

# Regulating The Existence Of Online Taxis Clear And Definitely In Indonesia

**Azas Tigor Nainggolan, I..B.R. Supancana, Henry Soelistyo Budi**

*Doctor of Law at Pelita Harapan University E-mail: azastigor@yahoo.com*

## **Abstract**

The existence of online taxis in Indonesia since 2015 until now . As a model of public transportation, online taxis are well received by users of public transportation in Indonesia, especially in Jakarta. However, the existence of online taxis in Indonesia still leaves various problems to be resolved, especially in terms of regulations for the protection of online taxi users. These problems will be discussed in this study using normative juridical research methods based on secondary data as the main research data and primary data as supporting data in this study. Based on the results of the study it was concluded that there are regulations in national legislation or regulations governing the existence of online public transport service procurement in order to provide services that protect the rights of their users. Through these statutory provisions, the government can regulate and supervise online taxi services specifically as a technology-based or online mode of public transportation. Regulations regarding online taxis are needed to provide legal protection to online taxi users.

**Keywords:** Regulation; Online Taxi ; Legal Protection ; User.

## **Introduction**

Jakarta is the capital city of the Republic of Indonesia, the current traffic conditions have a high level of congestion. Jakarta residents are plagued by traffic jams every day and have to endure these traffic jams as if they have no way out (Setiawan & Nainggolan, 2012) . The condition of severe traffic jams in Jakarta has encouraged alternative efforts or solutions to deal with the travel or mobility of its citizens. These alternative solutions are needed to support the mobility of Jakarta residents. Of course, the solution is a means

of transportation that is able to provide regular public services for mobility according to the needs of Jakarta residents. Currently, Jakarta and several other cities in Indonesia are developing modes of public transportation accompanied by services using technological developments. These modes of transportation are application-based or online public transportation such as Online Taxis .

online -based transportation, such as online taxis , provides options for the public to get public transportation services that compete with ordinary or conventional

transportation (Shilvia L. Br. Silalahi, Putu W. Handayani, 2017) . Apart from being cheaper than conventional taxis, this online taxi service actually offers services that are safer, more comfortable and accessible. The operation of the online public transportation model is a combination of conventional public transportation modes and combines the development of electronic technology. This combined character was indeed born from the need for speed and ease of service in transportation by means of public transportation. In the regulatory context, online transportation such as Uber Taxi, Gojek or Grab Taxi are subject to Law No. 22 of 2007 and its implementing regulations (Wijaya, 2016) . Online mode of transportation has started in Indonesia since 2010. At that time the Gojek company started launching the Online Ojek service . Then in 2014 the online taxi company owned by Malaysian businessmen, Grab entered Indonesia in Jakarta (Nugrahani, 2017) . As a mode of public transportation, online transportation such as online motorcycle taxis and online taxis initially received resistance and conflict pressure in the field when operating. Disputes or conflicts between conventional transportation entrepreneurs and application-based ( online ) transportation in Indonesia originally occurred in Jakarta at the end of 2015. In fact, online transportation has actually been operating in Jakarta around 2011 (Putra, 2015) . The beginning of online transportation operations was the online motorcycle taxi service business by GoJek and Grabbike and Uber Taxi. The operation

of online motorcycle taxis disturbs conventional motorcycle taxi drivers who usually operate on bases, either in residential or office areas, and disrupts their income. The income of public transport drivers and entrepreneurs has decreased dramatically because their users (customers) have switched to using online motorcycle taxis . These online motorcycle taxi users reasoned that using online motorcycle taxis is much safer, more comfortable, easier (access) and cheaper than using a conventional motorcycle taxi (Mavi, 2016) . According to the needs, online transportation services have finally developed into online taxi modes.

Likewise, the operation of online taxis is also under pressure and rejection from entrepreneurs and conventional taxi drivers. One of the online taxi companies that was rejected in the early stages was Uber Taksi. Uber taxi which was the first online taxi to operate around the beginning of 2015 is considered illegal because it does not have a license. This was conveyed by Secretary General Organda Ateng (Edi, 2015) . Opponents of online taxis argue that all public transportation vehicles must have a license as a public transportation company. Similar rejections were also experienced by premium car online taxi services from GrabCar. The development of the online taxi service business has indeed given birth to its own alternative among public transportation business people and users of public transportation, especially taxis.

Indeed, at first all online public transportation such as online motorcycle taxis or online taxis had not been operated

by a company that had a license as online public transportation . Initially, the operation of the three online taxi companies was only operated by GoJek, Grab and Uber as application service provider companies. This existence that is not yet under a public transportation company is one of the strong reasons for rejecting the existence of online taxi operations in Indonesia. The absence of this permit was due to the fact that initially there were no regulations or legal regulations governing the existence and operation of online taxis in Indonesia. In regulations in the field of land transportation, namely the Law of the Republic of Indonesia Number: 22 of 2009 concerning Road Traffic and Transportation, it does not include online taxis as a mode of public transportation (Ria, 2015) . This condition will have an impact on the protection of services provided by online taxi companies to their users. To avoid a legal vacuum in regulating online taxis, the government, in this case the Republic of Indonesia's Ministry of Transportation, includes and makes online taxi services similar to the Organization of Public Motorized Vehicles Not on Routes or Special Rental Transportation so that they can be included in the regulations of Law no: 22 of 2009 About Traffic and Road Transport.

The absence of regulations or regulations governing the existence of online taxi operations will certainly make it difficult for the government to oversee the services provided to online taxi users . It was only then that the government on April 1, 2016 issued Permenhub 32/2016

concerning the Organization of Transportation of People with Public Motorized Vehicles Not on Routes to regulate the existence of online taxi operations and the regulation became effective six months after issuance or took effect from October 1, 2016. Permenhub 32 reaped controversy because it was deemed not to have gone through a public discussion ( public hearing ) and without consulting other relevant ministries (Desfika & Listiyarini, 2016) . Related parties also asked the government to provide clear legal space for the e-hailing business model because technological developments cannot be prevented. Moreover, passengers are given more choices, namely cheaper fares and more perfect service (Revelation of Saputra, Sri Rum Giyarsih, 2020) . Permenhub 32 is also considered to be contrary to the soul of the people's economy because it classifies e-hailing partner businesses in the category of public transportation. As a result, provisions regarding rental transportation are still regulated as a conventional transportation business model, such as the obligation to return the name of the vehicle registration certificate (STNK), the obligation to have a General SIM A, and periodic testing of motorized vehicles. (Desfika & Listiyarini , 2016) .

The rejection of the regulations in the Minister of Transportation 32/2016 concerning the Organization of the Transport of People with Public Motorized Vehicles Not on the Route continues and makes the government finally change or revise these regulations. The Ministry of Transportation has indeed finally stipulated

a revision of the Minister of Transportation Regulation Number 32 of 2016 concerning the Transportation of People with Public Motorized Vehicles Not on Routes, which has become the legal basis for online rental transportation, coming into force April 1, 2017. This stipulation is stated in the Minister of Transportation Regulation Number 26 Year 2017 (PM 26/2017). The stipulation of this new minister of transportation regulation contains 11 (eleven) revisions to PM 32/2017 related to special rental transportation (which was previously referred to as online taxis ) to become official public transportation operating in Indonesian territory.

online taxis has been recognized by the existence of Minister of Transportation Regulation No. 26 of 2017 but in practice there are still many rejections. For example, online taxis are still refused entry to operations at airports, refused entry to shopping center areas or refused by local conventional transportation . However, on the next trip PM 26/2017 was again sued for its existence by six people who claimed to be drivers or online taxi business actors . On May 2, 2017 the six online taxi drivers submitted a Judicial Review to the Supreme Court of the Republic of Indonesia submitting a Judicial Review of PM 26/2017 considered to be contrary to higher regulations, namely Law Number 20 of 2008 concerning Micro, Small and Medium Enterprises ( UMKM Law Number 20/2008) and Law Number 22 of 2009 concerning Road Traffic and Transportation (LLAJ Law Number 22/2009). In the Supreme Court decision there were a number of articles from the

results of discussions in the trial that were declared contrary to higher laws and regulations and did not have binding legal force. There are 14 points in PM 26 of 2017 which are considered contrary to higher laws, namely Law Number 20 of 2008 concerning Micro, Small and Medium Enterprises and Law Number 22 of 2009 concerning Road Traffic and Transportation (Ika, 2017) . There is a lot of public opinion that accepting the judicial review in the Supreme Court Decision Number 37 P/HUM/2017 will disrupt or reduce legal protection for online taxi users themselves.

Meanwhile, in the field of online taxi services, many online taxi users have started to complain about the services provided by online taxi drivers or managers . When there are problems in the services provided by online taxi drivers , it is often difficult for users to submit objections and complaints to the online taxi managers concerned. The emergence of complaints about bad service makes the existence of online taxi users weak and requires protection of their rights as consumers. Legal protection for users (consumers) is a must for the government. The importance of government intervention is based on several arguments related to consumer protection (Samsul, 2004) .

The existence of the Ministerial Regulation (PM) which regulates online taxi services continues to experience changes as a result of continued lawsuits being filed against the contents of the regulation . Furthermore, PM 26 of 2017 was replaced by PM no: 108 of 2017 concerning Organizing the Transport of

People with Motorized Vehicles that are not on Routes. The existence of PM no: 108 of 2017 was subsequently replaced by the Minister of Transportation Regulation Number PM 118 of 2018 concerning the Implementation of Special Rental Transportation which came into effect on December 19 2018. In connection with PM No: 118 of 2018, this regulation requires all drivers to process a Special Lease Transport permit (ASK) and have a Service Standard Electronic Card (KEP) for each vehicle used. Special Lease Transportation Permit (ASK) is a permit granted to individuals and business entities that provide online transportation services. Meanwhile, the Service Standard Electronic Card (KEP) is a licensing document for vehicles used as online transportation. The form of regulation in PM no: 118 of 2018 is more advanced than the previous PM because it has implemented the obligation that all vehicles or cars operating as online taxis must have an Electronic Service Card (KEP) document. The existence of this KEP allows the government, in this case the Indonesian Ministry of Transportation, to more strictly supervise the operations and services of online taxis to their users. In addition, the system for implementing this KEP is also for monitoring the number or quota of online taxis operating in an area or zone system so that it does not become a matter of excess numbers and unhealthy competition between online taxis. On March 18, 2019, PM 17 of 2019 was issued concerning amendments to the Minister of Transportation Regulation Number PM 118 of 2018 concerning the

Implementation of Special Rental Transportation. Changes made only to article 19 PM 118 of 2018 concerning the Implementation of Special Rental Transportation.

Legal protection for users of public transportation, in this case online taxis, is an important issue and is related to competition in the public transport business that continues to grow so that legal protection is needed in competition to provide the best service for its users. Legal protection for users is something that should be the right of every citizen who uses public transportation services in Indonesia.

This research is different from previous research which discusses online motorcycle taxis in Indonesia. As for previous research discussing online motorcycle taxis, namely carried out by Hanifah Sartika Putri and Amalia Diamantina which discussed legal protection for the safety and security of online motorcycle taxi drivers for the benefit of society, this research is different from this research because this research only discusses legal protection for online motorcycle taxi drivers. While this research will discuss the urgency to regulate the existence of online taxis in Indonesia (Putri & Diamantina, 2019). Further research was conducted by Ayuta Puspa Citra Zuama, Cut Mutia Dinda and Djalu Pamungkas who specifically discussed the study of online motorcycle taxi regulations in Indonesia from the perspective of legal phenomenological philosophy. This research is different from this research because this research will discuss the

urgency to regulate the existence of online taxis in Indonesia (Zuama, Dinda, & Pamungkas, 2021). Azizah Ratu Buana has also conducted other research discussing online motorcycle taxis which discusses the problems of online motorcycle taxi regulations during the large-scale social restrictions period Covid-19. This research is different from this research because this research specifically discusses the urgency of regulating online taxis in Indonesia (Buana, 2020).

Based on a comparison with previous research which both discussed online motorcycle taxis in Indonesia, it can be argued that this research has a distinguishing element from previous research because the focus of discussion in this study has never been discussed in previous studies. This research is focused on the study of Legal Protection for Online Taxi Users in Indonesia. There are also problems that are being studied by the author, namely: How do rules or regulations regulate legal protection for online taxi users in Indonesia? How is the practice of legal protection for online taxi users in Indonesia? How is the legal concept of legal protection for online taxi users needed in Indonesia?

Legal certainty is a necessity given by the government or the state to every citizen in order to live safely and comfortably. For example, if there is an accident problem in an online taxi service, there will be legal problems in solving it. This means that the existence of legal rules for the protection of users of online taxi services is a necessity as legal certainty for

the community. Interests as human beings are demands that are protected and fulfilled in the field of law. The importance of legal protection for the online transportation service business so that the government can supervise and facilitate the development of public services by the government in public transportation services. It is hoped that the existence of legal regulations for the protection of users of online taxi services can build awareness and law-abiding behavior and run a transportation service business according to existing rules later.

The purpose of this research is expected to be useful in assisting the Indonesian government and the Indonesian people in building law enforcement certainty and being useful for good, safe, comfortable and accessible online taxi transportation business services in Indonesia. The certainty of legal protection for online taxi users can build law-abiding behavior of online taxi transportation service business people in running their business which provides a sense of security, comfort and access. Obedience to the law is built because it has been regulated and supervised by the online taxi transportation service business in the national legal system.

Since 2015, online transportation service models have begun to flourish, such as online motorcycle taxis and Indonesian online taxis. At that time the online transportation service business was operating without clear regulations that became the legal umbrella. Until now, the existing regulations are only in the form of Minister of Transportation Regulations and are not based on Law No: 22 of 2009

concerning Road Traffic and Transportation which is the legal umbrella for the operation of the public transport service business (transportation) in Indonesia. The problem of the absence of legal recognition or certainty has encouraged researchers to develop ideas about the need for legal recognition in the Road Traffic and Transportation Law which includes online transportation services by both cars and motorbikes (online motorcycle taxis) as public transportation services in Indonesia.

### **Research Methods**

The research conducted by this researcher is normative juridical legal research assisted by empirical juridical to solve legal issues regarding the problem of legal protection for users of online taxi transportation services in Indonesia. In the legal research conducted to solve the issues raised and the results to be achieved is to provide a prescription regarding what should be done to build legal protection for online taxi users in Indonesia. The approaches used in legal research are the statute approach (statute approach) , case approach (case approach), historical approach (historical approach) , comparative approach (comparative approach) and conceptual approach (conceptual approach). Researchers in this study will use two approaches, namely the law approach and the case approach. The statute approach is carried out to examine all laws and regulations that are related to the legal issues being studied and the case approach is carried out by conducting a study of cases related to the issues at hand

which have become court decisions that have strong power. still. The legal approach that will be carried out by researchers in this research is by studying the consistency and compatibility between a regulation or law and other laws that regulate legal protection for online taxi consumers. To strengthen and support this statutory study, researchers also conducted research on this legal issue by linking it to cases or factual data that occurred related to legal protection issues for online transportation service businesses in Indonesia. In this study the data used are primary and secondary data obtained from library research which aims to obtain materials about laws, concepts, theories and information and conceptual thinking, both in the form of laws and regulations and other scientific works. Primary legal materials are regulatory documents that are binding and stipulated by the authorities, which in this study used, among others, Law Number 8 of 1999 concerning Consumer Protection, Law Number: 22 of 2009 concerning Road Traffic and Transportation, Law The 1945 Constitution and Regulation of the Minister of Transportation number: 26 of 2017 concerning Organizing the Transportation of People with Public Motorized Vehicles Not on Civil Routes, Ruling on Judicial Review of the Supreme Court of the Republic of Indonesia Number 37 P/HUM/2017 and other regulations . The secondary data used in this study consists of: Secondary legal materials, namely all documents which are relevant readings such as books, seminars, legal journals, magazines, legal newspapers, scientific

papers and several sources from the internet related to the material researched. Tertiary legal materials, namely all documents containing concepts and information supporting primary legal materials and secondary legal materials, such as dictionaries of various languages, legal dictionaries, encyclopedias and so on. The procedure for collecting legal materials is a series of efforts to obtain data by reading, analyzing, clarifying, identifying and understanding legal materials in the form of laws and regulations, court decisions, company documents and literature books that are relevant to the problem. Interviews, data collection techniques were also carried out by interviewing sources who directly use online transportation, experts, managers or operators of online taxis, online taxi drivers, online taxi users, government officials and legal experts. Interviews were conducted to complement and strengthen the secondary data obtained from the literature study.

## **Discussion**

### **Regulations for the Protection of Online Taxi Users**

Legal protection is a must in services or service businesses such as in land transportation. In a theoretical context, legal protection is closely related to the services provided or received by the community, especially from private entrepreneurs. In particular Roscou Pound argues that law is a tool of social engineering ( law as a tool of social engineering ). (Salim HS & Nurbani ,

2016) . In particular, Roscou Pound divides human interests that are protected by law into three types, viz (Salim HS & Nurbani, 2016) : Public Interest (public interest) , Social Interest (social interest) , Private Interest (individual interest) .

The legal protection regulated above, as said by Roscou Pound, illustrates that law is a tool for how to build so that a society achieves the goals of the protection itself. Law as an engineering tool means that the law functions to achieve legal objectives to protect society. Sudikno Mertokusumo said that: "In its function as the protection of human interests, the law has a purpose. Law has a target to be achieved. There is also the main purpose of law is to create an orderly social order, to create order and balance. By achieving order in society, it is hoped that the interests of society can be protected. In achieving this goal, the law is tasked with dividing rights and obligations between individuals in society, dividing authority and regulating how to solve legal problems and maintaining legal certainty.

Again, Roscoe Pound emphasized the law itself, namely whether the law is able to provide balanced protection in social life ( Marzuki, 2015) . As a material to protect the interests of consumers, there are currently several regulations related to legal protection for users of public transportation as well as online taxis in Indonesia. Law No. 22 of 2009 concerning Road Traffic and Transportation in Article 192 paragraph (1) explains that public transportation companies are responsible for losses suffered by passengers who die or are injured as a result of the operation of



transportation, unless caused by an incident that cannot be prevented or avoided or due to passenger error. Likewise the government through the Minister of Transportation Regulation number: 32 of 2016 concerning the Implementation of Transportation of People with Public Motorized Vehicles Not on Routes as a legal umbrella for online taxis . This Minister of Transportation Regulation also stipulates legal protection for online taxi users . This legal protection is regulated as well as mandated by regulations for conventional taxi services. This Regulation of the Minister of Transportation stipulates that transportation or online taxi drivers must have a Public Transport SIM and management obligations are the same as conventional taxis. Viewed from the aspect of legal protection for users or consumers of public transport services, such a situation is not ideal and in practice is detrimental to consumers, because in every land transportation vehicle accident, it has never been heard that the responsibility of the operator of public transport vehicles has been raised.

In particular, this article will examine the legal protection of land transportation consumers, especially online takhis , which has been operating in Jakarta so far. Legal protection for public transport passengers on land has been regulated in Law no. 22 of 2009 concerning Traffic and Road Transportation and Regulation of the Minister of Transportation concerning Law No: 8 of 1999 concerning Consumer Protection (Consumer Law 1999), Government Regulation No: 74 of 2014 concerning Road Transportation (PP Road

Transport), Minister of Transportation Regulation No: 28 of 2015 concerning Amendments to the Regulation of the Minister of Transportation Number PM 46 of 2014 Minimum Service Standards for the Transport of People with Public Motorized Vehicles Not on Routes (PM 28 of 2015) and Regulation of the Minister of Transportation No: 108 of 2017 concerning Organizing the Transport of People with Motorized Vehicles Public Not on Route (PM No: 108 of 2017).

These regulations serve as guidelines for protecting the interests of users or consumers if their rights are violated by public transportation service providers, such as online taxi users . As in article 234 paragraph (1) of the Road Traffic and Transportation Law which in outline explains that the public transport service provider is obliged to be responsible for losses suffered by passengers caused by the driver's negligence. One of the principles of responsibility is stated that there is a principle of "absolute responsibility" where the principle is explained in Article 24 of the Road Traffic and Transportation Law that the carrier can absolve himself from responsibility if he can prove that the loss did not arise. because of his mistake.

Legal protection for users of public transportation, in this case online taxis , is an important issue and is related to competition in the public transport business that continues to grow so that legal protection is needed in competition to provide the best service for its users. Law No. 22 of 2009 concerning Road Traffic and Transportation in Article 192

paragraph (1) explains that public transportation companies are responsible for losses suffered by passengers who die or are injured as a result of the operation of transportation, unless caused by an incident that cannot be prevented or avoided or due to passenger error.

The legal protection referred to in this study is the law that plays a role or function in society so that they can carry out their daily activities safely because they are protected by the law itself. As Roscou Pound said above, law is a tool for how to build a society so that a society achieves the goal of protection itself and functions to achieve the goal of law to protect society. (Ariyanti, 2019).

This protection is provided by the state in this case in terms of legal protection. So it is the basic right of every human being, citizen to be protected including in the life of the state and every citizen will receive protection from the state. Legal policy is one of the means for the government to provide protection and it is this rationale that in the process creates the theory of legal protection. The theory or protection policy wants to illustrate that in order to protect the human rights of every citizen by the state based on legal provisions by the state apparatus itself.

Regarding the need for legal protection for consumers, it is also clearly regulated in the Law of the Republic of Indonesia Number 8 of 1999 concerning Consumer Protection, in article 2 it states that consumer protection is based on benefits, fairness, balance, consumer security and safety, as well as legal certainty. This means that the Consumer

Protection Act provides the basis that consumers are given legal protection to obtain justice, balance and safety, including for online taxi users. Likewise, the government through the Minister of Transportation Regulation number: 26 of 2017 which has been updated with PM 108 of 2017 concerning Organizing the Transportation of People with Public Motorized Vehicles Not on Routes as a legal umbrella for online taxis. This Minister of Transportation Regulation also stipulates legal protection for online taxi users. This legal protection is regulated as well as mandated by regulations for conventional taxi services. This Regulation of the Minister of Transportation stipulates that transport or online taxi drivers must have a Public Transport SIM and management obligations are the same as conventional taxis. Viewed from the aspect of legal protection for users or consumers of public transport services, such a situation is not ideal and in practice is detrimental to consumers, because in every land transportation vehicle accident, it has never been heard that the responsibility of the operator of public transport vehicles has been raised.

Legal protection for public transport passengers on land has been regulated in Law no. 22 of 2009 concerning Road Traffic and Transportation. These regulations serve as guidelines for protecting the interests of passengers if their rights are violated by public transport service providers. Through regulation article 234 paragraph (1) of the Road Traffic and Transportation Law, it is explained that public transport service

providers cannot avoid and must be responsible for losses suffered by passengers caused by the driver's negligence.

In the principles of responsibility, it is stated that there is a principle of "absolute responsibility" where the principle is explained in Article 24 of the Road Traffic and Transportation Law that the carrier can absolve himself from responsibility if he can prove that the loss did not arise due to his fault. . Furthermore, to protect users of public transport, intervention from the government is also needed. Legal protection for users (consumers) is a must for the government. The importance of government intervention is based on several arguments relating to consumer protection. This intervention is needed so that the government can supervise the actors or service providers of public transport services in carrying out their obligations to provide good service to their users. Forms of government intervention can be carried out by forming or enacting regulations whose interests protect the rights of public transport users as consumers of public transport service providers (Sidabalok, 2010) .

Technological developments in human life cannot be avoided. Likewise with technological developments in the field of online public transportation business , such as the emergence of online taxi public transportation services (Nola, 2018) . The formation of this online taxi service business certainly aims to provide taxi services that are safer, more comfortable and accessible (easy to reach)

for its users. In connection with the existence of this online taxi service , several attempts have been made to make the service better than conventional public transportation services. In connection with the improvement of the service, there should be better legal protection and in accordance with the rights of its users.

In order to fulfill the government's obligation to provide public transportation services that are safe, secure, comfortable and affordable, government regulations are needed to supervise and ensure that every public transport service in its territory runs well. Furthermore, public transportation services such as online taxis have not been regulated or clearly and firmly included in the regulations of Law No: 22 of 2009 the Road Traffic and Transportation Law which regulates all public transportation services on the highway . Online taxi public transportation is a new development of taxi services based on technology or online applications in carrying out its service operations. Especially for ordinary or conventional taxi services, before the existence of online taxis, the government already had regulations regarding the implementation of public transportation services with motorized vehicles not on routes. The government regulation is in the form of Government Regulation No; 46 of 2014 concerning Minimum Service Standards for the Transport of People with Public Motorized Vehicles Not on Routes. For public transport companies that organize the transportation of people not on routes such as taxis, the government is required to meet the Minimum Service Standards (SPM) for the transportation of

people with public motorized vehicles not on routes as stipulated in Minister of Transportation Regulation No. 46 of 2014 which was amended by PM 28 of 2015 concerning PM 28 2014 concerning Minimum Service Standards for the Transport of People with Public Motorized Vehicles Not on Routes. The provisions of PM 28 of 2015 itself in article 1 state that the Minimum Service Standards for the Transport of People with Public Motorized Vehicles Not on Routes are the requirements for organizing the transportation of people with public motorized vehicles not on routes regarding the type and quality of service that every user of transportation services is entitled to at least . Abdillah Arif Nasution, Keulana Erwin, 2020) . Meanwhile, this type of online taxi public transport service is not included in PM 28 of 2015 regulation concerning PM 28 2014 concerning Minimum Service Standards for the Transport of People with Public Motorized Vehicles Not on Routes.

Fulfillment of this Minimum Service Standard is an important rule as a manifestation of fulfilling legal protection for online taxi users or consumers. The obligation to meet these Minimum Service Standards is expressly regulated in article 10 PM 28 of 2015 which states that every public transportation company that organizes the transportation of people not on routes is required to adjust the Minimum Service Standards for the Transport of People with Public Motorized Vehicles Not on Routes as regulated in Ministerial Regulations. within 3 (three) years since this Ministerial Regulation came into force

(4 February 2015). Fulfillment of Minimum Service Standards in the weighing part of PM 28 of 2015 it is said that the specified Minimum Service Standards include the fulfillment of security, safety, comfort, affordability, equality and regularity. The Minimum Service Standards regulated by PM Number: 28 of 2015 are in line with the principle that the basic rights of consumers or users of public transportation are that at a minimum they must fulfill basic consumer rights, including the rights to security, comfort and safety.

Regulations that must be made in particular are regulations that regulate the protection of the rights of online taxi users and regulate the operation of the online taxi service business in accordance with the Minimum Service Standards for public transportation services. In line with the obligation to comply with this Minimum Service Standard as also stipulated in article 10 PM 28 of 2015 which states that every public transportation company that organizes the transportation of people not on routes is required to adjust the Minimum Service Standards for People Transportation with Public Motorized Vehicles Not on Routes, then to Online taxi services also need regulation as a legal umbrella for the existence of their services. Finally, the government of the Republic of Indonesia through the Ministry of Transportation issued a regulation in the form of a Minister of Transportation Regulation, but only to regulate the existence of online taxi services.

The existence of this online taxi service business needs to be regulated and

strictly regulated in the Law on Land Transportation such as regulations in Road Traffic and Transportation regulations. Clear regulation of the existence of online taxi services is necessary in order to protect online taxi business people as service providers who can provide good service to their users. So the existence of online transportation regulations, especially for online taxis, at least contains regulations regarding existence and operationalization that meet the Minimum Service Standards (SPM) for good service protection according to the rights of online taxi users. It was only then that the government on April 1, 2016 issued Permenhub 32/2016 concerning the Organization of the Transport of People with Public Motorized Vehicles Not on Routes to regulate the existence of online taxi operations and these regulations became effective six months after issuance or became effective from October 1, 2016.

However, in the course of its implementation, the Regulation of the Minister for the Transport of People with Public Motorized Vehicles Not on the Route underwent several changes or revisions at the push of the public as well as an attempt at a judicial review before the Supreme Court of the Republic of Indonesia in mid-2017. The rejection of Permenhub 32/2016 concerning Organizing the Transportation of People with Public Motorized Vehicles Not on the Route continued and made the government finally change or revise the regulation into Minister of Transportation Regulation Number 26 of 2017 (PM 26/2017). The existence of online taxis has been

recognized by the existence of Minister of Transportation Regulation No. 26 of 2017 but in practice there are still many rejections. The next trip PM 26/2017 was sued for its existence through a judicial review to the Supreme Court of the Republic of Indonesia by six people who claimed to be drivers or online taxi business actors.

On May 2, 2017, the six online taxi drivers submitted a PM 26/2017 Test to the Supreme Court because they were deemed to be in conflict with a higher regulation, namely Law Number 20 of 2008 concerning Micro, Small and Medium Enterprises (UMUM UMKM Law Number 20/2008) and Law Number 22 of 2009 concerning Road Traffic and Transportation (LLAJ Law Number 22/2009). Through its decision Number: 37 P/HUM/2017 the Supreme Court of the Republic of Indonesia decided that there were a number of articles in PM Number: 26 of 2017 which were declared contrary to higher laws and regulations, namely Law Number 20 of 2008 concerning Micro, Small Enterprises, and Medium and Law Number 22 of 2009 concerning Road Traffic and Transportation. Until now, the regulation that has become the legal basis for the existence of online taxi services has become a Minister of Transportation Regulation, which has become Ministerial Regulation No: 108 of 2017 concerning Organizing the Transportation of People with Public Motorized Vehicles Not on Routes.

However, the existence of Ministerial Regulation No: 108 of 2017 was again questioned and a judicial review

was also submitted to the Supreme Court of the Republic of Indonesia. The reason for filing this judicial review again is because the government continues to use 14 regulatory points from PM Number: 26 of 2017 which have been canceled by Supreme Court Decision Number; 37P/HUM/2017. Furthermore, PM Number: 108 of 2017, since June 18 2018 PM Number: 118 of 2018 has begun to apply, which regulates online taxis in Indonesia. The provisions in PM 118 are no longer like PM 108 where there is no longer any KIR test obligation regulation. There is no sticker rule because it has been abolished by the Supreme Court. In particular PM 118 of 2018 regulates the interests of online taxi users such as the amount of transportation fares will consist of indirect costs and direct costs. It is also regulated that there are guidelines for the cost of using online taxis in the form of indirect costs and direct costs determined by the Minister and the amount of the fare must be stated in the application. Apart from that, regarding the tariff, it is regulated that there will be an upper limit rate and a lower limit rate and applicators are prohibited from giving promotional rates below the predetermined lower limit rates. Tariff regulation is a protection that must be guaranteed by the state to citizens as users of public transport services.

Furthermore, PM Number 118 of 2018 concerning the Implementation of Special Rental Transportation has changed several articles of regulation through PM Number: 17 of 2019, specifically regulations regarding licensing for Special Student Transport or Online Ojeks

operating in Jakarta - Bogor - Depok - Tangerang - Bekasi ( Greater Jakarta). It is regulated in Article I PM Number: 17 of 2019 that the provisions of Article 19 in the Regulation of the Minister of Transportation Number PM 118 of 2018 concerning the Implementation of Special Lease Transportation (State Gazette of the Republic of Indonesia of 2018 Number 1675) are amended. The amendment reads that Article 19 Permit for the operation of Special Lease Transportation granted by the Minister as referred to in Article 18 letter a is signed by: Director General of Land Transportation on behalf of Minister, for Special Lease Transportation that is area its operations extend beyond 1 (one) provincial area, besides the Jakarta, Bogor, Depok, Tangerang and Bekasi areas; And Head of the Jakarta Transportation Management Agency, Bogor, Depok, Tangerang and Bekasi on behalf of the Minister, for Special Lease Transportation whose operational area extends beyond more than 1 (one) province in the region Jakarta, Bogor, Depok, Tangerang and Bekasi.

### **Conclusion**

The development of regulations or arrangements regarding services established by the government in several Minister of Transportation Regulations above is an effort to protect people who use online transportation services, especially online taxis. The need for regulations or legal efforts to protect consumers such as online taxi users because the condition of consumers in Indonesia today is still very weak compared to the position of

producers, so it is necessary to empower consumers so that their position is not always on the disadvantaged side. The drafting of several Ministerial Regulations (PM) for Transportation shows the government's efforts to empower consumers, especially online taxi users in Indonesia. Even though the level is in the Regulation of the Minister of Transportation, the rule of law can already cover protection for online taxi users regarding fares, vehicle eligibility, service certainty and safety for online taxi users themselves amidst legal limitations. As we know, legal regulations or Law No: 22 of 2009 concerning Traffic and Transportation do not clearly regulate the existence of an online transportation service business in Indonesia. However, the drafting of the Regulation of the Minister of Transportation which regulates online taxi transportation services already has a legal basis for protection for online taxi users in Indonesia.

Regulating the existence of online taxis in a clear and definite manner is important so that the government can carry out better supervision based on legal provisions in the Law on Traffic and Transportation or also the Law on Transportation and Transportation. Legal regulation of the existence of online public

transportation service businesses such as online taxis is very important to ensure that the services provided by online taxi operators truly protect the rights of their users by providing services that are safe, secure, comfortable and affordable. To regulate or regulate legal protection for online taxi users, we suggest: The government needs to revise Law Number: 22 of 2009 concerning the existing Road Transport Traffic. This revision needs to be made so that the next Law on Traffic and Road Transportation contains or recognizes the existence of online-based public transportation, then the government in this case makes the best revision of the Minister of Transportation Regulations which regulates the Implementation of Public Transportation of People with Motorized Vehicles Not In special rental routes or transportation or online taxis according to the character of online transportation and the need for legal protection for its users, at the same time the government is making policies aimed at improving and improving public transportation systems, both manual and conventional, in urban and rural areas that are sustainable and can integrate with online public transport services.

## BIBLIOGRAPHY

1. Abdillah Arif Nasution, Keulana Erwin, LB (2020). determinant Study of Conventional Transportation and Online Transportation. Transportation Research Procedia , 44 (1), 276–282.  
<https://doi.org/https://doi.org/10.1016/j.trpro.2020.02.042>
2. Adam Mavi. (2016). Street King's

- Gloomy Business . Tempo.Co. <https://majalah.tempo.co/read/report-utama/150309/business-suram-raja-jalanan>
3. Ariyanti, V. (2019). Law Enforcement Policies in the Indonesian Criminal Justice System. *Juridical Journal* , 6 (2), 33–43. <https://doi.org/10.35586/jjur.v6i2.789>
  4. Ayuta Puspa Citra Zuama, CMD & DP (2021). Study of Online Ojek Regulations in Indonesia in the Perspective of Legal Phenomenology Philosophy. *Law Reform* , 25 (1), 21–40. <https://doi.org/https://doi.org/10.46257/jrh.v25i1.182>
  5. Azizah Queen of Buana. (2020). Problems with Online Ojek Regulations During the Covid-19 Large-Scale Social Restrictions. *IS* , 4 (1), 137–144. <https://doi.org/10.15408/Jadi.v4i1.15574>
  6. Desi Nugrahani. (2017). Online-Based Transportation Travel in Indonesia . Indonesian CNN. <https://www.cnnindonesia.com/tv/20170311110934-407-199401/perjalanan-transportasi-berbasis-online-di-indonesia/>
  7. Diamantina, HSP & A. (2019). Legal Protection of the Safety and Security of Online Ojek Drivers for the Interest of the Community. *Journal of Indonesian Legal Development* , 1 (3), 392–403. <https://doi.org/https://doi.org/10.14710/jphi.v1i3.392-403>
  8. Donald Putra. (2015). Prohibition of "Late Day" Operation of Ojek and Online Taxi . Kompas.com. <https://megapolitan.kompas.com/read/2015/12/18/07080011/Larangan.Kesiangan.Beroperannya.Ojek.dan.Taksi.Online>
  9. H. Salim HS, ESN (2016). Application of Legal Theory in Thesis and Dissertation Research . King of Grafindo Persada.
  10. Ika, A. (2017). The Ministry of Transportation complies with the Supreme Court Decision on Online Taxi Regulations . Kompas.com. <https://economy.kompas.com/read/2017/08/22/180000126/kemenhub-taati-decision-ma-soal-regulation-taksi-online>
  11. Inocentius Samuel. (2004). Consumer Protection – The Possibility of Executing Absolute Responsibility . University of Indonesia.
  12. Luthvi Febryka Nola. (2018). Partnership Agreement Vs Work Agreement for Online Ojek Drivers. *Field of Law Brief Info* , 10 (7), 1–6.
  13. Mardoni Setiawan, ATN (2012). Unraveling the Tangle of Jakarta Congestion . Library Linea.
  14. Marketer Eddie. (2015). Phenomenon of Online Transportation, Conspiracy? Marketers. <https://marketeers.com/phenomena-transportasi-online-konspirasikah>



15. Marzuki, PM (2015). *Legal Research (Revised Edition (ed.))*. Kencana Prenada Media Group.
16. Ria. (2015). This is the solution to overcome the 'Clash' of Pangkalan Ojek vs Online Ojek . *Online Law*. <https://www.Hukumonline.com/berita/a/ini-solusi-atasi-bentrokan-ojek-pangkalan-vs-ojek-online-lt5600fb4f53445>
17. Shilvia L.Br. Silalahi, Putu W. Handayani, QM (2017). Service Quality Analysis for Online Transportation Services: Case Study of GO-JEK. *Procedia Computer Science* , 124 (1), 487–495. <https://doi.org/https://doi.org/10.1016/j.procs.2017.12.181>
18. Sidabalok, J. (2010). *Consumer Protection Law in Indonesia* . Image Aditya Bakti.
19. Thresa Sandra Desfika, TL (2016). Postpone Enforcement of Minister of Transportation 32/2016 . *NewsOne*. <https://www.beritasatu.com/economy/388732/tunda-pemberlakuan-permenhub-322016>
20. Wahyu Saputra, Sri Rum Giyarsih, AJP (2020). Online Transportation Workers In Palembang City: Context And Characteristics. *The 3rd Environmental Resources Management in Global Region* , 1–8.
21. Wijaya, A. (2016). *Legal Aspects of Online Road Transportation Business* . Graphics Light.