

Local Government Policy on Traditional Market Empowerment in Majene: A Maqāṣid al-Sharī'ah Analysis

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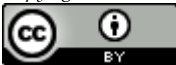
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Abstract

This study examines the effectiveness of the implementation of Majene Regency Regional Regulation Number 19 of 2015 concerning restrictions on the operational hours of modern markets in efforts to strengthen the empowerment of traditional markets. Although the policy was intended to create competitive balance and protect small business operators, field findings indicate that the normative objectives of the regulation have not been optimally achieved. Most traditional traders are aware of the operational hour restrictions, yet they do not understand the policy's purpose, suggesting that socialization efforts have been weak. Furthermore, the hour restrictions have had no significant impact on enhancing competitiveness, as the primary challenges faced by traders relate to limited capital, insufficient business training, inadequate government support, and shifting consumer patterns. Employing juridical-sociological, normative-shar'i, and conceptual approaches along with the theories of legal effectiveness, economic empowerment, and maqāṣid syarī'ah this study finds that the policy does not yet fully reflect the protection of wealth (*hifz al-māl*) and the public interest (*maṣlaḥah*) that constitute the objectives of Islamic law. The policy is seen as more administratively protective than substantively empowering. Accordingly, there is a need to strengthen supporting instruments through business management training, access to low-interest Sharia-compliant financing, and participatory market development strategies so that the regional regulation can genuinely improve the welfare of traditional traders in a sustainable manner.

INTRODUCTION

Traditional markets play an important role in sustaining local economies in Indonesia. Beyond serving as centers of community trade, traditional markets also contribute to job creation, stimulate economic circulation among lower-income groups, and reinforce regional economic resilience. Their significance extends beyond the economic realm, as they embody deep-rooted social and cultural values that have long been embedded in community life. For this reason, traditional markets occupy a strategic position that must be preserved, given their contribution to regional economic growth and locally-generated revenue ¹. This finding aligns with the work of ², which affirms that traditional markets are capable of stimulating community economic activity and generating employment opportunities for local residents. Additionally, Mustafa Gani³ explain that traditional markets serve a strategic function in maintaining community economic stability while preserving local socioeconomic character.

However, the existence of traditional markets has begun to face serious threats due to the expansion of modern retail chains such as Indomaret and Alfamart ⁴. Superior facilities, convenience, product variety, and longer operating hours make modern markets far more competitive than their traditional counterparts ⁵. Under these circumstances, the involvement of local governments becomes essential as a form of protection for small-scale economic actors, through policies oriented toward empowerment and competitive balance ⁶.

The active role of government in protecting and strengthening community economic activities is crucial for creating a competitive balance between traditional and modern markets. Government involvement is needed not only as a regulator but also as a facilitator in promoting economic empowerment through policies that favor small

¹ Vina Nurramadania Putri, "Implementasi Peraturan Menteri Dalam Negeri Nomor 20 Tahun 2012 Tentang Pengelolaan Dan Pemberdayaan Pasar Tradisional (Studi Pasar Bangkal Desa Pangarangan , Kecamatan Kota Sumenep)," in *Prosiding Seminar Nasional*, vol. 1, 2024.

² Devi Yulianti et al., "Analisis Peran Pasar Tradisional Terhadap Peningkatan Ekonomi Masyarakat Desa Lagan Tengah Kecamatan Geragai," *JIMT: Jurnal Ilmu Manajemen Terapan* 3, no. 1 (2021): 65-76.

³ Mustafa Gani, "Pengelolaan Pasar Tradisional Dalam Sinergitas Pasar Modern Di Indonesia," *Bongaya Journal for Research in Management* 1, no. April (2018): 57-66.

⁴ Frendy Wibowo et al., "Analisis Dampak Kehadiran Pasar Modern Terhadap Kinerja Pemasaran Pasar Tradisional Berbasis Perspektif Pedagang Dan Konsumen Di Kabupaten Wonogiri," *Benefit: Jurnal Manajemen Dan Bisnis* 7, no. 1 (2022): 53-65.

⁵ Wigiyanti, "The Appeal of Traditional Markets to Consumers," *LITERATUS: Literature for Social Impact and Cultural Studies* 4, no. 2 (2022): 704-10.

⁶ Zuhriyah et al., "Manajemen Strategi Islami Terhadap Pengelolaan Pasar Tradisional Asembagus Situbondo Dalam Menghadapi Persaingan Pasar Modern Zuhriyah, A. Muhyiddin Khotib, Zainol Hasan," *Al-Idarah: Jurnal Manajemen Dan Bisnis Islam* 3, no. 1 (2022): 117-36.

business operators. Imam Sucahyo⁷ explain that the sustainability of traditional markets is strongly influenced by government support, particularly in the areas of management, supervision, market revitalization, and the capacity-building of traditional traders. Moreover, ⁸ asserts that the empowerment of traditional markets requires a sustainable strategy encompassing improvements in human resource quality, institutional strengthening, and regional policy support so that traditional markets can compete within modern economic dynamics.

In practice, however, various empowerment programs designed by the government do not always run optimally. Policy effectiveness often faces numerous constraints, including implementation challenges, inadequate monitoring, and the low readiness of small business operators to capitalize on available opportunities. Several studies indicate that the implementation of community economic empowerment programs continues to encounter obstacles such as weak mentoring support, limited business access, and insufficient program continuity⁹. In response to the competitive imbalance between traditional and modern markets, the Majene Regency Local Government enacted Regional Regulation Number 19 of 2015, which governs and restricts the operational hours of modern markets. This policy was intended to maintain balance within market competition dynamics while providing space and opportunity for traditional markets to develop. This effort aligns with the findings of ¹⁰, who affirms that policies restricting modern markets are fundamentally aimed at strengthening local economies and protecting the sustainability of small-scale community businesses.

In practice, however, field reality shows that the policy's objectives have not been fully realized. Many micro and small business operators have yet to leverage the opportunities provided to enhance their competitiveness. Some traders even tend to replicate the operational patterns of modern markets without considering the distinctive characteristics of traditional markets, resulting in business practices that are often

⁷ Imam Sucahyo et al., "Implementasi Pasar Rakyat Berdasarkan Peraturan Menteri Perdagangan Nomor 21 Tahun 2021 (Studi Pada Pasar Krucil Kecamatan Krucil Kabupaten Probolinggo)," *Jurnal Pemerintahan Dan Politik* 8, no. 1 (2023): 49–54.

⁸ Fitri Atur Arum, "'Sekolah Pasar' as an Effort to Revitalize Traditional Markets Become a Source of Economy and Learning Resources," *JIECEM: Journal of Islamic Economy and Community Engagement* 2, no. 1 (2021): 95–113.

⁹ Nurhaeni Jaya et al., "Implementasi Program Pemberdayaan Masyarakat Melalui Program Usaha Mikro Kecil Menengah (Umkh) Pada Dinas Koperasi Usaha Mikro Dan Perdagangan Kota Batu," *Reformasi: Jurnal Ilmiah Ilmu Sosial Dan Politik* 11, no. 1 (2021): 70–76, <https://doi.org/10.33366/rfr.v.>

¹⁰ Hilmi Rahman Ibrahim, "Pemberdayaan Usaha Mikro Kecil Menengah Melalui Pendekatan Inovasi Sosial dan Collaborative Governance," *Ilmu Dan Budaya* 43, no. 1 (2022): 497–509, <https://doi.org/10.4337/9781800371972.00053>.

inconsistent and poorly adaptive to evolving community economic conditions. This situation demonstrates that protection through administrative regulation alone is insufficient to create sustainable community economic empowerment. Prior research has generally focused only on the protection of traditional markets, market revitalization, or the impact of modern markets on the income of traditional traders.¹¹, for instance, places greater emphasis on the implementation of traditional market protection policies from a public policy and modern retail control perspective. Nurlinda¹² examine solely the impact of modern market presence on the declining income of traditional market traders.¹³ and ¹⁴ focus predominantly on the physical revitalization of traditional markets and the improvement of market facilities as strategies for enhancing the competitiveness of traditional markets amid the proliferation of modern retail.

In contrast to prior research, this study does not merely examine the implementation of Majene Regency Regional Regulation Number 19 of 2015 from the standpoint of legal effectiveness alone. It also analyzes the extent to which the policy restricting modern market operating hours contributes to the economic empowerment of traditional traders through a maqāṣid syarī'ah framework as articulated by Jasser Auda. This approach is significant because it moves beyond viewing maqāṣid merely as the protection of five fundamental necessities (*ḥifẓ al-kulliyāt al-khams*) to emphasizing the construction of a social system oriented toward public welfare, justice, human development, and the sustainability of community well-being. In this context, the protection of traditional markets is understood not only as an effort to preserve the economic existence of small-scale communities, but also as a component of just economic development achieved through strengthening the capacity of business operators, ensuring equitable economic distribution, and sustaining the welfare of local communities. This study thus offers a new perspective that integrates regional policy effectiveness, community economic empowerment, and Jasser Auda's maqāṣid syarī'ah systems approach in examining the

¹¹ Ibrahim.

¹² Nurlinda Nurlinda et al., "Dampak Keberadaan Pasar Modern Terhadap Pendapatan Pedagang Pasar Tradisional (Studi Kasus Pedagang Pasar Sentral Pangkep Kabupaten Pangkajene Kepulauan)," *Journal of Economic Education and Entrepreneurship Studies (JE3S)* 3, no. 2 (2022): 396–413.

¹³ Nadhifa Aurelia Prawira et al., "Tipologi Baru Pasar Tradisional Serpong," *Jurnal Stupa: Sains, Teknologi, Urban, Perancangan Dan Arsitektur* 4, no. 1 (2022): 371–80, <https://doi.org/10.24912/stupa.v4i1.16924>.

¹⁴ Neli Nurlaili and Rina Yulianti, "Evaluasi Kebijakan Revitalisasi Pasar Tradisional Pasar Petir Kabupaten Serang Evaluation Of Traditional Market Revitalization In Realizing Local Economic Development In Petir Market," *Jurnal Kebijakan Pembangunan Daerah* 06, no. 01 (2022): 27–36.

sustainability of traditional markets amid the expansion of modern retail and the transformation of the digital economy ¹⁵.

METHODS

This research is an empirical legal study employing juridical-sociological, normative-theological (shar'i), and conceptual approaches. The juridical-sociological approach is used to analyze the implementation of Majene Regency Regional Regulation Number 19 of 2015 within the social realities of the community, while the normative-theological approach is applied to evaluate the policy from the perspective of Jasser Auda's maqāṣid syarī'ah. The conceptual approach, in turn, is used to analyze the concepts of legal effectiveness, economic empowerment, and public welfare (maṣlaḥah) in the implementation of the policy restricting modern market operating hours. This study employs three analytical frameworks: the theory of legal effectiveness, the theory of economic empowerment, and Jasser Auda's maqāṣid syarī'ah theory. These three frameworks are used to assess the effectiveness of policy implementation, its contribution to the economic empowerment of traditional traders, and the orientation toward public welfare and economic justice in regulating modern market operating hours. The research data consist of primary and secondary sources. Primary data were obtained through interviews with the Majene Regency Trade Office and traditional market traders in the sub-districts of Pamboang, Sendana, and Banggae, while secondary data were gathered through a review of literature and relevant regulations. All data were analyzed using a qualitative-descriptive method that integrates legal norms, the maqāṣid syarī'ah framework, the theories of legal effectiveness and economic empowerment, and the socioeconomic realities of the community.

RESULTS AND DISCUSSION

1. Legal Effectiveness of Regional Regulation No. 19 of 2015: Between Normative Ideals and Social Reality

The implementation of Majene Regency Regional Regulation Number 19 of 2015 on the restriction of modern market operating hours reveals an intriguing tension between legal ideals and the socioeconomic realities of the community. Based on interviews conducted with traders in the sub-districts of Pamboang, Sendana, and Banggae, as well as with the Head of the Trade Division of Majene Regency, it is evident that the execution

¹⁵ Jasser Auda, *MAQASID AL-SHARIAH AS PHILOSOPHY of ISLAMIC LAW A SYSTEMS APPROACH* (Herndon, Virginia: the international institute of islamic thought, 2021).

of this policy has not fully aligned with its original purpose of strengthening the position of traditional markets amid the expansion of modern retail. Most traders are aware that modern market chains such as Indomaret and Alfamidi are restricted from opening before 10:00 a.m.; however, the majority do not understand the rationale or objective behind this restriction. This fact reveals the weakness of regulatory socialization and the low effectiveness of policy communication from the local government to small business operators. Within the framework of legal effectiveness theory as advanced by Barda Nawawi Arief and elaborated in contemporary scholarship by ¹⁶, the success of a regulation is measured by the degree to which law can alter community behavior in accordance with its intended objectives. A sound regulation must not only exist in formal terms but must also be understood, accepted, and followed by the community as its legal subjects. When the majority of business operators do not comprehend the normative purpose of a regulation, the regulation empirically loses its effectiveness.

This condition is reflected in the statements of most traders, who regard the restriction on modern market operating hours as having little bearing on their trading activities. Small traders in Majene typically open their businesses from dawn until late at night without paying attention to modern market opening hour regulations. Some of them note that the hour restriction policy has had no significant effect on increasing their sales, since consumers who shop at modern markets have their own distinct motivations and market segments. This perspective reveals that the socioeconomic structure of the community remains polarized, and that regulation has yet to alter consumption patterns or economic behavior. Within the framework of legal effectiveness theory, this phenomenon can be categorized as a disjunction between legal norms (*das sollen*) and social reality (*das sein*), wherein rules intended to function as a tool of social engineering have not operated optimally. Erlan Wijatmoko¹⁷ demonstrate that legal effectiveness is highly dependent on the alignment between legal substance, the implementing structure, and the legal culture of the community. Similarly, Muhammad Adil Mardalena Hanifah¹⁸ affirms the importance of legal culture as a determining factor in the success of law enforcement.

¹⁶ Lalu M Alwin Ahadi and Lalu M Alwin Ahadi, "Efektivitas Hukum Dalam Perspektif Filsafat Hukum : Relasi Urgensi Sosialisasi Terhadap Eksistensi Produk Hukum The Effectiveness of Law in Legal Philosophical Perspective : The Relation of the Urgency of Socialization to the Existence of Legal Products," *Jurnal USM Law Review* 5, no. 1 (2022): 110–27.

¹⁷ Erlan Wijatmoko, Armaidly Armawi, and Teuku Faisal, "Legal Effectiveness in Promoting Development Policies: A Case Study of North Aceh Indonesia," *Heliyon* 9, no. 11 (2023): e21280, <https://doi.org/10.1016/j.heliyon.2023.e21280>.

¹⁸ Muhammad Adil Mardalena Hanifah, "Legal Culture And Law Enforcement In Indonesia : A Normative Juridical Perspective," *Eduvest – Journal of Universal Studies* 5, no. 6 (2025): 6332–41.

This view is reinforced by¹⁹, who argue that the legal effectiveness of public services is determined by the synchronization of legal substance, the capacity of implementing officials, and the legal culture of the bureaucracy. All three perspectives agree that law will only be effective when norms, institutions, and society move in concert toward a shared goal. In the context of Majene, these three elements have not yet interacted harmoniously due to weak inter-agency coordination, insufficient trader training, and the absence of a periodic evaluation mechanism for the implementation of the regional regulation.

2. Economic Empowerment of Traditional Market Traders: A Substantive Gap in Policy Implementation

The implementation of the policy also reveals dimensions of inequality in the context of community economic empowerment. From interviews with officials of the Trade Office, it is apparent that Regional Regulation Number 19 of 2015 was fundamentally born out of community aspirations demanding protection for small business operators from being marginalized by modern markets. In practice, however, the local government has not established ongoing guidance, training, or mentoring programs for traditional market operators. Traders report that they have never received business training or technical assistance since the policy was enacted. This indicates that economic empowerment of the community has not progressed substantively. Efriza Pahlevi²⁰ affirm that community economic empowerment grounded in maqāṣid syarī'ah must be directed toward the protection of wealth (*hiẓẓ al-māl*) and the enhancement of welfare through the strengthening of small businesses and Islamic financial literacy. Without training programs, access to capital, and technological support, the empowerment in question remains purely formalistic and fails to address the root of the problem since genuine empowerment depends on the capacity to integrate Islamic values of public welfare and justice into public policy and social practice.

Limited access to capital emerged as a central issue raised by all informants. The majority of traders report that they still rely on personal funds or high-interest commercial bank loans, while government capital assistance programs are seldom received. Some traders even acknowledge that the presence of modern markets remains necessary, as they serve as alternative sources of goods not available in traditional

¹⁹ Benedictus Hade, Putra Hermendo, and Universitas Diponegoro, "Menakar Efektivitas Hukum Pelayanan Publik Dalam Memperkuat Akses Keadilan Sosial Di Era Negara Kesejahteraan," *Jurnal Penelitian Multidisiplin Terpadu* 9, no. 5 (2025): 369–81.

²⁰ Efriza Pahlevi Wulandari, Kasuwi Saiban, and Misbahul Munir, "Implementasi Maqashid Syariah Dalam Pemberdayaan Ekonomi Masyarakat," *Journal of Sharia and Economic Law* 2, no. 1 (2022): 1–15, <https://doi.org/10.21154/invest.v2i1.3661>.

markets. This perspective illustrates that the restriction on modern market operating hours does not in itself create a competitive advantage for traditional markets; rather, it merely limits a temporal aspect of modern market activity without addressing deeper economic structures. From a critical standpoint, this condition signals that public policy is often oriented toward populist political symbolism rather than followed by substantive measures to strengthen the economic position of small-scale communities.

3. Modern Market Restrictions and Competitive Dynamics: A Critical Assessment

From a normative-shar'i perspective, this policy must be evaluated against the principles of maqāṣid syarī'ah, which emphasize the realization of public welfare (maṣlaḥah). The objectives of Islamic law encompass not only the preservation of religion, life, intellect, lineage, and property, but also the assurance of just distribution and social well-being. The restriction on modern market operating hours is, in essence, a protective measure for the preservation of wealth (hiẓẓ al-māl) of small-scale communities, ensuring they are not deprived of economic opportunities due to the dominance of large capital. However, without concrete mentoring and training strategies, the policy cannot be said to fully reflect the spirit of maqāṣid syarī'ah. In the Majene context, this balance has yet to be achieved, as small business operators have not attained an equitable position within the local economic ecosystem.

The implementation of the regional regulation also reveals a dichotomy between the government's normative objectives and community perceptions. From the government's perspective, the restriction on modern markets is intended as a protective measure for small and medium-sized enterprises. From the perspective of business operators, however, the policy has not been felt to be beneficial, as it has not been accompanied by concrete efforts to enhance competitiveness. Some traders even maintain that the operating hour restriction is irrelevant to their actual needs, since the core challenge lies not in modern market opening and closing times, but rather in commodity prices, access to capital, and declining consumer purchasing power. Within the maqāṣid syarī'ah framework, this means that the policy has not yet fully achieved the public welfare (maṣlaḥah) that constitutes the spirit of Islamic law. This reality demonstrates that the empowerment envisioned remains largely illusory, resting more on administrative regulation than on genuine socioeconomic transformation. Based on interviews with the Head of the Trade Division, it can be concluded that the local government genuinely intends to maintain market balance, yet its implementation mechanisms remain underdeveloped, as no comprehensive policy evaluation has been conducted over nearly ten years of enforcement. An evaluation is planned for a future period after the moratorium on modern market licenses expires. During this period, the government

relies on supervision by the Civil Service Police Unit (Satpol PP) and market management units (UPTD), without a measurable data-driven monitoring system. This reinforces the findings of ²¹, who states that the effectiveness of regional economic policies is greatly influenced by the continuity of evaluation and the clarity of feedback mechanisms.

The policy implementation dynamics in Majene reveal a gap between normative policy and the actual needs of the community. The normative-empirical approach shows that the regulation exists but is not yet effective; the normative-shar'i approach reveals that the policy does not yet fully align with the values of public welfare; and the critical approach indicates that the policy structure still favors a capitalistic economic system that does not fully serve the interests of small traders. The integration of these three approaches affirms that the effectiveness of Regional Regulation No. 19 of 2015 cannot be measured solely by administrative compliance, but must be assessed by the extent to which the policy creates social justice and sustainable economic empowerment.

4. Policy Implementation Through the Lens of Maqāṣid Syarī'ah: Toward Ḥifẓ al-Māl and Maṣlaḥah

The dynamics of policy socialization continue to reveal an information gap between the local government and traders. Many traders are unaware of the details of Regional Regulation No. 19 of 2015, including their rights and obligations in utilizing public space as a trading location. This lack of awareness is not solely the fault of the traders; it reflects the suboptimal policy communication that the government should be conducting continuously. On another front, support for traditional market infrastructure remains limited. The inadequate state of trading facilities makes it difficult for small traders to compete with large-scale business operators. This situation demonstrates that the existence of regulation has not kept pace with the provision of facilities that constitute a primary prerequisite for the economic empowerment of small-scale communities.

Policy implementation has also frequently relied on rigid law enforcement approaches. Traders who sell outside designated areas are immediately considered to be in violation of the rules without regard for their economic circumstances. From a maqāṣid syarī'ah perspective, actions that fail to account for considerations of benefit and justice risk causing greater social harm. There is also an imbalance in the power relationship among government, capital owners, and small traders. Large economic actors tend to secure legitimacy and facilitation more readily in conducting their businesses, while small traders are frequently excluded from the policy-making processes that directly

²¹ Putri, "Implementasi Peraturan Menteri Dalam Negeri Nomor 20 Tahun 2012 Tentang Pengelolaan Dan Pemberdayaan Pasar Tradisional (Studi Pasar Bangkal Desa Pangarangan , Kecamatan Kota Sumenep)."

affect their daily lives. Policy effectiveness must therefore be measured not only by the success of business location management, but also by the policy's capacity to create a competitive and equitable economic environment. Normative approaches must be combined with genuine empowerment programs so that traders develop strong competitiveness amid shifting market structures. The paradigm of regional economic management needs to shift from mere enforcement toward community participation-based economic development. The involvement of traders in policy planning can encourage the creation of regulations that are better targeted and oriented toward shared welfare.

A juridical-sociological analysis of Regional Regulation No. 19 of 2015 reveals that policy effectiveness is largely determined by the extent to which implementation can address the socioeconomic conditions of small traders. Law must be understood not merely as written norms, but as an instrument that lives within community practice. Accordingly, the protection of small traders must be realized through mechanisms that reflect justice and equitable economic access for all business operators, consistent with the social character of the Majene community. From a normative-shar'i perspective, the government, as the holder of public trust, bears the responsibility to ensure the fulfillment of *hiṣṣ al-māl* (the protection of wealth) for all business operators, particularly those who are structurally more vulnerable. Policy oriented toward public welfare constitutes a concrete expression of that responsibility. To achieve inclusive economic governance, a sustainable strategy must be formulated encompassing business training, access to capital, marketing digitalization, and legal assistance for small traders. In this way, a more resilient and adaptive economic ecosystem can be cultivated in response to the demands of a changing era.

In the context of implementing Regional Regulation No. 19 of 2015, it is essential to examine how the policy operates not merely at the textual level, but in how it interacts with the socioeconomic realities of small traders. The juridical-sociological approach positions law as part of the social order, so that its existence must function to both regulate and empower the community as legal subjects.

Policy socialization is a fundamental aspect that determines the success of implementation. Many traders do not have a full understanding of the regulation's content, including its legal consequences and the opportunities available through the policy. This situation underscores the need to develop more participatory, accessible, and far-reaching channels of policy communication that cover all layers of the trader community.

Beyond regulatory comprehension, the availability of supporting infrastructure is also an important indicator in assessing the effectiveness of a policy. When traditional market facilities are inadequate, small traders struggle to meet the standards required by law. Infrastructure provision must therefore proceed in tandem with the enforcement of regulations so that compliance does not impose an additional burden on small-scale economic actors. The regulation of business locations under the policy must take into account the social character of the community and the patterns of trade that have developed across generations. Law cannot be applied rigidly without considering the social structures that surround it. Accordingly, the success of regional regulation enforcement must be assessed by the extent to which the policy accommodates the needs and practices of traders in conducting their economic activities.

The relationships among government actors, traders, and other stakeholders play a critical role in supporting the effective enforcement of law. When communication gaps or power imbalances emerge, small traders become the most vulnerable to injustice. It is therefore incumbent upon the government to strengthen service mechanisms and legal protections that favor small business groups. The juridical-sociological approach also emphasizes the need for periodic legal evaluation grounded in empirical data and community feedback. Such evaluation enables the government to assess whether the regulations enacted remain relevant, acceptable, and genuinely beneficial to the improvement of small traders' livelihoods. Policy adjustment is a reasonable step in ensuring the continued function of law as an instrument of social change.

Furthermore, economic empowerment must constitute the primary spirit of policy implementation. Business training, access to capital facilitation, and marketing assistance need to be integrated with regulation so that small traders are not merely administratively compliant, but also enhanced in their capacity and competitiveness. It is the synergy between legal aspects and empowerment dimensions that will generate broader socioeconomic impact.

Ultimately, the success of policy implementation will be reflected when the policy is capable of elevating the economic dignity and welfare of the community. So long as small traders feel marginalized and have yet to benefit from regulation, the government's task of improving policy and enhancing implementation effectiveness must continue.

5. Paradigm Shift in Regional Policy: From Administrative Protection to Active Empowerment

This context demands a paradigm shift in policymaking from a merely protective orientation toward active empowerment. Local governments need to strengthen supporting instruments in the form of business management training, access to low-

interest Sharia-compliant financing, and digital marketing collaboration for small traders. An approach grounded in maqāṣid syarī'ah should position small traders as the primary subjects of economic development, not merely as passive beneficiaries.

Within the juridical-sociological framework, this paradigm shift in policymaking affirms that regional law cannot be understood solely as an instrument of control, but as a means of social engineering. Regional Regulation No. 19 of 2015 must be read as a normative instrument with a strategic function in shaping a more just and sustainable local economic structure. Accordingly, the effectiveness of the policy must be measured not only by the degree of administrative compliance among traders and government, but by the extent to which the policy drives changes in economic behavior, enhances business capacity, and strengthens the resilience of traditional markets amid the expansion of modern retail.

Empowerment-oriented policy implementation requires continuity between legal norms and concrete programs in the field. In practice, traditional market traders face numerous constraints, ranging from basic business management skills and limited access to capital, to weak marketing networks. If the policy stops at zoning regulation and market spatial management without being accompanied by empowerment interventions, the goal of protecting traditional markets will be difficult to realize in any substantive sense.

The juridical-sociological approach positions traders as active and rational social actors, not merely as objects to be regulated. Accordingly, the formulation and implementation of policy should ideally involve the participation of traders in the planning, execution, and evaluation stages. This involvement is essential to ensure that the regulations applied are in harmony with real needs and the trade practices that have developed within the community. Policy born of social dialogue tends to be more readily accepted and sustained over time.

In the context of modern market regulation, policy alignment with small traders must not be understood as a rejection of modernization, but rather as an effort to create a balanced economic ecosystem. Modern markets and traditional markets must be positioned within a framework of mutual coexistence and complementarity, not in a relationship of mutual displacement. Accordingly, regulations concerning distance, operating hours, and commodity types serve as important legal instruments for preserving the sustainability of traditional markets as the economic base of the people.

From a maqāṣid syarī'ah perspective, the empowerment policy for traditional markets represents the realization of the protection of wealth (ḥifẓ al-māl) and the continuity of community life (ḥifẓ al-nafs). When small traders lose their trading space

and competitiveness due to policies that are insensitive to social conditions, what is threatened is not merely individual income, but the economic stability of families and communities. Public policy must therefore be directed toward preventing social harm (mafsadah) and promoting broad public welfare (maṣlaḥah).

Providing access to Sharia-compliant financing is one of the important instruments in achieving equitable empowerment. Many traditional market traders are trapped in informal lending practices with high interest rates that ultimately weaken their businesses. Sharia financing schemes based on partnership, justice, and sustainability can serve as a solution for strengthening traders' capital without creating new structural burdens. In this regard, local governments can serve as facilitators bridging traders with Islamic financial institutions.

Beyond financing, enhancing the managerial capacity of traders is also an urgent need. Training in financial management, basic bookkeeping, product display, and customer service constitutes a form of empowerment with a direct impact on enhancing business competitiveness. Such programs must be designed contextually, adapted to the educational backgrounds and experiences of traders, so that they are not elitist or difficult to implement.

The advancement of digital technology also opens new opportunities for traditional markets to adapt to shifting consumer patterns. Digital marketing collaborations such as the use of local online platforms, social media, or simple ordering systems can help traders expand their market reach without losing their traditional identity. However, digitalization must not be imposed uniformly; it should be carried out gradually with adequate accompanying support.

In policy implementation, the role of field-level implementing officials is of paramount importance. Government officials function not only as enforcers of rules, but also as facilitators and mentors to the community. A persuasive and educational approach is more consistent with the spirit of empowerment than a repressive one, which risks provoking social resistance. Accordingly, building the capacity of officials to understand the social and economic dimensions of traders' lives constitutes an important element of policy implementation reform.

Periodic policy evaluation is also a crucial element in ensuring the effectiveness of the regional regulation. The juridical-sociological approach affirms that law is dynamic and must be responsive to social change. Through evaluation grounded in empirical data and trader input, local governments can adjust policy to remain relevant and impactful. Such evaluation simultaneously serves as a mechanism of public accountability in regional governance.

More broadly, the success of the traditional market empowerment policy will yield benefits not only in terms of improved trader welfare, but also in the overall strengthening of the local economy. A strong and competitive traditional market sector will generate more equitable economic circulation, create employment, and help stabilize the prices of basic commodities. The policy thus carries strategic implications for sustainable regional development.

From the perspective of Islamic law and public policy, local governments bear the mandate to ensure that every policy decision avoids structural inequality and injustice. The principles of justice (‘adl) and public welfare (maṣlaḥah) must serve as the primary orientation at every stage of policy formulation and implementation. When policy is capable of maintaining a balance between economic interests and social justice, the goal of development oriented toward shared well-being can be realized.

The paradigm shift in policymaking from passive protection toward active empowerment is, therefore, not merely a technocratic choice, but a normative and moral imperative. The integration of juridical-sociological and maqāṣid syarī’ah approaches provides a strong foundation for positioning traditional markets and small traders as primary pillars of the regional economy. So long as policy continues to be directed toward capacity strengthening, equitable access, and community participation, Regional Regulation No. 19 of 2015 holds great potential as an instrument of inclusive and sustainable local economic transformation.

Accordingly, the implementation of Regional Regulation No. 19 of 2015 can be directed toward achieving more substantive objectives: a balance among social welfare, economic justice, and the sustainability of community livelihoods. When these values are realized, law will function not merely as a governing rule, but as a moral and spiritual instrument in upholding economic justice in accordance with the guidance of Islamic law.

CONCLUSION

The implications of this research indicate that the successful implementation of the Regional Regulation on the Protection, Empowerment of Traditional Markets, and Management of Modern Markets is largely determined by the capacity of local governments to translate legal norms into concrete and adaptive empowerment programs. Accordingly, local governments need to intensify socialization of the regional regulation among traditional market traders, provide sustainable business management training, and expand access to fair and affordable capital, including Sharia-based financing schemes. In addition, empowerment strategies must be adapted to the dynamics of market development and shifting community consumption patterns. With

such an approach, policy effectiveness will be realized not only through restrictions on modern market expansion, but more substantively through enhancing the competitiveness, independence, and sustainability of traditional traders' businesses, so that the objectives of public policy become increasingly aligned with the principles of maqāṣid syarī'ah, particularly the protection of wealth and the economic welfare of the community.

REFERENCES

- Ahadi, Lalu M Alwin, and Lalu M Alwin Ahadi. "Efektivitas Hukum Dalam Perspektif Filsafat Hukum : Relasi Urgensi Sosialisasi Terhadap Eksistensi Produk Hukum The Effectiveness of Law in Legal Philosophical Perspective : The Relation of the Urgency of Socialization to the Existence of Legal Products." *Jurnal USM Law Review* 5, no. 1 (2022): 110–27.
- Arum, Fitri Atur. "'Sekolah Pasar' as an Effort to Revitalize Traditional Markets Become a Source of Economy and Learning Resources." *JIECEM: Journal of Islamic Economy and Community Engagement* 2, no. 1 (2021): 95–113.
- Auda, Jasser. *MAQASID AL-SHARIAH AS PHILOSOPHY Of ISLAMIC LAW A SYSTEMS APPROACH*. Herndon, Virginia: the international institute of islamic thought, 2021.
- Gani, Mustafa. "Pengelolaan Pasar Tradisional Dalam Sinergitas Pasar Modern Di Indonesia." *Bongaya Journal for Research in Management* 1, no. April (2018): 57–66.
- Hade, Benedicktus, Putra Hermando, and Universitas Diponegoro. "Menakar Efektivitas Hukum Pelayanan Publik Dalam Meningkatkan Akses Keadilan Sosial Di Era Negara Kesejahteraan." *Jurnal Penelitian Multidisiplin Terpadu* 9, no. 5 (2025): 369–81.
- Ibrahim, Hilmi Rahman. "Pemberdayaan Usaha Mikro Kecil Menengah Melalui Pendekatan Inovasi Sosial dan Collaborative Governance." *Ilmu Dan Budaya* 43, no. 1 (2022): 497–509. <https://doi.org/10.4337/9781800371972.00053>.
- Mardalena Hanifah, Muhammad Adil. "Legal Culture And Law Enforcement In Indonesia : A Normative Juridical Perspective." *Eduvest – Journal of Universal Studies* 5, no. 6 (2025): 6332–41.
- Nadhifa Aurelia Prawira et al. "Tipologi Baru Pasar Tradisional Serpong." *Jurnal Stupa: Sains, Teknologi, Urban, Perancangan Dan Arsitektur* 4, no. 1 (2022): 371–80. <https://doi.org/10.24912/stupa.v4i1.16924>.
- Nurhaeni Jaya et al. "Implementasi Program Pemberdayaan Masyarakat Melalui Program Usaha Mikro Kecil Menengah (Umkh) Pada Dinas Koperasi Usaha Mikro Dan Perdagangan Kota Batu." *Reformasi: Jurnal Ilmiah Ilmu Sosial Dan Politik* 11, no. 1 (2021): 70–76. <https://doi.org/10.33366/rfr.v.>

- Nurlaili, Neli, and Rina Yulianti. "Evaluasi Kebijakan Revitalisasi Pasar Tradisional Pasar Petir Kabupaten Serang Evaluation Of Traditional Market Revitalization In Realizing Local Economic Development In Petir Market." *Jurnal Kebijakan Pembangunan Daerah* 06, no. 01 (2022): 27–36.
- Nurlinda Nurlinda et al. "Dampak Keberadaan Pasar Modern Terhadap Pendapatan Pedagang Pasar Tradisional (Studi Kasus Pedagang Pasar Sentral Pangkep Kabupaten Pangkajene Kepulauan)." *Journal of Economic Education and Entrepreneurship Studies (JE3S)* 3, no. 2 (2022): 396–413.
- Putri, Vina Nurramadania. "Implementasi Peraturan Menteri Dalam Negeri Nomor 20 Tahun 2012 Tentang Pengelolaan Dan Pemberdayaan Pasar Tradisional (Studi Pasar Bangkal Desa Pangarangan , Kecamatan Kota Sumenep)." In *Prosiding Seminar Nasional*, Vol. 1, 2024.
- Sucahyo, Imam, Ach Noor Busthomi, Moh Taufik, and Khoiril Ikhsan. "Implementasi Pasar Rakyat Berdasarkan Peraturan Menteri Perdagangan Nomor 21 Tahun 2021 (Studi Pada Pasar Krucil Kecamatan Krucil Kabupaten Probolinggo)." *Jurnal Pemerintahan Dan Politik* 8, no. 1 (2023): 49–54.
- Wibowo, Frendy, Aulia Uswatun Khasanah, Febrianur Ibnu, and Fitroh Sukono. "Analisis Dampak Kehadiran Pasar Modern Terhadap Kinerja Pemasaran Pasar Tradisional Berbasis Perspektif Pedagang Dan Konsumen Di Kabupaten Wonogiri." *Benefit: Jurnal Manajemen Dan Bisnis* 7, no. 1 (2022): 53–65.
- Wigiyanti. "The Appeal of Traditional Markets to Consumers." *LITERATUS: Literature for Social Impact and Cultural Studies* 4, no. 2 (2022): 704–10.
- Wijatmoko, Erlan, Armaidly Armawi, and Teuku Faisal. "Legal Effectiveness in Promoting Development Policies: A Case Study of North Aceh Indonesia." *Heliyon* 9, no. 11 (2023): e21280. <https://doi.org/10.1016/j.heliyon.2023.e21280>.
- Wulandari, Efriza Pahlevi, Kasuwi Saiban, and Misbahul Munir. "Implementasi Maqashid Syariah Dalam Pemberdayaan Ekonomi Masyarakat." *Journal of Sharia and Economic Law* 2, no. 1 (2022): 1–15. <https://doi.org/10.21154/invest.v2i1.3661>.
- Yulianti, Devi, M Arif Musthofa, Khusnul Yatima, Pasar Tradisional, Terhadap Peningkatan, Ekonomi Masyarakat, Desa Lagan, et al. "Analisis Peran Pasar Tradisional Terhadap Peningkatan Ekonomi Masyarakat Desa Lagan Tengah Kecamatan Geragai." *JIMT: Jurnal Ilmu Manajemen Terapan* 3, no. 1 (2021): 65–76.
- Zuhriyah et al. "Manajemen Strategi Islami Terhadap Pengelolaan Pasar Tradisional Asembagus Situbondo Dalam Menghadapi Persaingan Pasar Modern Zuhriyah, A. Muhyiddin Khotib, Zainol Hasan." *Al-Idarah: Jurnal Manajemen Dan Bisnis Islam* 3, no. 1 (2022): 117–36.