveal that retribution is often collected by unauthorized parties, such as parking attendants, without formal contracts and without being based on official regulations issued by the local government. These practices are considered contrary to Islamic economic principles, which emphasise contractual clarity, justice, and public welfare (maslahah). Elements of uncertainty (gharar), injustice (zulm), and unauthorised authority were identified in the field. Therefore, a reformulation of retribution policy based on maqashid shariah is necessary to establish a system of governance that is fair, transparent, and sustainable for all stakeholders involved.

**Keywords:** Aceh, Islamic Economic Law, Retribution fee, and Street Vendors



### **Abstrak**

Kegiatan ekonomi informal seperti pedagang kaki lima telah menjadi bagian yang tidak terpisahkan dari dinamika sosial ekonomi di perkotaan, termasuk di Kota Sigli. Kehadiran PKL tidak hanya memenuhi kebutuhan sehari-hari masyarakat, namun juga menjadi mata pencaharian bagi masyarakat ekonomi menengah ke bawah. Namun demikian, praktik pengelolaan dan pemungutan retribusi PKL masih menyisakan berbagai persoalan, terutama terkait legalitas dan keadilan. Penelitian ini bertujuan untuk menganalisis praktik pemungutan retribusi yang diberlakukan kepada pedagang kaki lima di Kota Sigli dari perspektif hukum ekonomi Islam. Dengan menggunakan metode kualitatif deskriptif, data diperoleh melalui observasi lapangan, wawancara dengan pedagang kaki lima dan pemerintah daerah, serta tinjauan terhadap dokumen-dokumen peraturan. Hasil penelitian menunjukkan bahwa retribusi sering kali dipungut oleh pihak-pihak yang tidak berwenang, seperti juru parkir, tanpa kontrak resmi dan tanpa didasarkan pada peraturan resmi yang dikeluarkan oleh pemerintah daerah. Praktik-praktik ini dianggap bertentangan dengan prinsip-prinsip ekonomi Islam yang menekankan pada kejelasan kontrak, keadilan, dan kesejahteraan masyarakat (masalah). Unsur-unsur ketidakpastian (gharar), ketidakadilan (zulm), dan kewenangan yang tidak sah teridentifikasi di lapangan. Oleh karena itu, diperlukan reformulasi kebijakan retribusi berbasis maqashid syariah untuk membangun sistem tata kelola pemerintahan yang adil, transparan, dan berkelanjutan bagi seluruh pemangku kepentingan yang terlibat.

**Kata kunci:** Aceh, Biaya Retribusia, Hukum Ekonomi Syariah dan Pedagang Kaki Lima

### **INTRODUCTION**

In living life, every individual always needs the presence of other people to interact and cooperate in fulfilling life's needs. This social interaction creates a pattern of reciprocal relationships that unfolds in the context of social life. From an Islamic perspective, the form of human relations related to social and economic aspects is known as muamalah, which encompasses all forms of activities that regulate interactions between individuals to achieve common benefits.<sup>1</sup>

In principle, various forms of *muamalah* transactions that occur in multiple parts of the world are always related to two main types of objects, namely material and non-material objects. These transactions generally aim to obtain ownership of an object, which grants individuals the right and

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<sup>1</sup> Andri Soemitra, *Sharia Economic Law and Fiqh Muamalah*, (Jakarta: Prenadamedia Group, 2019), 115



authority to use the object to fulfill their needs and interests. Differences in the type of object and the legal or economic consequences usually determine variations in the naming and execution of transactions. In addition, these differences can also be viewed in terms of the presence or absence of rewards as compensation for the exchanged objects. In fiqh studies, the form of ownership of material objects accompanied by rewards or compensation is generally categorised as a sale and purchase contract (*al-bay'*).<sup>2</sup>

Local governments have a responsibility to provide strategic facilities for street vendors as part of their efforts to promote economic development. Public policies taken, such as the provision of stalls in Sigli City Market, are a form of binding regulation of people's lives. Ideally, these policies are formulated through a participatory process of deliberation, although in practice, they are often developed top-down. Nevertheless, policies are still used as legal instruments to establish social order and promote legal awareness within the community.<sup>3</sup> In Indonesia, there is no national regulation that specifically regulates street vendors. Therefore, local governments fill this gap through local regulations (Perda), which serve as a legal basis for organizing street vendor activities in an orderly manner and accordance with regional interests.<sup>4</sup> For example, the Municipality of Banda Aceh has enacted Qanun No. 3/2007 that regulates and fosters the activities of street vendors. This regulation serves as the legal basis for structuring the informal economic sector, ensuring that it continues to operate in an orderly manner and does not disrupt social order or the urban environment's appearance.

Banda Aceh City Qanun No. 3/2007 on the Regulation and Guidance of Street Vendors provides a clear legal basis in regulating the existence and activities of street vendors, including in the Sigli City Market area. This regulation encompasses various essential aspects, including the determination of selling locations, business licensing mechanisms, and provisions regarding environmental order and cleanliness.<sup>5</sup> Street vendors are required to comply

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<sup>2</sup> Hendi Suhendi, *Fiqh Muamalah*, (Jakarta: Raja Grafindo Persada, 2010), 114

<sup>3</sup> Iqbal Tawakkal Pasaribu, Seeing the Phenomenon of Street Vendors Through Legal Aspects, (article), quoted from the website: <http://hmi.wordpress.com>, accessed on 10 April 2025.

<sup>4</sup> Ibid

<sup>5</sup> Government of Banda Aceh, *Qanun Kota Banda Aceh Number 3 Year 2007 on the Regulation and Guidance of Street Vendors* (Banda Aceh: Government of Banda Aceh, 2007).



with the provisions in the qanun, including the obligation to pay retribution according to the rates set by the local government. In addition to serving as a regulatory instrument, the qanun also aims to protect the rights of street vendors, ensuring that informal economic activities can run regularly, safely, and in an orderly manner. The implementation of this qanun serves as a strategic reference for local governments in supervising, fostering, and managing the micro business sector, aiming to achieve fair and sustainable regional economic development.

Qanun Kota Banda Aceh No. 3/2007 on the Regulation and Guidance of Street Vendors is a local legal instrument that summarizes various provisions to comprehensively manage the activities of street vendors. This regulation not only regulates administrative aspects, such as business licensing and the placement of selling locations, but also encompasses social and economic dimensions, as well as responsibility for environmental cleanliness and order. Through this qanun, the local government aims to strike a balance between the financial needs of small communities and the interests of maintaining an orderly and comfortable urban space. Firstly, this qanun regulates the obligation of street vendors to obtain a business license, establish a selling location that is suitable for security and order, and impose retribution proportionate to the offense. In addition, it also regulates the obligation to maintain environmental cleanliness and protection of business rights, along with guidance and support from the local government to encourage the sustainability of the informal economy sector.<sup>6</sup> The practical implementation of Banda Aceh Municipal Qanun No. 3/2007 requires good synergy among the local government, street vendors, and the broader community. The optimal implementation of this Qanun is expected to create an environment that supports the economic growth of street vendors while upholding the principles of social justice, community balance, and environmental sustainability in Banda Aceh City.

Initially, the activities of street vendors in the area were primarily dominated by food vendors, but they have since expanded to include clothing, toys, and other daily necessities. Visitors are increasingly varied, not only homemakers but also young people. In terms of business, this location is beautiful due to its strategic position along Jalan Prof. A. Majid Ibrahim, Kramat Dalam, Sigli City, which is the centre of trade activities and

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<sup>6</sup> Imelda Sari, *Retribution for Street Vendors*, (West Sumatra: Azka Pustaka, 2023), 26



community traffic.<sup>7</sup> Sigli City was chosen as the research location because it is the centre of community economic activities in Pidie Regency, which has a reasonably high trade movement, especially in the Sigli City Market area. This area serves as a gathering place for street vendors offering a variety of businesses, ranging from culinary to clothing and daily necessities. In addition, the informal economic activities that take place along Prof. A. Majid Ibrahim Road reflect a complex social reality, where interactions between traders, market managers, and local government policies occur in a dynamic manner. The presence of street vendors in this location also raises various issues related to the collection of retribution rates, which is not fully regulated formally. Therefore, it becomes relevant to study this issue from the perspective of Islamic economic law to assess the suitability of the practice in terms of the principles of justice and benefit.

The practice of retribution collection in Sigli City Market exhibits discrepancies with the principles of Islamic economic law as outlined in classical literature and the fatwas of the four primary schools of thought (Maliki, Hanafi, Shafi'i, and Hanbali). Since the time of the Prophet Muhammad SAW until the era of the glory of Islamic economics, there was no levy collection model as applied today. This raises indications of shari' incompatibility, potentially leading to haram, as it does not fulfill the principles of justice, legal ownership, and transparency required in muamalah fiqh.

In the practice of using stalls in the Sigli City Market, the contract mechanism is not formally carried out between the landowner (the local government) and the trader, but rather through intermediaries such as parking managers who lack legal authority. This leads to the non-fulfilment of the pillars and conditions of the ijarah contract as stipulated in Islamic law, especially regarding the clarity of the contracting parties, the object of the contract, and the value of the reward. In addition, the absence of a fixed rental fee from the beginning of the transaction adds to the uncertainty (gharar), because the nominal payment is based on the value of the goods sold and is not determined transparently. This pattern, although it has become customary in the market, still raises doubts regarding its shari'i validity and has the potential to cause injustice in the economic relationship between traders and

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<sup>7</sup> Interview with Abdullah, a street vendor at Sigli City Market, on 03 June 2025, at Sigli City Market.



managers.<sup>8</sup> Street vendors in Sigli City operate in government-owned areas, which the Department of Transportation manages. Although they have received official permission, many traders access their stalls through parking attendants who lack official authority. This practice has become a habit and is tolerated by market managers as long as retribution is paid, despite the legal uncertainty and administrative risks involved.<sup>9</sup>

Regarding the practice of collecting tariffs by local people who guard the traders' area, as well as the policy of the Sigli City Government's Transportation Office, which only collects tariffs from the terminal, not from street vendors. In the context of the practice of collecting tariffs for street vendors' stall fees in Sigli City, there is a phenomenon where the tariffs are generally collected by local people who are used to collecting tariffs. In daily practice, street vendors are required to pay a tariff of Rp 3,000 to Rp 5,000 as compensation for the use of land or parking space. However, the Sigli City Local Government Transportation Office does not directly collect tariffs from street vendors. Instead, the policy implemented by the Transportation Office is only to collect retribution rates from the terminal or official parking lot, with a predetermined amount of Rp 600,000 per month. The tariff is directed to cover the cost of terminal management and services provided to service users. Thus, there is a difference in the practice of collecting retribution rates between street vendors, as conducted by the local community, and the rates set by the Transportation Office of Sigli City Local Government. This reflects the dynamics in the retribution regulation system and parking lot management policy in Sigli City.<sup>10</sup>

The practice of collecting money from street vendors often occurs in an unstructured manner and without adequate transparency. This creates an environment where vendors usually live in uncertainty, unsure of exactly how the money they pay is used. Concerns of inequity in the distribution of collected funds are also a real problem. Without clear regulations and effective accountability mechanisms, the money may be used for personal or group interests, undermining the basic principles of fairness and transparency. While

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<sup>8</sup> Interview with Rizki, Street vendor at Sigli City Market, on 03 June 2025, at Sigli City Market.

<sup>9</sup> Interview with Wahyudi, street vendor at Sigli City Market, on 03 June 2025, at Sigli City Market.

<sup>10</sup> Interview with Salamah, street vendor at Sigli City Market, on 03 June 2025, at Sigli City Market.



the impression is that the money collected is 'compensation' for the use of the land or parking space, without a clear framework, this can open the door to the misuse of the funds. Street vendors, who are supposed to contribute fairly to the use of public facilities, can become victims of this disorganized system. As a result, the business environment becomes unstable, and the potential for conflict between vendors and those collecting the money becomes higher.

The activities of street vendors (PKL) along Jalan Prof. A. Majid Ibrahim, Kramat Dalam, Sigli City, which is both a highway area and an unorganised parking zone, have the potential to disrupt the smooth flow of traffic and create a chaotic impression. However, the presence of street vendors has helped boost the economies of small communities, making them an affordable shopping destination. In the Islamic perspective, all aspects of life, *including* economic governance, are directed to achieve the benefit of the people. The concept of *al-maṣlahah al-mursalah*, which refers to a benefit that is not explicitly mentioned in the text but is necessary in social life, becomes a crucial basis for formulating public policies that favour the interests of the broader community without contradicting the principles of Sharia.

An analysis of the practice of collecting retribution rates for street vendors' stalls from the perspective of Islamic economic law necessitates an examination of fundamental principles, such as al-'adl (justice) and al-maṣlahah al-'ammah (public interest). Within the framework of Islamic economics, the application of retribution rates must be proportional and not overburden traders, thereby avoiding inequality and potential exploitation. A fair levy is not only oriented towards increasing regional income, but also ensures equitable distribution of economic benefits to all levels of society. Therefore, this study focuses on the extent to which retribution collection practices in Sigli City reflect the values of social justice, transparency, and maṣlahat, as mandated in the principles of Islamic economic law.

Research on street vendors and retribution collection has been widely discussed in public policy and informal economy studies. Still, there are minimal studies that specifically examine the practice of collecting retribution rates for street vendors' stalls from the perspective of Islamic economic law, especially in Sigli City. Most studies focus on social, spatial, or local policy aspects without linking them to the principles of justice, maṣlahah, and contract in Islamic economics. The collection of retribution without a clear legal basis and without involving a valid contract can cause injustice and legal

uncertainty for traders. Therefore, this research aims to fill the void by providing an in-depth analysis of the practice of levy collection in Sigli City Market, which will be studied through the lens of Islamic economic law, thereby providing a more comprehensive understanding and practical value.

Based on the description above, the practice of collecting retribution tariffs on street vendors in Sigli City is interesting to study, as it occurs without apparent authority and has not been widely analyzed from the perspective of Islamic economic law. Although the presence of street vendors on the road has the potential to disrupt traffic, this activity also helps drive the economy of small communities. The lack of public understanding of the legal status of the practice encourages the need for further research to assess its compatibility with the principles of justice and benefit in Islamic economics.

## RESEARCH METHOD

This research employs a qualitative method with a case study approach to gain a comprehensive understanding of the practice of collecting retribution rates for street vendors' stalls in Sigli City from the perspective of Sharia economic law. The qualitative method was chosen because the nature of the research focuses on exploring the meaning, norms, and social processes that occur in the field, making it more suitable than quantitative methods, which measure and predict. According to Sugiyono, qualitative methods provide researchers with the flexibility to explore social phenomena in depth and contextually through direct interaction with research subjects, thereby describing reality as a whole and complex.<sup>11</sup>

The research location is centred on the Sigli City Market. The selection of informants in this study was carried out purposively, based on specific considerations that align with the data needs and research objectives. The primary informants consist of individuals who have direct experience and in-depth knowledge of the practice of retribution tariff collection in Sigli City Market. These criteria include five street vendors who actively sell at the research location and routinely interact with the tariff collection system, two stall managers or parties involved in regulating trading places, and officials from the Sigli City Transportation Agency who have authority in policy and supervision of trading stalls. The involvement of informants from various

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<sup>11</sup> Sugiyono, *Qualitative, Quantitative, and R&D Research Methods*, revised edition (Bandung: Alfabeta, 2017), 15-20.



backgrounds is intended to ensure that the data obtained is triangulative and representative of the phenomenon under study.<sup>12</sup>

Data were collected through several techniques, namely *in-depth* interviews that allowed researchers to explore the perceptions, experiences, and understandings of subjects related to the tariff collection mechanism and its suitability with the principles of Islamic economic law; participatory observation that allowed researchers to directly observe trading activities and tariff collection procedures in the field so that they could describe the ongoing practices objectively; and documentation studies in the form of analyses of qanuns, regional regulations, MUI fatwas, and relevant Islamic economic fiqh literature as theoretical foundations and norms used in assessing practices in the field.<sup>13</sup>

The data analysis process in this research follows the stages of the qualitative analysis model, as outlined by Miles and Huberman, namely data reduction, data presentation, and conclusion drawing. Data reduction is achieved by sorting and filtering important information obtained from the results of interviews, observations, and documentation, to focus the researcher's attention on aspects relevant to the formulation of problems and research objectives. The reduced data was then presented in the form of a systematic descriptive narrative, making it easier for researchers to recognise patterns, relationships, and meanings behind the data obtained. Furthermore, conclusions were drawn through a process of interpretation and synthesis based on the perspective of Sharia economic law, by considering principles such as justice, *maslahah*, and the suitability of the contract. This stage is iterative, where researchers continuously reflect and verify the data until a deep and comprehensive understanding of the phenomenon under study is obtained.<sup>14</sup> With this method, it is hoped that the research can produce an accurate and objective picture of the dynamics of collecting street vendor stall tariffs and their relevance from the perspective of Islamic economic law in Sigli City.

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<sup>12</sup> Lexy J. Moleong, *Qualitative Research Methodology*, revised edition (Bandung: Remaja Rosdakarya, 2018), 230.

<sup>13</sup> Badan Litbang dan Diklat Kementerian Agama RI, *Pedoman Penelitian Fikih Muamalah*, 2nd edition (Jakarta: Kementerian Agama RI, 2018), 45

<sup>14</sup> Matthew B. Miles, A. Michael Huberman, and Johnny Saldana, *Qualitative Data Analysis: A Methods Sourcebook*, 4th ed. (Los Angeles: SAGE Publications, 2020), 16.



## RESULTS AND DISCUSSION

### A. General Description of Street Vendors in Sigli City

Street vendors (PKL) are microeconomic actors who play a crucial role in providing access to affordable goods and services in Sigli City. Since the early 2000s, the number of street vendors has continued to rise, offering an increasingly diverse range of merchandise. The majority of street vendors come from the lower middle class and run their businesses independently, often with limited capital, demonstrating their ability to adapt to market dynamics and community needs. The distribution of street vendors in Sigli City is concentrated in areas with high human traffic flow, such as Jalan Prof. A. Majid Ibrahim, Pasar Induk, public transportation terminals, and educational centers. The selection of these locations is driven by economic potential, although the majority of street vendors operate without official licences and rely on informal relationships. This pattern reflects the distribution imbalance between the centre and periphery of the city, which limits official facilities and suboptimal relocation policies from the local government.<sup>15</sup>

Street vendors (PKL) in Sigli City face challenges of limited land, legal uncertainty over business locations, and reliance on informal parties for space use. Although regulations on retribution and spatial planning have been implemented, practices in the field are still dominated by informal mechanisms, including tariff collection by unauthorised parties such as parking attendants or residents who de facto manage the distribution of stalls.<sup>16</sup> This condition indicates that although street vendors make significant economic contributions, they still operate under legally and socially vulnerable conditions.

In the context of regional development, the existence of street vendors needs to be incorporated into public policies that prioritize social justice and the economic empowerment of small communities. Their existence is not a burden, but the economic potential of the people that needs to be managed inclusively and sustainably by the local government. A well-organized arrangement of street vendors in Sigli City will have a positive impact not only

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<sup>15</sup> Industry and Trade Office of Pidie Regency, *Annual Report on MSME Data and Activities of Street Vendors in Sigli City in 2022* (Sigli: Pidie Industry and Trade Office, 2022), 23.

<sup>16</sup> Pidie District Government, *Plan Document for Street Vendor Arrangement in Sigli City Area 2021-2026* (Sigli: Bappeda Pidie District, 2021), 15.



on the vendors themselves but also on the city's order, aesthetics, and public safety.

## **B. Retribution Tariff Collection Mechanism in the Field**

The collection of retribution rates for street vendors (PKL) in Sigli City is a practice that has been ongoing informally for a long time. Although there are regulations in the form of local policies, such as local government decisions and qanuns that govern the order and arrangement of street vendors, in practice, deviations from the ideal mechanism often occur. In the context of Sigli City, the collection of retribution tariffs is generally not carried out by official apparatus from the local government, but rather by local people who de facto manage the PKL area, such as parking attendants or market area guards.

Procedurally, traders who want to sell in strategic locations, such as the Jalan Prof. A. Majid Ibrahim area, will first seek information through informal networks, including parking attendants. If there is a vacant location, the trader will occupy it and arrange their merchandise. When trading activities take place, traders will be approached by specific individuals who are usually known to the traders as "retribution collectors." They will charge a daily rate that ranges from Rp 3,000 to Rp 5,000, depending on the size of the stall and the type of merchandise being sold. However, this collection is not based on official receipts or transparent administrative mechanisms. This renders the collection process vulnerable to abuse of authority by specific individuals, making it uncontrollable.<sup>17</sup>

**Table 1. Magnitude and Source of Retribution Collection**

No	Source of Collection	Number of Merchants Mentioned	Percentage (%)
1	Parking attendant	4	80%
2	Official Stall Manager	0	0%
3	Neighbourhood Resident	1	20%
	<b>Total</b>	<b>5</b>	<b>100%</b>

<sup>17</sup> Industry and Trade Office of Pidie Regency, *Annual Report on MSME Data and Activities of Street Vendors in Sigli City in 2022* (Sigli: Pidie Industry and Trade Office, 2022), 18.



Based on the table above, 80% of the traders stated that the parking attendants carried out the retribution collection. At the same time, none of them paid directly to the official party, indicating the weakness of the supervision system and formal regulations. The parties involved in tariff collection generally lack formal legality as local retribution collectors. Most of them come from the surrounding community, whose existence is tolerated by local government officials. This is reinforced by traders' statements that the market management or related agencies, such as the Transportation Agency of Pidie Regency, do not directly regulate or supervise the collection of the daily tariff. The Transportation Agency only collects official retribution from terminal managers or official parking, the amount of which is set at Rp600,000 per month. Therefore, a dualism exists in the collection system between official retribution in the formal sector and informal retribution in the street vendor sector.<sup>18</sup>

The amount of tariff imposed on street vendors is not determined based on economic analysis that considers the financial capacity of traders or the value of land benefits, but instead on custom and informal consensus formed from social relations between traders and collectors. Based on the principle of justice in Islamic economic law, the imposition of tariffs or levies on small businesses must consider the benefits to these businesses. It must not be burdensome or carried out without a clear legal basis.<sup>19</sup> In this context, the collection practices in Sigli City do not fully reflect the principles of transparency, fairness, and accountability in the regional financial system. They are not governed by the rules of contract in fiqh muamalah, as there is no clarity regarding the ijarah contract or rental of business premises.<sup>20</sup>

The irregularity in the system of collecting retribution from street vendors in Sigli City warrants serious attention, with a focus on curbing and legalizing the practice by the local government. One solution is the establishment of a market management unit responsible for organizing the distribution of stalls, setting proportional tariffs based on the type of business, and providing official proof of collection. This would not only ensure fairness

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<sup>18</sup> Pidie Regency Government, *Plan Document for Street Vendor Arrangement in Sigli City Area 2021-2026* (Sigli: Bappeda Pidie Regency, 2021), 33.

<sup>19</sup> Syamsul Rijal, *Islamic Economics in the Perspective of Ushul Fiqh* (Yogyakarta: Pustaka Pelajar, 2020), 145.

<sup>20</sup> Institute for Research and Community Service (LPPM) IAIN Lhokseumawe, *Juridical Study of Street Vendor Retribution Collection Practices in the Perspective of Islamic Law* (Lhokseumawe: IAIN Lhokseumawe Press, 2021), 56.



for traders but also optimise the informal sector's contribution to local revenue.

### **C. Analysis of Akad and Ownership in Retribution Transaction**

From the perspective of Sharia economic law, the collection of retribution tariffs on street vendors in Sigli City must be analysed through the concept of the *ijarah* contract and the principle of ownership. The *Ijarah* contract requires clarity of the parties to the contract, the object being rented, and the rental value agreed upon from the beginning. However, the findings in the Sigli City Market reveal a discrepancy with these provisions, as transactions between traders and unofficial parties, such as parking attendants, do not meet the requirements of a valid contract according to *Muamalah fiqh*. This condition contains elements of *gharar* and *maysir*, which potentially contradict Sharia principles in the management of public assets.<sup>21</sup>

Discrepancies also arise from the clarity of the retribution value. Ideally, the rental price or retribution value should be agreed upon before using the rental object. However, in Sigli City, the retribution rate is not set in advance, but is collected daily based on verbal and informal agreements, with a nominal value of between Rp 3,000 and Rp 5,000 per day. This does not reflect the principle of legal certainty in the contract, and is contrary to the *shari'ah* (clear) requirement in *muamalah* transactions.<sup>22</sup>

Furthermore, this study also highlights the aspect of land ownership in which street vendors operate. In the principles of Islamic law, only the legal owner or the party authorised by the landowner has the right to enter into an *ijarah* contract. In Sigli City, trading locations are typically situated on public roads or sidewalks, which are legally owned by the state and managed by the Regional Government. As such, only the local government has the right to legally operate and collect retribution, as stipulated in local regulations. However, in practice, the party collecting the retribution is not a government official or official officer, but an individual from the community who has no formal authority.<sup>23</sup>

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<sup>21</sup> Syamsul Rijal, *Islamic Economics in the Perspective of Ushul Fiqh* (Yogyakarta: Pustaka Pelajar, 2020), 113.

<sup>22</sup> LPPM IAIN Lhokseumawe, *Juridical Study on the Practice of Levies Collection for Street Vendors in the Perspective of Islamic Law* (Lhokseumawe: IAIN Lhokseumawe Press, 2021), 58.

<sup>23</sup> Pidie Regency Government, *Plan Document for Street Vendor Arrangement in Sigli City Area 2021-2026* (Sigli: Bappeda Pidie, 2021), 35.



This phenomenon indicates a violation of the principles of fairness and legality in ijarah transactions. In Islam, contracts that do not fulfil the legal requirements are considered invalid or *fasiq* contracts. Therefore, there is a need for improvement in the management system of selling places for street vendors in Sigli City, so that it complies with Sharia principles and creates legal certainty that protects all parties. The local government should enforce the rules by assigning legitimate authorities to manage and collect retribution, ensuring that transactions are based on clear, transparent, and valid contracts in accordance with Sharia and laws and regulations.<sup>24</sup>

#### **D. Sharia Economic Law Review of Retribution Practices**

In Sharia economic law, the practice of levying retribution on street vendors must be examined in light of the main principles of *muamalah* outlined by the four major schools of thought in Islam, namely the Hanafi, Maliki, Shafi'i, and Hanbali schools. All four schools of thought agree that the imposition of financial burdens on individuals or communities must have a valid legal basis, be based on clear ownership, and consider aspects of justice, benefit, and the avoidance of injustice in transactions.

In the Hanafi and Hanbali schools of thought, any form of imposition of fees or charges without a legitimate basis of ownership or authority is considered a form of injustice (*dhulm*).<sup>25</sup> This is relevant in the context of the collection of retribution rates by unofficial parties, such as parking attendants or ordinary people in Sigli City, who lack the authority to lease government-owned land. Such practices contradict the principle that only the legal owner or their representative has the right to enter into ijarah contracts or utilize public assets.<sup>26</sup>

The Maliki and Shafi'i schools of thought emphasise the importance of the principles of justice (*al-'adl*) and transparency in contracts. In the practice of retribution for street vendors in Sigli City, where there is no clarity of the rental agreement, no official permit, and the nominal tariff is not determined at the beginning, there is an element of uncertainty (*gharar*).<sup>27</sup> *Gharar* is one of

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<sup>24</sup> Pidie Regency Industry and Trade Office, *Annual Report on MSME Data and Activities of Street Vendors in Sigli City in 2022* (Sigli: Pidie Industry and Trade Office, 2022), 42.

<sup>25</sup> Zainuddin Ali, *Sharia Economic Law* (Jakarta: Sinar Grafika, 2018), p. 119

<sup>26</sup> Asep Saepudin Jahar, *Fiqh Muamalah: Concepts and Applications in Islamic Economics* (Jakarta: Kencana, 2019), 87.

<sup>27</sup> Andi Syamsul Bahri, *Introduction to Islamic Economic Law* (Yogyakarta: Deepublish, 2020), 132



the elements that undermine the validity of the contract because it creates uncertainty and has the potential to harm one of the parties, in this case, the trader who does not know exactly his rights and obligations.<sup>28</sup>

In addition to *gharar*, this practice can also be associated with the elements of *maysir* (harmful speculation) and *dzalim*, as there is no clarity of agreement in advance, and the levy is carried out by a party that lacks legality. The routine collection of money without providing facilities or services, such as security or cleanliness, indicates an imbalance of rights and obligations that is detrimental to small traders. In Islamic economic law, every transaction must have the principle of mutual benefit (*tanaful al-manafi'*) and must avoid elements of financial exploitation.<sup>29</sup> The principle of benefit (*maslahah*) in Islam serves as the primary basis for every public policy, including the management of market retribution. In this context, a good policy should protect small traders, provide legal certainty, and fairly and equitably enhance the economic well-being of the community. Policies that do not fulfil this, or in fact cause unrest and injustice, are contrary to *maqashid al-syariah*. Therefore, the management of retribution in Sigli City should be redesigned to align with sharia values, such as justice (*'adl*), balance (*tawazun*), and public good (*maslahah 'ammah*).<sup>30</sup>

Thus, when referring to the perspectives of the four madhhabs and the core values in Islamic economics, the practice of levy collection carried out by unauthorised parties and without a strong legal basis in Sigli City is illegal according to Sharia. The local government needs to implement policy reforms and engage with religious authorities to ensure that the management of street vendors' stalls is by both positive law and Islamic law. The lack of enforcement against the practice of collecting retribution by unauthorized parties in Sigli City can be attributed to a weak monitoring system, a lack of coordination between agencies, and the absence of an effective reporting mechanism. Additionally, this practice is often regarded as part of a social custom that has not received sufficient legal evaluation. The lack of clarity regarding authority

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<sup>28</sup> Chairul Fahmi and Peter-Tobias Stoll, "Measuring WTO Approaches in Resolving Palm Oil and Biofuel Trade Disputes from Indonesia," *BESTUUR* 12, no. 2 (December 2024): 2, <https://doi.org/10.20961/bestuur.v12i2.94203>.

<sup>29</sup> M. Nur Rianto Al Arif, *Principles of Islamic Economics: A Theoretical and Practical Approach* (Depok: Rajawali Pers, 2020), 102.

<sup>30</sup> Amir Syarifuddin, *Principles of Islamic Economics in Public Financial Management* (Medan: IAIN Press, 2021), 55



and the weak implementation of regulations have led to the neglect of practices that contradict the principles of Islamic economic law, such as justice, transparency, and benefit. Therefore, policy reformulation is necessary, involving religious authorities and public participation, to ensure that the retribution system operates legally, reasonably, and by the maqashid sharia.

#### **E. Comparison between Local Government Regulation and Field Practice**

Banda Aceh Municipal Qanun No. 3/2007 on the Regulation and Guidance of Street Vendors is a local legal instrument that aims to regulate and guide street vendors in operating within an orderly, legal, and public interest framework. This Qanun encompasses several key aspects, including business licensing and the determination of selling locations, as well as environmental cleanliness and levies authorized and supervised by the local government.<sup>31</sup>

However, when compared with the practice in the field, especially in Sigli City, various irregularities are found. The practice of retribution collection is not entirely based on the provisions contained in the Qanun. In reality, levies are collected not by official officials, but by the surrounding community, such as parking attendants who informally take over the role of stall managers. In fact, according to legal provisions, this kind of collection is not administratively valid and violates the principle of legality in retribution collection.<sup>32</sup> This causes revenue from the market retribution sector not to be officially recorded, resulting in a lack of transparency and accountability in regional financial governance.

The Sigli City Local Government Transportation Office itself states that they only collect retribution rates from terminals or official parking lots at a specific monthly rate of Rp600,000, and do not collect directly from street vendors. Meanwhile, on the ground, vendors are still required to pay a daily rate of between IDR 3,000 and IDR 5,000 to unofficial parties who claim to be in charge of the stalls.<sup>33</sup> This discrepancy shows a mismatch between

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<sup>31</sup> Government of Banda Aceh, *Qanun Kota Banda Aceh No. 3 Year 2007 on the Regulation and Guidance of Street Vendors* (Banda Aceh: Government of Banda Aceh, 2007).

<sup>32</sup> Teuku Yunus, *Law and Public Policy: A Study of Local Government Governance* (Banda Aceh: Syiah Kuala University Press, 2019), 67.

<sup>33</sup> M. Amin Nasution, *Public Administration and Local Government Policy* (Medan: Pustaka Rakyat, 2020), 83.



regulation and implementation, which can lead to legal uncertainty for street vendors.<sup>34</sup>

**Table 2. Merchants' Level of Understanding of the Qanun**

No	Understanding of Qanun Number 3, Year 2007	Number of Vendors	Percentage (%)
1	Know and understand	1	20%
2	Knowing in general	2	40%
3	Don't know at all	2	40%
	<b>Total</b>	<b>5</b>	<b>100%</b>

Based on the table above, it can be seen that only 20% of traders fully understand the contents of the Qanun. In comparison, the other 40% are not even aware of its existence, indicating the need for further socialisation from the local government. Legally, this deviation reflects the weak supervision of the implementation of the regulations that have been set. The government should not only issue policies, but also ensure that they are implemented consistently and fairly. In the context of *sound governance* principles, transparency, clarity of roles and responsibilities, and adequate supervision are essential for the implementation of public policy.<sup>35</sup>

Furthermore, from the perspective of Islamic economic law, such practices may contain elements of *gharar* (uncertainty) and *dzulm* (injustice), and may contradict the principles of justice and public benefit. In the Islamic system, the legality of transactions is determined by the clarity of the contract, the authority of the collector, and the validity of the rights to the object of the transaction. When the practice of retribution collection fails to fulfill these elements, it not only causes economic injustice but can also be classified as an action that is not by the *maqashid sharia*.<sup>36</sup>

## F. Socio-Economic Impact on Street Vendors

The policy of levying retribution on street vendors (PKL) in Sigli City has a significant socio-economic impact on the lives and business continuity

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<sup>34</sup> Chairul Fahmi, "Analysis Of Legal Aspects On Capital Investment Fraud In Indonesia," *Proceeding of International Conference on Sharia Economic Law (ICoShEL)* 1, no. 1 (September 2024): 1.

<sup>35</sup> M. Ridwan Lubis, *Good Governance: Concepts, Principles, and Implementation in Public Administration* (Jakarta: Rajawali Pers, 2018), 92.

<sup>36</sup> Zainuddin Ali, *Sharia Economic Law* (Jakarta: Sinar Grafika, 2014), 109

of the vendors. The perception of street vendors towards this policy generally falls into two groups: first, those who accept the retribution as a form of obligation in using public facilities; and second, those who perceive the levy as an unfair and non-transparent burden. Many traders feel that although they pay a daily retribution, there is no significant improvement in services, such as adequate security or cleanliness of their stalls. This has led to dissatisfaction and negative perceptions of the local government.<sup>37</sup>

The fees charged, although nominally small (ranging from Rp 3,000 to Rp 5,000 per day), accumulate over time to become a significant portion of the operational costs for street vendors. Vendors with low turnover feel the most critical impact, as their daily expenses become out of balance with their income, especially when purchasing power is declining.<sup>38</sup> The sustainability of street vendors' businesses is jeopardised, especially in uncertain economic situations. In some cases, traders are forced to reduce the number of merchandise items or even close their businesses due to the burden of costs that are not proportional to income.<sup>39</sup>

The implications of this policy for economic justice have also been highlighted. In the context of Islamic microeconomics, retribution should be based on the principles of justice (*al-'adl*), transparency (*al-shafafiyyah*), and benefit (*al-maslahah*). If the collection is made without a clear basis, without reciprocal services, or even by parties who lack legal authority, then this can be considered a form of injustice (*dzulm*).<sup>40</sup> Many traders also stated that they were not involved in the formulation of the policy, further reinforcing the impression that the regulation is one-sided and lacks aspirational elements. The imbalance between the obligation to pay and the right to protection or facilities indicates a violation of the principles of economic justice.<sup>41</sup>

In Aceh, apart from Sigli, the city of Banda Aceh has implemented a street vendor retribution system that aligns more closely with sharia principles. For example, the Kampung Baru area (formerly the site of the

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<sup>37</sup> Zulfikar, *The Effect of Retribution Policy on the Income of Street Vendors in Sigli City* (Banda Aceh: Faculty of Economics and Islamic Business UIN Ar-Raniry, 2023), 37.

<sup>38</sup> Rina Nurdiana, *Microeconomics and MSMEs: Challenges and Opportunities* (Jakarta: RajaGrafindo Persada, 2019), 75.

<sup>39</sup> Wulandari, Dwi. *Socio-Economic Dynamics of Street Vendors: Studies in Traditional Markets* (Yogyakarta: Deepublish, 2020), 122.

<sup>40</sup> Zainuddin Ali, *Sharia Economic Law* (Jakarta: Sinar Grafika, 2014), 113.

<sup>41</sup> Ridwan Lubis, *Public Policy and Public Participation in Local Government* (Medan: Pustaka Rakyat, 2020), 88.



Garuda Cinema) applies an official retribution rate of IDR 5,000 per stall per day, collected by official officers of the SME Cooperative and Trade Office/BLUD UPTD Pasar, accompanied by proof of payment tickets. This practice avoids illegal levies without evidence or authority, making it more transparent, fair, and in line with the pillars of the ijarah contract (clarity of object, price, and authority).<sup>42</sup> In addition, a study by Maura Anindita and Andriansyah demonstrates the implementation of Qanun No. 3/2007 in Banda Aceh's tourist areas, including protocols that involve data collection, guidance, and supervision of street vendors. However, its effectiveness still requires improvement. This model serves as an example of sharia-compliant practices in the management of street vendors, characterized by clear legality, accountability, and a focus on the benefits of both traders and the community.<sup>43</sup>

Overall, the retribution policy towards street vendors in Sigli City still presents challenges in terms of social justice, microeconomic sustainability, and community participation in public policy. A participatory policy evaluation and a more human-centered approach are needed to minimize the socio-economic impact on traders and promote more inclusive local economic development.

### **G. Analysis of Maslahah and Maqashid Syariah in the Practice of Street Vendor Retribution**

From the perspective of Islamic economic law, a monetary policy or practice must align with the principle of maslahah and the fundamental objectives of sharia, known as maqashid al-sharia. Maslahah is an essential concept in the development of Islamic law, which refers to the public benefit or benefit that serves as the benchmark for determining the validity or invalidity of an action in Islamic law, provided it does not conflict with *qath'i* (firm) arguments. The practice of levying retribution on street vendors (PKL) in Sigli City must be viewed within this framework to assess the extent to

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<sup>42</sup> Banda Aceh City Financial Management Agency, *Qanun APBK Kota Banda Aceh Tahun 2022*, accessed 4 July 2025, <https://bpbk.bandaacehkota.go.id/laporan-keuangan/perda-apbd/qanun-apbk/>.

<sup>43</sup> Maura Anindita and Andriansyah, *Implementation of Qanun Number 3 of 2007 on the Regulation and Guidance of Street Vendors in Banda Aceh City* (Undergraduate Thesis, Ar-Raniry State Islamic University Banda Aceh, 2021), 34-35, <https://repository.ar-raniry.ac.id/id/eprint/20571/>.



which it fulfills the elements of public benefit and does not cause harm (*madharat*).<sup>44</sup>

Theoretically, *masalah mursalah*, or a benefit that is not explicitly mentioned in the *nash* (Al-Qur'an and Hadith), but is needed in socio-economic life, can be the basis for fiscal policies such as retribution. In this context, retribution from street vendors is intended to help maintain the cleanliness, security, and orderliness of public spaces. However, in practice, if the levy is made without apparent authority, legal basis, and transparency in the use of funds, it will cause injustice and contradict the principle of *masalah*.<sup>45</sup>

From the perspective of *maqashid sharia*, economic practices such as levies should support the maintenance of the five main aspects of life: *hifz al-din* (protecting religion), *hifz al-nafs* (protecting the soul), *hifz al-'aql* (protecting the intellect), *hifz al-nasl* (protecting offspring), and *hifz al-mal* (protecting wealth). In the context of collecting retribution from street vendors, the most relevant aspect is *hifz al-mal*, which is the protection of traders' assets. If retribution is levied without a fair procedure and with a disproportionate nominal penalty, it will violate this principle, as it creates economic pressure on small traders.<sup>46</sup> Furthermore, *hifz al-nafs*, or safeguarding survival, is also compromised if the business continuity of street vendors is threatened due to the burden of unauthorised levies.

In this case, the ideal Sharia approach is to create a retribution system that is fair, transparent, and has a clear legal basis. Parties should not collect levies without legal authority (such as informal car park attendants), and the amount should be determined through consultation, taking into account the economic conditions of the street vendors, and then returned to them to improve their facilities and convenience. A solution to enhance the retribution system for street vendors in Sigli City is to design a policy based on participatory and equitable principles, through the active involvement of the local government, *ulemas*, and trader representatives in drafting a legally valid regulation that adheres to Sharia principles. This policy should include

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<sup>44</sup> Chairul Fahmi, "The Impact of Regulation on Islamic Financial Institutions Toward the Monopolistic Practices in the Banking Industrial in Aceh, Indonesia," *Jurnal Ilmiah Peuradeun* 11, no. 2 (May 2023): 2, <https://doi.org/10.26811/peuradeun.v11i2.923>.

<sup>45</sup> M. Quraish Shihab, *Insight of the Qur'an: Maudhu'i Interpretation of Various Problems of the People*, (Bandung: Mizan, 2007), 212.

<sup>46</sup> Ahmad Rofiq, *Fiqh Muamalah*, (Jakarta: PT RajaGrafindo Persada, 2013), pp. 104.



explicit provisions on the authority of the collector, the amount of retribution tariff that is proportional to the economic ability of the traders, and transparency in the management and use of retribution funds. With this approach, the retribution system not only fulfills the principle of formal legality but also reflects the values of justice (al-'adl) and public good (al-maslahah al-'ammah), as affirmed in maqashid al-shari'ah.<sup>47</sup>

In the development of retribution governance, it refers to the principles of *taswiyah* (equality), *shura* (deliberation), and *amanah* (accountability), ensuring that the system implemented is not only legal according to the state but also shar'i and can be accepted by all parties as a form of distributive justice. Thus, the analysis of maslahah and maqashid sharia becomes essential in assessing and redesigning the street vendor retribution policy so that it is sustainable and does not cause *dzalim* (injustice) to weak parties in the local economic structure.<sup>48</sup>

From the perspective of the local economy, the implementation of a retribution system that fails to uphold the principles of justice and transparency has the potential to hinder the long-term growth of the micro business sector. Legal uncertainty and disproportionate retribution burden can weaken the competitiveness of street vendors, reduce the level of business sustainability, and create inequality in the distribution of economic benefits in the community. This will eventually reduce the effectiveness of the informal sector's contribution to local revenue and weaken the structure of the people's economy. In contrast, retribution management based on the principles of distributive justice, accountability, and public participation has the potential to create a stable business climate, strengthen trust between traders and local government, and encourage inclusive and sustainable regional economic growth.

## CONCLUSION

In the field, discrepancies persist between the practice of collecting retribution from street vendors (PKL) and local government regulations, as well as the teachings of Islamic law. The existence of street vendors is

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<sup>47</sup> Muhammad, *Principles of Islamic Economics: A Contemporary Approach*, (Yogyakarta: UII Press, 2015), 87.

<sup>48</sup> Muhammad Achyar, Chairul Fahmi, and Riadhus Sholihin, "ISLAMIC LAW REVIEW OF MONOPOLY PRACTICES IN MODERN ECONOMICS," *Al-Mudharabah: Jurnal Ekonomi Dan Keuangan Syariah* 5, no. 2 (2024): 288-308.



regulated in Banda Aceh City Qanun No. 3/2007, which emphasises the importance of legality, cleanliness, order, and social and economic protection for traders. However, in reality, many retributions are collected by unauthorised parties, such as parking attendants or residents, without a clear legal basis and a sharia-compliant agreement. This practice raises doubts regarding the ijarah contract because it does not fulfill the pillars and conditions, such as the clarity of the rental object, the nominal price, and the authority of the landowner. In addition, from the perspective of Islamic economic law, this retribution system also does not fully reflect the maqashid shari'a, especially in the aspects of protecting wealth (*hifz al-mal*) and the soul (*hifz al-nafs*). The elements of uncertainty (*gharar*), one-sided exploitation (*dzalim*), and lack of transparency in the payment process are indicators of the weak implementation of justice and transparency values in the community's microeconomic governance.

This research is limited by its narrow scope, as it focuses solely on one location, Sigli City Market, and has a limited number of informants; therefore, the results cannot be generalized to other areas. Additionally, the qualitative approach employed has not been able to accurately describe the quantitative impact of retribution practices on the broader welfare of street vendors. As a result, street vendors face legal uncertainty, economic pressure, and potential social inequality, which hampers their business sustainability. Therefore, it is necessary to improve the retribution system that not only complies with local regulations but also fulfils the principles of social justice and *maslahah* in Islam. Solutions offered include the need for deliberation between the local government, trader representatives, and religious institutions in formulating a new policy that is *shar'i*, legal, and sustainable. For further studies, it is suggested that the research should cover a wider area using a mixed-methods approach, as well as involving local religious institutions to enrich the analysis of Sharia economic law and formulate a more fair, transparent, and *maslahah*-based retribution system.

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