

Consumer Protection for Clean Water Well Products in the Tiongkok Neuhen Complex According to the *Maslahah* Theory and Law Number 8 of 1999

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Abstract

The availability of clean water is a fundamental right of the community that service providers, including community-based management systems such as bore wells, must fulfil. The management of clean water in the Tiongkok Neuhen residential complex faces various issues, indicating that the protection of consumer rights has not been optimal. This study aims to analyze consumer protection in the provision of clean water services through bore wells in the complex, viewed from the perspective of Law Number 8 of 1999 on Consumer Protection and the theory of *maslahah* in Islamic law. This research employs a descriptive qualitative method with an empirical juridical approach. Data were obtained through field observations and direct interviews with residents and management, then analyzed by comparing practices in the field with positive legal norms and Islamic principles. The results show that the management system still experiences problems such as unequal water distribution, slow handling of equipment damage, and some residents failing to pay their contributions. From the perspective of positive law, this reflects the incomplete fulfillment of consumers' rights to comfort. Meanwhile, according to the theory of *maslahah*, the management has not fully embodied the principles of justice and collective welfare. Nevertheless, the existing system still has the potential to be developed into a fair and sustainable community-based service model through institutional strengthening, clear internal regulations, and consumer rights education grounded in Islamic values.

Keywords: Consumer Protection, Bore Wells, *Maslahah* Theory, Law Number 8 of 1999

Abstrak

Ketersediaan air bersih merupakan hak dasar masyarakat yang wajib dipenuhi oleh penyedia layanan, termasuk dalam pengelolaan berbasis komunitas seperti sumur bor. Pengelolaan air bersih di Komplek Tiongkok Neuhen menghadapi berbagai persoalan yang mengindikasikan belum optimalnya perlindungan hak-hak konsumen. Penelitian ini bertujuan untuk menganalisis perlindungan konsumen dalam layanan air bersih sumur bor di kompleks tersebut, ditinjau dari perspektif Undang-Undang Nomor 8 Tahun 1999 tentang Perlindungan Konsumen dan teori *masalah* dalam hukum Islam. Penelitian ini menggunakan metode kualitatif deskriptif dengan pendekatan yuridis empiris. Data diperoleh melalui observasi lapangan dan wawancara langsung dengan warga serta pengelola, kemudian dianalisis dengan membandingkan praktik di lapangan dengan norma hukum positif dan prinsip-prinsip syariah. Hasil penelitian menunjukkan bahwa sistem pengelolaan masih mengalami kendala seperti distribusi air yang tidak merata, lambatnya penanganan kerusakan mesin dan beberapa warga tidak membayar iuran. Dalam tinjauan hukum positif, hal ini mencerminkan belum terpenuhinya hak konsumen atas kenyamanan. Sementara itu, menurut teori *masalah*, pengelolaan tersebut belum sepenuhnya mencerminkan prinsip keadilan dan kemaslahatan publik. Meski demikian, sistem yang ada masih memiliki potensi untuk dikembangkan menjadi model pelayanan berbasis komunitas yang adil dan berkelanjutan melalui penguatan kelembagaan, regulasi internal yang jelas, dan pendidikan hak-hak konsumen berbasis nilai-nilai Islam.

Kata Kunci: Perlindungan Konsumen, Sumur Bor, Teori *Maslahah* dan UU Nomor 8 Tahun 1999

INTRODUCTION

Clean water is a basic human need that cannot be compromised; its availability significantly affects the quality of life, public health, and the continuity of environmental, social, and economic activities. The availability of clean water is not only an indicator of a community's welfare but also a fundamental right that must be guaranteed by the state and upheld by all elements of society.¹ In the context of sustainable development, clean water is

¹ Maria Ulfah dan Wisnu Sugiri, "Kualitas Air Bersih Pada Sumur Bor Di Desa Sumber Rejo Kabupaten Banyuasin," *Health Care: Jurnal Kesehatan* 12, no. 1 (Juni 2023): 119-21, <https://jurnal.payungnegeri.ac.id/index.php/healthcare/article/view/339>.

included in the global development goals (SDGs), specifically ensuring access to and sustainable management of clean water and sanitation for all. Efforts to provide clean water fairly, equitably, and sustainably are an absolute shared responsibility. The availability of clean water is not merely a technical issue but an integral part of fulfilling the right to life, a fundamental right that directly impacts human survival.²

Governments and communities in various regions strive to provide access to clean water through various means, including constructing boreholes. The collective borehole is one of the most common initiatives for clean water supply in residential areas or densely populated settlements. These collective boreholes are often used as an alternative solution when water supply from the Regional Water Supply Company (PDAM) is insufficient or unavailable. This system relies on community participation in funding, managing, and maintaining the infrastructure and facilities for clean water. However, in practice, providing clean water services through boreholes often raises various technical, administrative, and legal issues. These problems highlight the urgent need to reassess the effectiveness of collective water resource management systems, particularly in terms of sustainability and accountability in the management of public facilities.³

From an Islamic legal perspective, the protection of community rights in public facilities such as clean water can be analyzed through the theory of *maslahah*. The management of public facilities such as water must be based on the values of trust, consultation, and justice taught by Islam. In his work *Al-Mustashfa fi Ilm al-Usul*, Imam Al-Ghazali states that *maslahah* is everything that brings benefit and prevents harm, and serves to uphold the five primary objectives of sharia (*maqashid al-shari'ah*), namely protecting religion, life, intellect, lineage, and property. According to him, only *maslahah* that aligns with the objectives of sharia and does not contradict *the text* (the Quran and Hadith) can serve as a legal basis. He emphasizes that *maslahah* must be

² Muhammad Royhan, Pietra Dorand, dan Muhammad Arif, "Daur Ulang Limbah Air Menjadi Air Bersih untuk Siram Tanaman Berbasis IoT," *Journal of Informatics and Communications Technology* 4, no. 2 (Desember 2022): 7-8, http://ejournal.akademitelkom.ac.id/j_ict/index.php/j_ict/article/view/131.

³ Fajri Fajri, Dedi Hermon, dan Andrian Andrian, "Analisis Kualitas Air Sumur Bor Berdasarkan Kesesuaian Higiene Sanitasi di Kelurahan Ujung Gurun Kecamatan Padang Barat Kota Padang," *Al-DYAS* 3, no. 2 (Juni 2024): 859-70, doi:10.58578/al-dyas.v3i2.3245.

tangible, general, and provide benefits for society as a whole, not for personal or group interests.⁴

The theory of *maslahah* is methodologically divided into three categories, namely: *maslahah* dharuriyah (primary), *maslahah* hajiyyah (secondary), and *maslahah* tahsiniyah (tertiary). Access to clean water falls under the category of *Maslahah* dharuriyah, which pertains to the well-being essential for the survival of humanity and must not be neglected. This is directly related to preserving life (*hifzh al-nafs*) and property (*hifzh al-mal*). When the distribution of clean water is hindered or there is injustice in its management, this can be categorized as a form of neglect of *maslahah* dharuriyah, which must be rectified legally and ethically.⁵

In the integrative and adaptive approach of Islamic law, the *maslahah* theory can accommodate contemporary issues not explicitly mentioned in the texts of sharia but which have a significant impact on the welfare of the community. In community clean water management, *maslahah* serves as a normative foundation for evaluating collective actions, guiding policies, and measuring the extent to which existing systems meet the demands of justice and social welfare.

Maslahah, meaning the common good or public welfare, is a fundamental principle in policy-making and implementing law in Islam. The fair and equitable availability of clean water is included in protecting people's lives and property. When practices that harm some members of the community arise due to unfair distribution, non-transparent management, and suboptimal services, then, from a *maslahah* perspective, these conditions must be improved to align with the principles of justice and general welfare.⁶

This issue becomes increasingly complex when examined locally, such as in the Neuhén Chinese Complex, a residential area facing serious problems related to the distribution and management of clean water. Based on the author's observations, residents in the complex experience disruptions in

⁴ Achmad Fageh, "Contextualization Of Maslahah Jasser Auda's Thought In Islamic Economy," *Indonesian Interdisciplinary Journal of Sharia Economics* 4, no. 1 (Juli 2021): 133–35, <https://e-journal.uac.ac.id/index.php/iijse/article/view/1344>.

⁵ Tarmizi, "The Concept Of Maslahah According To Imam Al-Ghazali," *Jurnal Al-Dustur* 3, no. 1 (2020): 3, <https://jurnal.iainbone.ac.id/index.php/alidustur/article/view/642>.

⁶ Poppy Hippy, Achmad Musyahid, dan Rahmatiah, "THEORY OF DISCOVERY OF ISLAMIC LEGAL PHILOSOPHY (Istislahi Theory)," *Multidisciplinary Indonesian Center Journal (MICJO)* 2, no. 2 (April 2025): 1084–90, doi:10.62567/micjo.v2i2.549.

water flow to their homes. This situation causes significant disruptions to household activities that depend on clean water, such as bathing, washing, cooking, and other hygiene needs. Although three water pump units should distribute water from boreholes to residents' homes, only one machine still functions correctly, while the other two are damaged. The operational imbalance of the pump machines has disrupted water distribution. Many homes are not receiving an optimal supply of clean water, and some are not receiving any water. This situation reflects a failure in management that impacts the technical distribution of water and the community's livelihood.

Another equally important issue is the irregularity in water fees that residents should pay. In a collective water management system, residents' participation through regular payment of fees is crucial to ensure the operational continuity and maintenance of facilities. However, based on the data obtained by the author, in the Tiongkok Neuhén Complex, some residents pay their fees regularly, while others fail to fulfill this obligation. This disparity creates a sense of injustice and triggers potential horizontal conflicts among residents. This condition also directly impacts the financial stability of the well operators, hindering the maintenance of water pumps and infrastructure. An unfairly managed contribution system creates a social imbalance that disadvantages compliant residents, despite the principle of fairness being the cornerstone of managing shared resources.⁷

According to the author, this situation warrants attention because, in the context of consumer protection, residents who use clean water services from boreholes are consumers with certain rights, including the right to comfort, safety, and security in using goods and/or services, as stipulated in Law No. 8 of 1999 on Consumer Protection. There is a need to strengthen local institutions and educate the community about their rights and obligations as consumers and the importance of active participation in joint management. If these rights are not fulfilled, consumers are legally entitled to protection and dispute resolution through available legal mechanisms.⁸

The provisions of this law emphasize that service providers have a legal obligation to provide quality, safe, and transparent services. In this context,

⁷ Interview Results with Officials of the Neuhén Chinese Complex in 2025.

⁸ Muhammad Ramli dkk., "Pengembangan Sumur Bor Air Tanah di Pondok Tahfidzul Qur'an Miftahul Jannah Putri Pamanjengan, Moncongloe-Maros," *Jurnal Tepat (Teknologi Terapan Untuk Pengabdian Masyarakat)* 5, no. 2 (2022): 286–87, https://eng.unhas.ac.id/tepat/index.php/Jurnal_Tepat/article/view/297.

despite being community-based, collective well operators remain bound by consumer protection norms that uphold the rights and obligations between service providers and users. This is an important reflection that consumer protection applies within the scope of commercial business and community-based social service management.⁹

The use of the *maslahah* theory in assessing the management of clean water wells is relevant when considering public service delivery's social, moral, and spiritual aspects. This theory not only looks at formal or legalistic violations but also considers their impact on the community's overall welfare. Clean water services must provide tangible benefits to the community, not merely physically available but accessible fairly, managed responsibly, and not cause harm or conflict within the community. In Islam, principles of justice, responsibility, and honesty are fundamental in all aspects of social life, including the distribution of public resources such as water.¹⁰

The conditions in the Neuhen Chinese Complex show a disparity between consumers' rights to clean water and the reality on the ground. When access to water is uneven and distribution machines are not repaired, consumers' rights are neglected. Therefore, the author feels it is necessary to examine this situation in depth through a positive legal approach and a normative Islamic approach. This approach provides a more comprehensive and holistic understanding, as it not only assesses violations from a formal legal perspective but also explores the moral, social, and religious aspects inherent in community life.

Using the Consumer Protection Law as a legal basis will provide a legal foundation for efforts to protect citizens' rights. At the same time, the theory of *maslahah* adds an ethical and social dimension, enriching the analysis of clean water management practices at the community level. This study is expected to highlight the importance of responsible clean water service management while demonstrating the urgency of applying Islamic principles in managing public facilities within Muslim communities.¹¹

Based on the above description of the problem, this study focuses on analyzing clean water management in the Neuhen Chinese Complex based on

⁹ Undang-Undang Nomor 8 Tahun 1999 tentang Perlindungan Konsumen

¹⁰ Mukhsin Nyak Umar, *Al-Mashalah Al-Mursalah* (Banda Aceh: Turats, 2017).

¹¹ Azwar, "Analisa Kuantitas Dan Kualitas Air Sumur Bor Di Desa Tihang Kecamatan Lengkiti Kabupaten Ogan Komering Ulu," *JURNAL TEKNO GLOBAL* 9, no. 2 (Desember 2020): 64–65, <https://ejournal.uigm.ac.id/index.php/TG/article/view/1307>.

the perspective of Law Number 8 of 1999 concerning Consumer Protection, as well as assessing management practices through the *maslahah* theory approach in Islamic law. The author hopes that this study can contribute to strengthening community-based policies related to the management of public resources, while also encouraging the formation of local regulations or community policies that are fair and oriented toward the common good.

RESEARCH METHOD

This study employs a qualitative research design with a descriptive analytical method to describe and analyze the clean water management system through collective borehole wells in the Neuhun Chinese Complex. The approach used in this study is an empirical legal approach, which aims to examine the application and effectiveness of positive legal provisions, in this case Law Number 8 of 1999 concerning Consumer Protection, as well as Islamic legal provisions through the theory of *maslahah* in the practice of community-based clean water service management. Through this approach, the author directly investigates how consumers' rights and obligations regarding clean water are realized, to what extent managers apply the principles of justice, transparency, and accountability, and how the principles of *maslahah* are applied in policy-making and the management of public facilities in a Muslim community.¹² The data sources in this study consist of primary and secondary data. Primary data was obtained through direct interviews with residents who use clean water services in the Neuhun Chinese Complex, borehole managers, and local community leaders. Additionally, field observations were conducted to gain a real picture of the conditions of water distribution, the reliability of facilities, and the management practices and fee collection systems within the community. Secondary data was obtained through literature review, including an analysis of the Consumer Protection Law, Islamic legal literature on the theory of *maslahah*, and other written sources. The collected data was analyzed qualitatively by reducing, presenting, and drawing conclusions from the information obtained. The analysis was conducted to assess the alignment between the practices observed in the field and the provisions of positive law as well as the principles

¹² Syafrida Hafni Sahir, *Metodologi Penelitian* (Yogyakarta: Penerbit KBM Indonesia, 2021).

of *maslahah* in Islamic law, to gain a comprehensive understanding of the issues related to clean water management at the community level.¹³

RESULTS AND DISCUSSION

A. The Concept of *Maslahah*

Etymologically, *maslahah* means goodness, improvement, or bringing about goodness. In a terminological sense, *maslahah* refers to all forms of benefit recognized by Islamic law, i.e., benefits that align with Islamic law's main objectives. *Maslahah* is not merely a pragmatic benefit, but concerns substantial and collective welfare that can ensure the orderliness of human life, both physically and spiritually, within the framework of Islamic values. From the perspective of *usul fiqh* scholars, *maslahah* holds an important position as one of the sources of *ijtihad*, especially in addressing contemporary issues not explicitly addressed by the text.¹⁴

Imam Al-Ghazali explains that *maslahah* is something that brings benefits and rejects harm, and functions to preserve the five basic elements of human life, namely religion (*hifzh al-din*), life (*hifzh al-nafs*), intellect (*hifzh al-'aql*), lineage (*hifzh al-nasl*), and wealth (*hifzh al-mal*). Imam Asy-Syatibi in *Al-Muwafaqat fi Usul al-Shari'ah* developed a systematic theory of *maslahah*. He stated that the primary purpose of sharia is to achieve the welfare of humanity, both in terms of basic and supplementary needs. He divided *maslahah* into three levels: *dharuriyah* (primary), *hajiyyah* (secondary), and *tahsiniyah* (tertiary), where the need for clean water falls under *dharuriyah maslahah*, as it is directly related to human survival.

Imam al-Amidi in *Al-Ihkam fi Usul al-Ahkam* acknowledges that *maslahah mursalah* (public interest without a specific textual basis) can serve as a source of law if it meets certain conditions, namely, it does not contradict Islamic law and aims to achieve the greater good. Imam Ibn Taymiyyah and Ibn al-Qayyim al-Jawziyyah both emphasize the importance of *public interest* in determining the law.¹⁵

¹³ Br. Tamaulina Sembiring, *Buku Ajar Metodologi Penelitian (Teori dan Praktik)* (Karawang: CV Saba Jaya Publisher, 2024). hlm. 13

¹⁴ Yuman Firmansyah dan Abdul Wahab, "Utility Theory And The Concept Of *Maslahah* In Islamic Economics," *Southeast Asia Journal Of Graduate Of Islamic Business And Economics (SAJGIBE)* 2, no. 3 (Mei 2024): 109, <https://journal.iaisambas.ac.id/index.php/SAJGIBE/article/view/2962>.

¹⁵ Muhammad Harfin Zuhdi dan Mohamad Abdun Nasir, "Al-Mashlahah and Reinterpretation of Islamic Law in Contemporary Context," *Samarah* 8, no. 3 (November 2024): 1818–39, doi:10.22373/sjhk.v8i3.24918.

Ibn al-Qayyim stressed that all Islamic teachings are justice, mercy, and *maslahah*. Any policy or law that deviates from these values is not part of sharia, even if it appears to be so on the surface. Imam Al-Tufi, a Hanbali scholar, even developed the theory of *maslahah* as the primary basis for establishing social law. In his view, *maslahah* can override textual evidence if the public interest sought is more substantial and more urgent, provided it does not contradict the fundamental principles of sharia.¹⁶

In the context of clean water management, particularly the provision of services through collective bore wells, the availability of clean water falls under the category of *maslahah dharuriyah* (primary public interest), as it directly touches on the preservation of life (*hifzh al-nafs*) and the protection of property (*hifzh al-mal*). Water is a fundamental element of life, and injustice in its distribution can disrupt fundamental rights of society, even potentially leading to conflicts and social damage.¹⁷

The religious evidence supporting the importance of fair and responsible water management includes the saying of the Prophet Muhammad SAW:

الْمُسْلِمُونَ شُرَكَاءٌ فِي ثَلَاثٍ فِي الْكَلِّ وَالْمَاءِ وَالنَّارِ

"Muslims are partners in three things: pasture, water, and fire." (HR. Abu Dawud dan Ahmad).

This hadith serves as the basis that water is a public necessity that should not be monopolized or managed arbitrarily in a manner that harms part of the community. As taught in Islam, water management must uphold the principles of consultation, justice, and social responsibility.

In the context of the issues in the Neuhun Chinese Complex, the imbalance in water distribution, the neglect of damaged facilities, and the irregular collection of fees indicate that the principles of public interest have not been fully implemented. The consequences of not applying the principle of *maslahah* include disrupted access to vital resources, increased potential for social conflict among residents, weakened trust in management institutions, and the breakdown of harmony in community life.

¹⁶ Soni Zakaria, Syariful Alam, dan Agus Supriadi, "Review of Maslahah Theory of Shari'a Regulation in Indonesia," *Advances in Economics, Business and Management Research* 12, no. 1 (2020): 101-2, <https://www.atlantis-press.com/proceedings/inclar-19/125935428>.

¹⁷ Mohammad Hadi Sucipto, "Perdebatan Maslahah Mursalah dalam Kitab-Kitab Al-Imam Al-Ghazali," *Jurnal Pemikiran dan Hukum Islam* 6, no. 1 (April 2020): 2-3, <https://ejournal.iaifa.ac.id/index.php/faqih>.

The theory of *maslahah* in this context not only provides a normative framework and ethical and structural solutions to the problems. Among these are prioritizing the principle of consultation in policy-making, ensuring regular financial transparency, clarifying the division of responsibilities among managers, and encouraging active community participation in the maintenance and supervision of public facilities regularly. All these steps aim to create equitable benefits to avoid losses borne unilaterally by certain groups in society.¹⁸

Regarding water fee payments, which serve as the source of maintenance for shared facilities, it is important to emphasize that the principles of justice and social responsibility have been clearly stated in the words of Allah SWT in Surah An-Nahl, verse 90:

إِنَّ اللَّهَ يَأْمُرُ بِالْعَدْلِ وَالْإِحْسَانِ وَإِيتَاءِ ذِي الْقُرْبَىٰ وَيَنْهَىٰ عَنِ الْفَحْشَاءِ وَالْمُنْكَرِ وَالْبَغْيِ يَعِظُكُمْ لَعَلَّكُمْ تَذَكَّرُونَ

"Indeed, Allah commands justice, kindness, and giving to relatives. He forbids immorality, wrongdoing, and hostility. He admonishes you so that you may remember". (Q.S. An-Nahl: 90).

This verse indicates that the payment of dues is not merely an administrative obligation, but a manifestation of the values of justice and social virtue (*al-'adl wa al-ihsan*) in Islam. When someone neglects this obligation, it is not only the administrative aspect that is violated, but the deeper values of Sharia are also compromised. The management of contributions must be carried out fairly, proportionally, and accompanied by transparent reporting to reflect Allah's commandment that leads to social justice and solidarity among citizens.¹⁹

The application of the principle of *maslahah* also requires continuous evaluation to adjust management mechanisms to the dynamics of community needs. This can be done through community forums, social audits, and the involvement of religious leaders in the moral development of water service managers and users. The application of the theory of *maslahah* in the

¹⁸ Hari Widiyanto, "Maslahah Perspective in the Distribution of Shared Wealth: Analysis of Judge's Decision Number 584/Pdt.G/2021/PA.Pwr," *Jurnal Keislaman* 7, no. 1 (Maret 2024): 82–83, <https://journal.staitaruna.ac.id/index.php/JK/article/view/240>.

¹⁹ Asyraf Wajdi Dusuki dan Nurdianawati Irwani Abdullah, "Maqasid al-Shari'ah, Maslahah, and Corporate Social Responsibility (2007)," *American Journal of Islam and Society* 41, no. 1 (2024): 10–21, doi:10.35632/ajis.v41i1.3417.

management of collective bore wells is highly relevant, providing a strong basis for assessing the extent to which the management system has been implemented by the principles of justice, benefit, and responsibility, while also offering an integrative paradigm between positive legal norms and deep-rooted Sharia values.²⁰

B. Consumer Protection According to Law Number 8 of 1999

Law No. 8 of 1999 on Consumer Protection is a national legal instrument that guarantees consumer rights in various economic activities and public services. The enactment of this law is a manifestation of the state's responsibility to provide legal protection to the public as users of goods and services, to prevent abuse of economic power, concealment of information, and unfairness in service provision. This law is universal and inclusive, not limiting protection to formal business transactions but also covering social relations and public services of a community nature, provided that, in practice, they involve a real relationship between service providers and users.²¹

The philosophical foundation of consumer protection is clearly stated in Article 2 of Law Number 8 of 1999, which states that consumer protection is based on the principles of benefit, fairness, balance, consumer safety and security, and legal certainty. These principles are the basis for assessing whether public service, including clean water management, is carried out by applicable legal principles.

The primary objective of this law is to create a system that balances the interests of consumers and businesses through the principles of fairness, transparency, responsibility, and accountability. In its broad sense, business actors not only refer to commercial entities, but also include individuals or groups that provide services for the public interest. Clean water well managers in residential areas such as the Neuhén Chinese Complex can be categorized as business actors in the context of consumer protection, given that they

²⁰ S N M Zameri dkk., "Maslahah and Its Application in Islamic Finance," *International Journal of Islamic Business* 9, no. 1 (2024): 82, doi:10.32890/ijib2024.9.1.5.

²¹ Imma Rahmani Hasanah, "Perlindungan Hukum Terhadap Konsumen Akibat Wanprestasi dalam E-Commerce Ditinjau dari Undang-Undang Nomor 8 Tahun 1999 Tentang Perlindungan Konsumen," *Rechtsregel Jurnal Ilmu Hukum* 7, no. 1 (2024): 94-95, <https://openjournal.unpam.ac.id/index.php/rjih/article/view/43503>.

provide basic services that are used by the broader community on an ongoing basis.²²

The objectives of this law, as stated in Article 3, include: increasing consumer awareness and ability to protect themselves; creating a transparent protection system with legal certainty; fostering honest and responsible business actors; and ensuring consumer comfort, security, and safety in accessing goods and services. These objectives are highly relevant to the collectively managed clean water issue, as consumers in this context are highly vulnerable to information asymmetry and weak bargaining power vis-à-vis service providers.

This law places consumers as legal subjects with fundamental rights, such as the right to comfort, safety, and security in using goods and/or services, and the right to obtain accurate and honest information. These inherent rights cannot be ignored, even in local or informal service systems. These consumer rights are explicitly and in detail formulated in the Consumer Protection Law, including:

1. the right to comfort, safety, and security in consuming goods and/or services;
2. the right to choose and obtain goods and/or services by their value and guarantees;
3. the right to accurate, transparent, and honest information;
4. the right to have complaints and opinions heard;
5. the right to advocacy and fair dispute resolution;
6. the right to consumer education;
7. the right to be treated non-discriminatorily;
8. the right to compensation if services are not provided as promised;²³

In the context of borehole management, various problems arise, such as uneven water distribution, pump damage that is not repaired immediately, fees that are not managed transparently, and the absence of accountable financial reports, indicating that consumer protection principles have not been optimally implemented.

²² Yuniar Supu, "Problematisasi Perlindungan Konsumen Terhadap Produk Overcalim Dalam Perspektif Undang-Undang Perlindungan Konsumen," *Jurnal Ganec Swara* 19, no. 1 (Maret 2025): 71-72, <http://journal.unmasmataram.ac.id/index.php/GARA>.

²³ Undang-Undang Nomor 8 Tahun 1999 tentang Perlindungan Konsumen.

Normatively, several provisions in Law No. 8 of 1999 that are relevant to be reviewed in this case include the recognition of consumers' rights to comfort and safety in accessing services, the obligation of business actors to provide accurate, transparent, and honest information, and the responsibility of service providers for losses incurred by consumers due to negligence in service. These provisions are reflected in several important articles of the law, such as Article 4, which contains the basic principles of consumer rights, Articles 7 and 8, which emphasize the obligations of business actors in terms of transparency and honesty of information, and Article 19, which relates to responsibility for consumer losses.²⁴

Conceptually, this law provides a solid normative framework for assessing whether a form of public service, including community-based services, adequately fulfills consumer protection principles. This law serves as a legal instrument for resolving disputes between consumers and business operators and for social and ethical development. The relationship between service providers and users in this law is understood as a relationship based on responsibility, equality, and concern for the common good. In the case of collective borehole management, transparency in the management of contribution funds, clarity in the distribution system, adequate maintenance of facilities, and fairness in the imposition of obligations on all residents are important indicators of the extent to which consumer protection values have been upheld.²⁵

This law holds significant importance in supporting the establishing of a community-based clean water management system responsive to technical and economic needs and aligned with the demands of social justice and the protection of residents' fundamental rights as consumers. This law serves as a constitutional foundation and a moral instrument linking positive legal norms

²⁴ Wiwik Sri Widiarty, "Perlindungan Konsumen Terhadap Produk Makanan Dalam Kemasan Label Halal Berdasarkan Undang-Undang Perlindungan Konsumen Nomor 8 Tahun 1999 Tentang Perlindungan Konsumen," *Lex Publica* 1, no. 2 (2019): 34-37, <https://www.merdeka.com/peristiwa/di->

²⁵ Reza Sri Astriyana, Neni Sri Imaniyati, dan Makmur, "Perlindungan Hukum bagi Konsumen Terhadap Produk Coklat Silverqueen Hasil Daur Ulang yang Dijual secara Online Berdasarkan Undang-Undang Perlindungan Konsumen No 8 Tahun 1999 Tentang Perlindungan Konsumen," *Bandung Conference Series: Law Studies* 3, no. 1 (Januari 2023): 779-80, doi:10.29313/bcsls.v3i1.5986.

with principles of social responsibility, which are essential for the fair and sustainable management of public resources.²⁶

C. Practices of Clean Water Management in Drilled Wells in the Neuhen Chinese Complex

The availability of clean water in Indonesia remains a strategic issue in developing basic services, especially in areas not fully covered by the Regional Water Company (PDAM). One of the most widely implemented solutions by communities in various regions is using bore wells. Borehole wells are seen as a more affordable and independent alternative that can be adapted to the local community's geographical conditions and economic capabilities. Although not all areas have the same groundwater potential, this practice has become an important part of meeting basic clean water needs.²⁷

Bore wells are generally managed independently by the community. This management model is often community-based or involves a group of residents in a residential area who jointly build the borehole healthy system and are responsible for its operation. The community forms a simple structure, such as a water management committee consisting of a treasurer, a technician, and a fee collector. Contributions collected from each household are used to fund the pump's maintenance, pipes' repairs, and routine operations. This system essentially demonstrates a spirit of cooperation and independence, but it is vulnerable to sustainability issues if not accompanied by oversight and active participation from all residents.²⁸

The main challenges of this system are technical and financial sustainability. The water pumps have a limited lifespan, especially if they operate continuously daily. Additionally, late payment of fees by some residents can disrupt financial balance and directly impact service delivery.

²⁶ Himawan Bayu Aji, "Pengaturan Jual Beli Secara Online Berdasarkan Undang-Undang Perlindungan Konsumen Dan Undang-Undang Informasi Dan Transaksi Elektronik," *Jurnal Hukum Progresif* 10, no. 1 (April 2022): 13-15, https://ejournal.undip.ac.id/index.php/hukum_progresif/article/view/37596.

²⁷ Hisna Baiti, Simon Sadok Siregar, dan Sri Cahyo Wahyono, "Aplikasi Well Logging untuk Penempatan Pipa Saringan Sumur Bor Air Tanah di Desa Banyu Irang Kecamatan Bati-Bati, Kalimantan Selatan," *Jurnal Fisika FLUX* 13, no. 2 (Agustus 2016): 105-7, <http://ppjp.unlam.ac.id/journal/index.php/f/>.

²⁸ Pipit Andriani dan Nur Azizah Affandy, "Analisa Distribusi Air Bersih Sumur Bor Distribution Analysis Of Wellbore Clean Water," *Jurnal CIVILLa* 1, no. 2 (September 2016): 7-9, <http://jurnal.lptnu-jatim.or.id/index.php/record/view/42050>.

Therefore, collective awareness and an internal enforcement system are necessary to ensure the system remains effective in the long term.

In residential complexes in Indonesia, clean water management from boreholes is also standard. This is particularly prevalent in urban areas or the outskirts of large cities experiencing rapid population growth, but have not yet been fully connected to the PDAM. Formal and semi-formal residential complexes often establish collective water management systems operated by neighborhood committees. Boreholes are constructed at strategic locations, and water is distributed to homes through simple pipe networks designed by local technicians.²⁹

The management of fees in these complexes usually involves a manual recording system and cash collection by administrators. The fees can vary depending on the number of households, the power of the pumps used, and their frequency of operation. In some cases, the rates are determined through mutual consultation and adjusted according to the economic capacity of the residents. The funds from the fees are used to pay for electricity, machine maintenance costs, and the honorarium of the water administrators. This practice also often encounters obstacles such as fee arrears, conflicts between residents, and technical difficulties if equipment breaks down without emergency funds available.³⁰

Many complexes have successfully implemented this system due to the strengthened role of community leaders and strict enforcement of internal rules. The existence of a shared consensus and direct oversight by residents makes this practice relatively stable, though it still requires improvements in financial transparency, infrastructure renewal, and technical training for water management staff.³¹

The Aceh region, including Banda Aceh as the administrative center, faces challenges in providing clean water, particularly in densely populated areas and urban peripheries. Most residential complexes in Aceh, especially

²⁹ A. Sutowo Latief dkk., "Kajian Terhadap Debit Dan Kualitas Air Sumur Bor Di Kelurahan Jabungan," *TEKNIS* 10, no. 1 (2015): 19-20, <https://jurnal.polines.ac.id/index.php/teknis/article/view/672>.

³⁰ Efrani Rudistya dkk., "Analisa Kelayakan Air Sumur Bor Sebagai Sumber Air Di Kelurahan Ariang Kecamatan Makale Kabupaten Tana Toraja," *Journal Dynamic saint* 6, no. 2 (Oktober 2021): 1-2, doi:10.47178/dynamicsaint.v5xx.xxxx.

³¹ Salsabila Hasanah Balqis, Aulia Rohendi, dan Juliansyah Harahap, "Perencanaan Sumur Resapan Pada Gampong Lamteh Banda Aceh," *Lingkar: Journal of Environmental Engineering* 4, no. 1 (Juli 2023): 67-74, doi:10.22373/ljee.v4i1.2894.

those developed after the tsunami, still rely on bore wells as their primary source of clean water. While the public water utility (PDAM) has reached some core areas, distribution limitations and technical challenges have led residents to continue using locally managed bore well systems.

Borehole water management is carried out in many complexes through self-help mechanisms similar to those in other parts of Indonesia. Residents agree on management structures, set monthly fees, and appoint officials from within the community. This system has proven adaptive in meeting water needs. Community-based clean water management systems are a fairly common phenomenon but still require attention from local governments, particularly in the form of technical training, equipment assistance, or regulations that promote sustainability.³²

The Tiongkok Neuhen complex is one of the densely populated residential areas in Aceh Besar, administratively divided into seven blocks – Blocks A to G –. The water management system in this complex draws water from three main borehole wells located in Blocks A, C, and E. Water from Block A is distributed to Blocks A and D, water from Block E flows to Block E and part of Block D. In contrast, the well in Block C supplies water to the other blocks. The borehole machines in Blocks A and C have experienced damage, causing disruptions in water distribution to most of the complex. The condition of the machines in Blocks A and C has indeed deteriorated.

Based on interviews, the damage to the machines was caused by their age and high intensity of use. The machine in Block A was reported to be operating non-stop daily, while the machine in Block C experienced intermittent shutdowns throughout the day. When the damage occurred, the water manager requested an additional contribution of Rp50,000 per household to cover repair costs. Meanwhile, the monthly routine contribution residents pay is also Rp50,000, allocated for operational needs, including salaries for the managers. Residents run this water management system through an internal structure consisting of a water treasurer, technical officers, and fee collectors. Each party receives a share of the fees collected, with the percentage agreed upon collectively.

³² Yurda Marvita dan Zakia Masrurah, "Indentifikasi Lapisan Akuifer Berdasarkan Data Electrical Logging dan Cutting Pada Lokasi Sumur Bor di Bireun, Aceh," *Jurnal Hadron* 3, no. 1 (2021): 24–25, <https://ejurnalunsam.id/index.php/jh/article/view/3751>.

The number of families residing in this complex reaches around 110 households (family cards) of indigenous residents, increasing to around 330 households when renters are included. Most residents work as construction workers, pedicab drivers, and fishermen, given the complex's location, which, although on a hill, is relatively close to the coastal area. Water quality produced from boreholes is considered clean and safe for consumption, although technical limitations often hinder distribution. One of the social issues that has emerged is that several residents have not paid their fees for two consecutive months. As a form of enforcement, the management has begun to implement a policy of cutting off the water supply to residents who have not paid for three consecutive months.³³

Water management practices in the Tiongkok Neuhen Complex reflect a well-established community-based management pattern, but still face technical and social challenges. Dependence on old water pumps () and a lack of reserve funds are critical points in this system. With a management structure formed by residents and strong collective agreements, the system has continued operating until now. Technical training and institutional support are needed to strengthen the capacity for independent clean water management in complexes such as this.³⁴

D. Relevance of Consumer Rights in the Distribution of Drilled Wells According to the *Maslahah* Theory and Law Number 8 of 1999 on Consumer Protection

The problems in clean water management practices in the Tiongkok Neuhen Complex reflect the weak protection of consumer rights in community-based public services. Based on field observations and interviews conducted by the author with residents and local managers, it was found that the water distribution system through bore wells in this complex was not functioning optimally. Of the three pump units owned by the community, only one was functioning correctly. The other two machines, located in Blocks A and C, are damaged and have not received adequate repairs. This situation results in uneven water distribution to residents' homes. Some blocks even experience water shortages on certain days, disrupting residents' daily

³³ Interview Results with Officials of the Neuhen Chinese Complex in 2025.

³⁴ Evlina Noviyanti, Dan Rulli, dan Pratiwi Setiawan, "Penyediaan Air Bersih Pada Kawasan Rawan Air Bersih Di Pesisir Utara Lamongan," *TATALOKA* 16 (Januari 2014): 116–30, <https://ejournal2.undip.ac.id/index.php/tataloka/article/view/249>.

activities such as bathing, washing, cooking, and other basic needs. Irregular water bill payments are also a serious problem. Some residents pay on time, while others are in arrears for up to two months.³⁵

This disparity has sparked social tensions among residents, especially when the management has to take firm action by cutting off the water supply to those who have not paid for three consecutive months. What makes the situation worse is the lack of transparency in managing the water fees. The author did not find any financial reports that were publicly disclosed to residents, leading to distrust and allegations of unfairness in the management of public funds.³⁶

When analyzed within the framework of positive law, particularly based on Law Number 8 of 1999 on Consumer Protection, several inconsistencies can be identified in fulfilling residents' rights as consumers. Article 4 states that consumers have the right to comfort, safety, and security in consuming goods and/or services, accurate, transparent, and honest information, and the right to compensation or restitution if the services received do not align with the agreement. In the context of the Neuhen Chinese Complex, when water distribution is disrupted and information regarding fund management is not disclosed transparently, some aspects of these rights have not been fully fulfilled.³⁷ The interruption of water supply to residents who are in arrears can be understood administratively, but it must be balanced with a persuasive and non-discriminatory approach, by the principles of service as stipulated in the law.³⁸

Article 8(1)(f) prohibits businesses from providing services that do not align with the promises made in the service description or promotion. Suppose it was previously agreed that fees were paid to ensure the smooth distribution of water. In that case, the situation where residents continue to pay but do not receive the services as promised can be categorized as a failure to meet the expected service standards.

³⁵ Results of Interviews with Officials at the Neuhen Chinese Complex in 2025.

³⁶ Ibid.

³⁷ Alfina Maharani dan Adnand Darya Dzakra, "Fungsi Perlindungan Konsumen Dan Peran Lembaga Perlindungan Konsumen Di Indonesia : Perlindungan, Konsumen Dan Pelaku Usaha (Literature Review)," *Jurnal Ekonomi Manajemen Sistem Informasi* 2, no. 6 (Juli 2021): 659-60, doi:10.31933/jemsi.v2i6.

³⁸ Musa Taklima, "Urgensi Perlindungan Hukum Terhadap Konsumen Motorcycle Taxi Perspektif Hukum Perlindungan Konsumen Dan Teori Mashlahah," *JURISDIKTIE* 10, no. 2 (Januari 2020): 192, doi:10.18860/j.v10i2.5502.

Article 19 states that business operators are responsible for compensating consumers for damage or losses resulting from services that do not function as intended. Although the water managers in this complex are not business operators in the commercial sense, they collect fees and provide services, and therefore, in terms of function, they can still be categorized as service providers within the consumer protection framework. Consumers' right to compensation or damages, as stipulated in Article 4(h) and Article 19(1) of Law No. 8 of 1999, has not been accommodated in the existing system. When water distribution is disrupted for several days, residents do not receive any form of fee reduction, refund, or alternative services. This indicates that mechanisms for compensating consumers for losses have not been established in writing or practice. This creates a risk of weakening residents' trust in the community management system.³⁹

Although not conventional business entities, water managers can still be categorized as service providers under Article 1(3) of the Consumer Protection Law. The provision states that a business entity is any individual or business entity, whether incorporated or unincorporated, that engages in activities in the service sector on an ongoing basis. Therefore, the status of residents who manage and collect fees for water distribution services remains subject to the principles of consumer responsibility as stipulated in the law.⁴⁰

In the theory of *public interest*, the fulfillment of clean water needs falls under the category of *masalah dharuriyah* (primary public interest), as water directly impacts the aspects of human survival (*hifzh al-nafs*) and the protection of property (*hifzh al-mal*). When water distribution is uneven and damaged machinery is not repaired promptly, the public interest is seriously disrupted. Irregular payments among residents reflect social injustice that contradicts the principle of *al-'adl* in Islam.⁴¹

In managing collective resources such as water, justice applies to water distribution, contributions, and responsibilities. When some residents fulfill their payment obligations regularly yet still experience water disruptions due

³⁹ Sri Widiarty, "Perlindungan Konsumen Terhadap Produk Makanan Dalam Kemasan Label Halal Berdasarkan Undang-Undang Perlindungan Konsumen Nomor 8 Tahun 1999 Tentang Perlindungan Konsumen."

⁴⁰ Undang-Undang Nomor 8 Tahun 1999 tentang Perlindungan Konsumen.

⁴¹ Kamal Muchtar, *Konsep Masalah Dalam Al-Qur'an* (Yogyakarta: Departemen Agama RI, 1999).

to the actions of other residents who default on payments, this violates distributive justice and has the potential to trigger horizontal conflicts.

Islam teaches that the management of communal assets must be carried out with full responsibility and transparency, as reflected in the words of Allah SWT in Q.S. An-Nisa verse 58:

إِنَّ اللَّهَ يَأْمُرُكُمْ أَنْ تُؤَدُّوا الْأَمَانَاتِ إِلَىٰ أَهْلِهَا وَإِذَا حَكَمْتُمْ بَيْنَ النَّاسِ أَنْ تَحْكُمُوا بِالْعَدْلِ إِنَّ اللَّهَ نِعِمَّا يَعِظُكُمْ بِهِ ۚ إِنَّ اللَّهَ كَانَ سَمِيعًا بَصِيرًا

"Indeed, Allah commands you to convey the trust to its owners. When you judge between people, judge with justice. Indeed, Allah gives you the best advice. Indeed, Allah is All-Hearing, All-Seeing". (Q.S. An-Nisa: 58).

The slow response to the damage to the water pump indicates weak planning and social responsibility in maintaining the collective welfare of residents. From the perspective of *maslahah*, the management of shared resources must involve community consultation, an open reporting system, and collective participation as a form of solidarity and social concern.

Both are complementary when compared normatively between the theory of *public interest* and the provisions of Law No. 8 of 1999. The law provides a legal framework of a formal nature, while the theory of *public interest* offers a moral, social, and spiritual framework for the provision of public services. Residents' collective management of clean water must remain subject to consumer protection standards while upholding Islamic values that support social justice. When these principles are ignored, the consequences are not only technical or material losses but also the collapse of social values and the loss of trust in the community management system.⁴²

When viewed from the objectives set out in Article 3 of Law Number 8 of 1999, the water management system in the Neuhén Chinese Complex does not fully reflect the fundamental values of consumer protection, such as legal certainty and responsibility. This article emphasizes that consumer protection aims to protect economic interests and create a responsible service system." T"

⁴² Marnigot Tua Natalis Situmorang, Soechyadi, dan Linda Noviana, "Membuat Sumur Bor Dan Bak Penampungan Air Sebagai Upaya Penanggulangan Kekurangan Air Bersih Di Desa Limbangansari Kabupaten Cianjur Jawa Barat," *Jurnal Pengabdian Kepada Masyarakat* 3, no. 1 (April 2023): 4 - 6, <https://jurnalp4i.com/index.php/community/article/view/2103>.

The current informal and closed management practices need to be improved to align better with the applicable legal framework.⁴³

Based on field findings and the above normative analysis, the author recommends systemic improvements in clean water management in the Neuhén Chinese Complex and other areas. There is a need for regulations or written community agreements on the fees and penalties for late payment. A schedule for regular maintenance and audits of technical facilities, such as pump engines, is needed to ensure stable and equitable water distribution. Education is needed for residents regarding their rights and obligations, both as consumers and as part of the management community. The local government is advised to provide institutional assistance, in the form of technical training, legal assistance, and regulatory facilitation, so that this community management system can run professionally and sustainably.

CONCLUSION

Based on the above description, the author concludes that clean water management through bore wells in the Tiongkok Neuhén Complex reflects the efforts to provide basic services independently amid limited access to formal clean water systems. This community-based system demonstrates the spirit of cooperation and community participation in meeting collective needs. The existing management practices still face several challenges, such as uneven water distribution, machine damage that requires further attention, and an administrative system that is not yet optimal. From a positive legal perspective, this relates to the importance of consumer rights protection as regulated in Law Number 8 of 1999, particularly regarding the right to comfort. Meanwhile, from an Islamic legal perspective, through the theory of *maslahah*, the management of clean water services should uphold the principles of justice, trustworthiness, and mutual benefit. Enhancing the capacity of managers, strengthening community consultation systems, and providing guidance from relevant parties are important steps to achieve equitable, sustainable water management that aligns with national legal values and Sharia principles.

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