

Type: Research Article

Legal Protection for Consumers of Illegal Online Motorcycle Taxis Based on Social Media in the Event of an Accident

Muhamad Fadhlinaufal Sukma Ramadhan 

Faculty of Law, Universitas Negeri Semarang, Indonesia

E-mail: fadhli@students.unnes.ac.id

Ubaidillah Kamal 

Faculty of Law, Universitas Negeri Semarang, Indonesia

E-mail: ubaidillahkamal@mail.unnes.ac.id

ABSTRACT

This article discusses legal protection for consumers of social media-based illegal online ojek in the event of an accident. The phenomenon of illegal online ojek based on social media has become a trend in Indonesian society, especially in big cities. Although it provides easy access to transportation, this practice raises concerns regarding legal protection for consumers, especially in the event of an accident. The research uses a normative juridical method with a secondary data approach, such as legislation, legal literature, and case studies. The focus of the discussion includes the legal status of online ojek operating through social media without official permission and analysis of consumer protection in the event of an accident. Legal studies are conducted based on the Road Traffic and Transportation Law (UULLAJ), the Consumer Protection Law (UUPK), and the Civil Code (KUHPperdata). The results show that Indonesian regulations have not fully accommodated the dynamics of application-based transportation services, especially those operating illegally. Although UULLAJ has not specifically regulated illegal online ojek, the principles of safety and responsibility can still be applied. The GCPL provides a legal basis for consumers to claim their rights, while the Civil Code can be used to compensate for losses due to accidents. Minister of Transportation Regulation Number 12 Year 2019 has not yet reached illegal online ojek based on social media. Therefore, it is necessary to strengthen regulations, law enforcement, and cross-sector collaboration to provide more optimal protection to consumers and ensure the safety of online transportation service users who have not been legally accommodated.

KEYWORDS

Consumer Protection;
Illegal Online Ojek;
Accident



Copyright ©2025 by Author(s); This work is licensed under a Creative Commons Attribution-ShareAlike 4.0 International License. All writings published in this journal are the personal views of the authors and do not represent the views of this journal or the authors' affiliated institutions.



INTRODUCTION

The emergence of online transportation services has fundamentally changed the urban mobility paradigm, providing unprecedented convenience and accessibility to a wider range of consumers.¹ The rapid growth of online ojek services, often facilitated through social media platforms, has outpaced the development of comprehensive legal protection, leaving passengers vulnerable in the event of an accident or incident related to the service provided. The use of online transportation in Indonesia, especially in urban centers such as Jakarta, Semarang, Bandung, and other urban centers, has been growing since 2011 and has become increasingly common, despite initial regulatory challenges.² This surge in popularity underscores the need for a thorough examination of the existing legal landscape and its effectiveness in protecting consumers using these services, especially when they operate outside the scope of the existing legal framework. The ease of use and competitive pricing of ride-hailing services have contributed to their widespread adoption, but these advantages are matched by potential risks and uncertainties, including the lack of standardized safety protocols and insurance coverage for passengers.³

Like the case that was raised on social media x, or better known as Twitter, where it happened on January 13, 2024, in the city of Semarang, there was an accident that caused a consumer who used online motorcycle taxi services. The deadly accident occurred right in front of a grocery store in the Gajahmungkur area, Semarang City. Several eyewitnesses at the scene said that the incident occurred because the online motorcycle taxi ridden by the victim collided with another motorist. In addition, the problems that often occur to consumers of online motorcycle taxis are the actions of drivers who drive unnaturally, such as driving while sick, influenced by drugs, recklessly causing road accidents, and consumers become victims. Another problem is that the vehicle registered in the online ojek application is different from the vehicle used by the driver, and the leakage of consumer personal data that often occurs makes consumers feel used.

Legal protection for consumers using online ojek services, especially those operating illegally through social media platforms, is a very important area to study in the broader context of Indonesian consumer protection law. The emergence of online transportation networks, while offering economic opportunities for drivers and increased mobility options for passengers, also poses significant challenges in terms of regulatory oversight and accountability. Indonesia's digital economy has experienced tremendous development, with ride-hailing services playing a significant role in the sector's growth, but the existing legal and regulatory framework has not been able to keep pace with the dynamic nature of the sector. The gap creates a vacuum where illegal or unincorporated online ojek services can thrive, often without adhering to safety standards and the legal obligations they are

¹ Budi Astuti & Muhammad Rusdi Daud, "Kepastian Hukum Pengaturan Transportasi Online" (2023) 6:2 Al-Qisth Law Rev 205.

² Yordan Widyadhana Riyadi Putra, Fidya Nur Styaningsih & Wiyan Herra Herviana, "Analisis Perkembangan Transportasi Online di Indonesia di Era 4.0 Dengan Metode Penelitian Deskriptif" (2022) 4:1 J Teknol dan Sist Inf Bisnis 162–170.

³ *Ibid.*



subject to. The lack of formal oversight of these services raises concerns about the adequacy of insurance coverage, driver qualifications and vetting, and the mechanisms available to resolve disputes or seek compensation in the event of an accident.

The interrelationship between technology, transportation, and consumer rights requires a comprehensive analysis of the legal protection available to passengers of illegal online ojek services operating through social media.⁴ The rise of online transportation is driven by increasingly sophisticated communication tools. The existing legal framework for consumer protection in Indonesia, as stipulated in Law Number 8 Year 1999 on Consumer Protection, provides a foundation for protecting consumer rights in various sectors, including transportation. The interrelationship between technology, transportation, and consumer rights requires a comprehensive analysis of the legal protection available to passengers of illegal online ojek services operating through social media. The existing legal framework for consumer protection in Indonesia, as set out in Law No. 8 Year 1999 on Consumer Protection, provides a foundation for protecting consumer rights in various sectors, including transportation.

Addressing the gap in legal protection for passengers of illegal online ojek services requires a multi-faceted approach that includes regulatory reform, improved law enforcement, and increased consumer awareness.⁵ The ease of access and convenience provided by these services often overshadow the potential risks and legal uncertainties, leading many passengers to abandon traditional transportation options in favor of these alternatives. The legal status of online ojek has been a subject of debate in Indonesia, with regulatory efforts aiming to strike a balance between innovation and consumer protection. Lack of clarity and inconsistent enforcement of regulations further complicate the situation, creating opportunities for illegal services to grow significantly and exposing passengers to undue risk. The urgency to address legal protection for passengers of illegal online ojek services is underscored by the potential for serious harm and emerging public confidence in the safety and reliability of transportation options. Consumers need to be more vigilant and know the legality of online transportation services. This is needed because consumers may be harmed and cannot get legal protection.

Research with a discussion of consumer protection in using transportation services is indeed quite interesting to study, such as research conducted by Adelia, Muhammad, and Piatur (2022) with a study entitled "Legal Responsibility for Victims of Traffic Accidents Due to Driver Negligence" in the study discusses how the liability of business actors criminally and civilly based on the law on traffic and road transportation.⁶ Furthermore, research conducted by Hafni Cholida (2024) with a study entitled "The Role of Consumer Protection Law Against inDriver Online Transportation Users in Medan City". The study discusses how protection for

⁴ Ayuta Puspa Citra Zuama, Cut Mutia Dinda & Djalu Pamungkas, "Telaah Regulasi Ojek Online di Indonesia dalam Perspektif Filsafat Fenomenologi Hukum" (2021) 25:1 Reformasi Huk 21–40.

⁵ Ridha Ashka Tsalisa, Sudharto P Hadi & Dinallestari Purbawati, "Pengaruh Kualitas Pelayanan dan Harga terhadap Kepuasan Pelanggan Pengguna Jasa Transportasi Online Maxim di Kota Semarang" (2022) 11:4 J Ilmu Adm Bisnis 822–829.

⁶ Piatur Pangaribuan Irani Winda Adelia, Susanto Hery Muhammad, "Artikel LEGAL PROTECTION OF VICTIMS OF TRAFFIC ACCIDENTS DUE TO DRIVER NEGLIGENCE" (2022) 4:September Lex Suprema 65–79 pada 68.



consumers of the inDriver service is provided and the liability of the inDriver companies for the negligence of their driving partners.⁷ The next research was conducted by Rinti, Hadi, and Suparwi (2023) with a study entitled "Legal Protection for Online Ojek Driver Partners When Experiencing Work Accidents". The study discusses legal protection for online motorcycle taxi drivers.⁸ Furthermore, there is research by Fachrurozi, Redyanto, and Riza (2023) with the title "Legal Review of the Responsibility of Online Transportation Companies for Consumer Safety." The research discusses legal regulations for transportation users and the form of responsibility of online transportation companies in the event of an accident.⁹ Finally, research by Rizky and Agus (2022) with research entitled "Motor Vehicle Drivers who Violate the Law that Causes Losses and Traffic Accidents Regulated in Article 1365 of the Civil Code" in the study discusses specifically accidents that cause losses and are caused by the driver.¹⁰

In some of these articles, no one specifically discusses the regulations that discuss the legality of online ojek on the presence of illegal online ojek operating based on social media that will be discussed in this article and no one has specifically discussed the legal protection for passengers or consumers in the event of an accident when using illegal online ojek services. Therefore, it is necessary to further study how the legal status of social media-based online ojek and the legal protection of consumers of social media-based illegal online ojek, especially in terms of accidents. Research is needed to analyze specific legal aspects related to consumer protection in the context of illegal online ojek in the event of an accident and formulate relevant policy recommendations.

METHOD

The approach method used in this research is the normative juridical method using descriptive analytical research specifications, where this research describes the state of the object under study based on applicable law and its implementation in community life. The data in this writing uses secondary data in the form of library materials, which include official documents, library books, laws and regulations, scientific works, articles, and documents related to the research material. The data collection method used in this research is a literature study. The data analysis method used in this research is a descriptive qualitative method. This research will focus on legal norms and principles derived from legislation, court decisions, and legal studies to assess the legal rights and remedies available to consumers who are harmed when using these illegal services.

⁷ Hafni Cholida Nasution, "Peranan Hukum Perlindungan Konsumen Terhadap Pengguna Transportasi Online InDriver di Kota Medan" (2024) 6:2 J Visi Ekon Akunt Dan Manaj 100–109.

⁸ R Aditia & H Mahmud, "Perlindungan Hukum Bagi Mitra Pengemudi Ojek Online Apabila Mengalami Kecelakaan Kerja" (2023) 01:02 J Bevind 46–53 pada 10.

⁹ M Fachrurozy, Redyanto Sidi & T Riza Zarzani, "Kajian Hukum Tanggung Jawab Perusahaan Transportasi Online terhadap Keselamatan Konsumen" (2023) 15:1 Leg J Huk 150 pada 1.

¹⁰ Rizky Purnomo Aji & Mas Agus Priyambodo, "Pengemudi Kendaraan Bermotor Yang Melanggar Hukum Yang Menimbulkan Kerugian Dan Kecelakaan Lalu Lintas Yang Di Atur Dalam Pasal 1365 Kuh Perdata" (2022) 6:2 The Juris 485–493 pada 1.



RESULT & DISCUSSION

I. Legal Status of Social Media-Based Online Ojek

The high use of online ojek services operating illegally through social media platforms poses complex legal challenges, especially regarding consumer protection in the event of an accident. The absence of formal registration and regulatory oversight for these services creates a precarious situation for consumers who may not have legal remedies normally available under existing transportation laws and consumer protection laws. The emergence of technology-based transportation services, exemplified by Transportation Network Companies such as Gojek, Grab, and Maxim, even online ojek anjem students, has changed the existence of public transportation services, giving rise to new policy challenges related to personal security, public safety, and insurance requirements. This phenomenon has sparked debate and opposition from the traditional transportation sector. Traditional transportation services have also been affected.¹¹ In some small towns where traditional transportation in the form of becak is still prevalent, there have been significant changes. In a few years, this transportation is getting less and less due to competition with online ojek.¹² How not, in all aspects of the services provided, online ojek is far superior to the traditional transportation in the form of becak. The increase in online ojek users is supported by circumstances, such as during the pandemic that occurred several years ago. The need for these services becomes the main thing at critical times because it is considered to make it easier for people to carry out restrictions in the social environment.¹³

The emergence of online ojek in the transportation system is considered to have increased significantly compared to other types of transportation. There is an increase in the number of online ojek drivers or drivers due to the human need for easy and fast transportation services without the need to walk to the pick-up station.¹⁴ This can be considered a good thing because the presence of online ojek proves a reduction in unemployment, especially in big cities. Although there has been controversy about the legality of these services since 2018, until now, the increase in users of online ojek services has continued to increase. The increasingly high demand for the availability of adequate, safe, and decent public transportation, coupled with the inability of the government to meet people's needs for adequate, safe, comfortable, and easily available transportation services, is one of the factors that online ojek services can grow rapidly.

Online ojek services are included in the type of transportation, based on UULAJ, which includes the transportation a person or more people and goods that move using vehicles operating in traffic from one place to another. The law does not specifically discuss the legality of online ojek, even if it is studied further, online ojek does not meet the provisions as a person transportation service because motorcycles are not included in the class of person vehicles in the law. Therefore,

¹¹ *Ibid.*

¹² *Ibid.*

¹³ *Ibid.*

¹⁴ Haerun Ni'am, Abd Rahim Nurdin & Nur Hadijah Yuniarti, "Evaluation of Public Transport Transportation and Safety Due to Online Transportation in Makassar City" (2024) 2:1 J Penelit Tek Sipil Konsolidasi 99-105.



there are still many debates related to the legality of online ojek; until now, online ojek is recognized as a public motor vehicle, not as a public transport vehicle. This raises the unclear legal status of online ojek services operated through social media.

With the high increase in users of online ojek services, it needs to be accompanied by legal rules governing the security and safety of online ojek passengers themselves. By using an online system, service reservations are made by sending passenger data to the driver. That way, consumer data such as home address, telephone number, and personal data from consumers can be known to the driver.¹⁵ Even if using an application-based online ojek, before creating an account, there are already application provisions that request permission to access the cellphone. Therefore, it raises speculation of personal data leakage amid the many news reports about the misuse of personal data that should be a person's private. In addition, not only victims who have a high risk of using online ojek services, business actors or drivers are at the same high risk, where business actors are vulnerable to fraud in the form of electronic data falsification used by people to make fictitious orders. Recently, there has been one type of service provided by business actors, such as in conventional online ojek, such as gojek, there is a go-food menu, grab with grab food menu, and there is also shopeefood. Meanwhile, a social media-based online ojek named the menu JasTip (Jasa Titip). This creates a vulnerability for business actors to fictitious orders that have been falsified by fake orders.¹⁶ Not only that, in some cases, there are differences in the original online ojek partner data with those in the application due to the practice of buying and selling online ojek driver accounts. This is very troubling because the data of the original driver is not listed in the application, causing consumers to feel confused about reporting in the event of adverse things.¹⁷

The emergence of the Minister of Transportation Regulation No. 12 Year 2019 is a breath of fresh air for online ojek providers as well as for users of these services because the regulation contains the use of motorbikes for the benefit of the community which if examined more deeply, one of the interests of the community in using motorbikes is to move places so that there is a link between online ojek and the regulation. This regulation is made to explain the protection for motorcycle users, so that the subjects are drivers and passengers, as well as the completeness of the motorcycle itself. Article 3, paragraph (2) contains aspects that must be met by drivers and passengers, such as aspects of safety, security, comfort, affordability, and regularity.¹⁸ These aspects must be fulfilled, especially by the driver or ojek service provider. Not only online ojek, Article 2 states that the points in the regulation are for motorcycle users conducted (1) with applications and (2) without applications. Therefore, all types of ojek, whether using technology such as applications or social media in devices or manual ones such as base ojek, are

¹⁵ *Ibid.*

¹⁶ Flantino Pangku & Qomarrudin Husni, "Tinjauan Hukum terhadap Manipulasi Informasi Elektronik oleh Pengemudi Ojek Online (Putusan Nomor 295/Pid.Sus/2020/Pn Mlg)" (2022) 3:2 Bhirawa Law J 102-109.

¹⁷ Anton Hermawan, "Kajian Hukum Penggunaan Handphone Oleh Driver Ojek Online Pada Saat Berkendara" (2021) J Law (Jurnal Ilmu Hukum) 1-8.

¹⁸ Nurhasanah Nasution & Irwansyah Irwansyah, "Penegakan kepatuhan pengemudi ojek online terhadap regulasi lalu lintas: analisis hukum terhadap penggunaan ponsel saat berkendara menurut UU nomor 22 tahun 2009" (2023) 9:1 181-187.



required to run their business based on these regulations. Even so, the regulations regarding the operation of online ojek are described in Article 79 of PP No. 74 Year 2014, where the company is a legal entity such as BUMN, BUMD, PT, or KSP. For example, Go-Jek Indonesia is a Limited Liability Company, and Grab is a Joint Business Services Cooperative.¹⁹ This is so that in the event of unwanted things such as accidents, the motorcycle taxi service company can provide compensation to parties who experience accidents and are harmed by drivers. Based on the provisions in Article 79 of PP No.74 Year 2014, it can be interpreted that online ojeks that are not in the form of legal entities, such as ojek anjem students, cannot be said to be public transportation or can be said to be illegal online ojeks. Based on the legality of public transportation services that have been reviewed based on relevant regulations, what is the form of protection to passengers if involved in an accident caused by an illegal online ojek driver or driver?

The emergence of illegal online motorcycle taxis (student shuttle services) that are increasingly crowded among students can develop because of the high student need for instant transportation services, can be ordered through social media such as whatsapps, intagram, x or better known as twitter is considered to facilitate in the student area where many people come from various regions from across the city to remote villages. The diverse economic capabilities of students make the illegal online motorcycle taxi service attractive because of its economical price among students.²⁰ With the density of students who occupy an area, there is an increasing need for these transportation services. Without seeing the background of the service provider or business actor of illegal online ojek because the price is more economical than online ojek services such as grab, gojek, and maxim, but with the heavy traffic in a crowded area, it does not rule out the possibility of accidents that could involve passengers when using these services.

In providing services to consumers, it is necessary to pay attention to the principles in the Consumer Protection Law, where there is one principle that needs to be discussed in this article, namely, the principle of legal certainty. The principle of legal certainty can be interpreted as a legal system that is made definite, clear, and written. This is needed to provide understanding to the reading public so that they can understand clearly, so as not to create confusion in the implementation of an activity. According to Nurhasan Ismail, a regulation in law needs clarity of concept, hierarchy, and consistency between norms to implement the principle of legal certainty. According to Sudikno, the principle of legal certainty is defined as the relationship between law and regulation, where the law becomes the basis of an idea that can be found by looking for general characteristics in specific regulations.²¹ From several definitions of the principle of legal certainty, it can be said that the principle of legal certainty is defined as a basic principle that guarantees that the law can be carried out consistently and clearly to provide guarantees for individual rights by applicable legal regulations. Therefore, with the unclear rules regarding

¹⁹ Erwin, "Intervensi Pemerintah Indonesia Melalui Peraturan Menteri Perhubungan Nomor PM 12/2019 Terhadap Kepuasan dan Loyalitas Konsumen" (2021) 18:1 JBMI (Jurnal Bisnis, Manajemen, dan Inform 46-56.

²⁰ Pahmi Amri, Achmad Nurmandi & Dyah Mutiarin, "the Role of Policy Actors in Determining the Direction of Disruptive Innovation Policy" (2022) 11:4 Special Issue J Gov Regul 374-386.

²¹ Kusumadewi & Sharon, *supra* note.



the legal status of online ojek services operating through social media, the principle of legal certainty is not fulfilled because one of the parties in running its business does not fulfill the relevant legal provisions. Permenhub No.12 of 2019 regulates the protection of online motorcycle taxis, but reviewed in it is an online motorcycle taxi that uses applications while among students online motorcycle taxis (student shuttle services) do not use transportation service-based applications such as Go-Jek, Grab and Maxim, but use advertisements on various kinds of social media. So it can be said that regulations regarding social media-based online ojek do not exist or are illegal.

II. Consumer Protection for Illegal Online Ojek Users in the Event of an Accident

A consumer of illegal online motorcycle taxi services needs to get appropriate legal protection so that consumers do not get arbitrary treatment from harmful parties. Legal protection is considered an important concept that has various explanations from experts. According to Soerjono Soekanto, legal protection is defined as a form of protection provided in the form of legal instruments that are useful as protection for legal subjects. The legal device in question has a function to provide guarantees and legal certainty for legal subjects if they experience losses; besides that, it can protect a person from actions that violate the law. Satjipto Raharjo has another view of legal protection than that put forward by Soerjono Soekanto; according to him, legal protection is a form of protection given to human rights where someone is a party harmed by another party. According to Satjipto Raharjo, protection has the aim of enabling people to get their rights and be able to enjoy them without interference and deprivation from other parties. Consumer protection is seen as increasingly materially and formally important, given the advancement of science and technology, which is a driving force for the productivity and efficiency of producers of goods or services produced to achieve business goals.²² In general, legal protection is defined as a form of protection that serves to protect the rights and interests of a person against various forms of interference that can occur arbitrarily.

The form of protection to passengers is written in Law No. 8 of 1999 concerning Consumer Protection, which in article 19 explains that business actors are responsible for providing compensation for damage, pollution, and/or losses suffered by consumers as a result of using traded goods and/or services. The form of compensation that must be made by business actors is explained in article 19 paragraph (2) where the compensation that must be given can be in the form of a refund, or replacement of goods and/or services of a similar or equivalent value, or can be in the form of health care and/or compensation. In this case, if what happens is an accident and passengers suffer losses such as minor injuries to serious injuries, the business actor is obliged to provide treatment or treatment costs until the passenger recovers. Business actors are obliged to provide compensation as needed by consumers who feel harmed. Because when consumers experience losses in the form of accidents, damage, or other losses, consumers are using the services of online ojek business actors.

²² Ubaidillah Kamal, "Perlindungan Konsumen" in *Huk Ekon* (Semarang: BPFH UNNES, 2018).



Regarding the legal protection of online motorcycle taxi service users, if examined from PM No.12 of 2019 concerning the protection of motorcycle users for the benefit of the community. Specifically, in Article 16 f, it is explained that passengers must receive compensation in the event of an accident. In the regulation, it is explained that the party who has an accident must receive compensation for both passengers and drivers. The explanation of the article, if examined more deeply, the company of the driver has the responsibility to provide compensation to drivers and passengers.²³ As well as PT Go-Jek, in the terms and conditions of use of the service, provides consumer protection in the event of an accident in the form of compensation of 10,000,000.00 (ten million rupiah). And hospital costs of 5,000,000.00 (five million rupiah), and if using instant courier services and experiencing loss of goods, will be given compensation of up to 10,000,000.00 (ten million rupiah). Likewise, Grab online motorcycle taxi with a cooperative legal entity that provides guarantees if there is a loss for the driver or the driver and passengers. The losses in question can be in the form of accidents, loss of goods, or other things that cause losses to the parties. Business actors or grab companies are responsible for losses if the amount of loss is above 25,000,000.00. (twenty-five million rupiah). Therefore, if the nominal loss is below, Grab cannot receive compensation claims from the parties. To get compensation from Grab in the event of an accident, there must be a report to the insurance company that has collaborated with the Grab company. This relates to Article 26 of Law No. 8 of 1999, which explains that the guarantee and/or warranty of the services provided must be fulfilled by the public transportation company. Therefore, illegal online ojek (student shuttle service) is not in the form of a legal entity, and there is no cooperation with insurance companies, where the ojek is only an individual business, so the service provider or business actor is obliged to provide compensation to victims. An example of this is the Raharja service insurance that handles insurance for victims of accidents in public transportation. The raharja service can provide insurance to the online ojek passengers with private vehicle claims, but most of the illegal online ojek drivers do not know the procedure or how to claim the insurance.

Consumers who use illegal online ojek services can also claim compensation to business actors who in this case are online ojek drivers based on the LLAJ Law where in Article 234 paragraph (1) which contains "the driver, vehicle owner, and/or public transportation company is responsible for losses suffered by passengers and/or owners of goods and/or third parties due to driver negligence".²⁴ Based on the contents of the article, if consumers feel harmed due to loss of goods or due to accidents caused by driver negligence, consumers have the right to request civil liability.²⁵ The amount of compensation obtained for consumer losses based on Article 236 paragraph (1) is determined by the court. Related to this article, it can be done if the business actor does not want to take full responsibility for the losses

²³ Kamila Fakhriyah Aris & Mahendra Wardhana, "Kesadaran Hukum Pengemudi Ojek Online 'Gojek' Terkait Keikutsertaannya Pada Program Jaminan Kecelakaan Kerja Dan Jaminan Kematian Di Kota Surabaya" (2024) *Novum J Huk* 426-435.

²⁴ Husni Thamrin & Manar Dimansyah, "Perlindungan Hukum Bagi Pengguna Angkutan Ojek Berbasis Aplikasi Online Sesuai Dengan Undang-Undang Nomor 22 Tahun 2009 Tentang Lalu Lintas dan Angkutan Jalan" (2022) *5:1 Coll Stud J* 10-16.

²⁵ *Ibid.*



suffered by consumers. However, if both parties are satisfied with both the need to compensate the consumer and the ability of the business actor to fulfill its responsibility to compensate, the compensation can be made outside the court amicably by the provisions contained in Article 236 paragraph (2) of the LLAJ Law.

In addition to using the LLAJ Law as a reference, consumers who feel harmed by the driver can also claim the liability of the perpetrator based on the Civil Code. If it is related to the case of an online motorcycle taxi accident involving passengers, it is based on the provisions contained in Article 1365 which contains "every act that is unlawful and brings harm to others, gives an obligation to the party who gives or causes harm due to his fault to replace the loss.²⁶ As well as in the provisions contained in Article 1366, which explains that not only because of the act, but also for negligence or carelessness that causes harm to others. This can be done by consumers who feel harmed due to accidents in using online motorcycle taxi services if the business actors in providing their services commit unlawful acts that have a connection to all the elements contained in the provisions of these articles.²⁷ Some of these elements, the first is that it can be proven that the business actor is acting against the law. In the case of traffic accidents, the business actor must be proven to have violated the provisions of the LLAJ Law. Second, the business actor must be proven to have caused the accident due to negligence or intent. To assess the fault of the business actor, it can be based on the element of subjective fault, which means that the business actor recognizes that the cause of the accident occurred because of him and can be held accountable.²⁸ And there is also an objective fault, which means that the act is according to the provisions, and people in general can be held accountable for it. The third element to strengthen tort claims is that it can be proven that the victim or consumer has suffered both material and immaterial losses. Based on the provisions contained in Article 1243 of the Civil Code, if the victim is harmed due to the negligence of the business actor, the provisions of the article allow the victim to obtain compensation for costs, losses, and interest. Article 240 of the UULLAJ allows the victim to receive help and or treatment from the party responsible for the traffic accident, to receive compensation from the responsible party, and to receive compensation for traffic accidents from insurance companies.²⁹

If the business actor does not fulfill their obligation to provide compensation as a form of responsibility to the consumer, the consumer can demand compensation from the perpetrator through legal channels to get the rights that they should have.³⁰ By not fulfilling the element of responsibility of the business actor, consumers who

²⁶ Sheila Eldi Azzahra, Tarsisius Murwadji & Holyness N Singadimedja, "Akibat Hukum Pesanan Fiktif Oleh Konsumen Terhadap Pengemudi Ojek Online Ditinjau Dari Kuhperdata" (2022) 13:1 ADIL J Huk 1-21.

²⁷ Rinto Aditia & Hadi Mahmud, "Perlindungan Hukum Bagi Mitra Pengemudi Ojek Online Apabila Mengalami Kecelakaan Kerja" (2023) 1:2 J Bevind 46-53.

²⁸ Stevani Joune E Tangkudung, "PERLINDUNGAN HUKUM BAGI PENGEMUDI TRANSPORTASI OJEK ONLINE AKIBAT PEMBATALAN SECARA SEPIHAK OLEH KONSUMEN" (2024) 14:2 Lex Priv.

²⁹ Sonya Hermina Kusumaning Maruru et al, "Tinjauan Hukum Terhadap Regulasi Dan Pengawasan Layanan Transportasi Online (Studi Kasus Grab Di Indonesia)" (2024) 6:02 J Ekon Sos Hum 176-183.

³⁰ Ihsan Helmi Lubis, "Ojek Online Dalam Bingkai Hukum Nasional Dan Syariat Islam" (2022) 8:1 Yurisprudencia J Huk Ekon 117-126.



feel aggrieved can sue the business actor through the Consumer Dispute Resolution Agency (BPSK). Consumers who feel aggrieved by a service can also make demands to the district court by the position of the consumer. To be able to file a lawsuit through the Consumer Dispute Resolution Body, a person who feels aggrieved can consult with a non-governmental consumer protection organization (LPKSM).³¹ This institution is specifically engaged in consumer protection and has the support of the government. This institution runs and is regulated by legislation, so that the presence of this institution plays an active role in protecting consumer rights as needed by the community. This Non-Governmental Consumer Protection Organization has the task of providing information related to the rights and obligations of consumers in using goods and/or services, providing advice to consumers regarding their problems, providing assistance and assistance to consumers who want to claim their rights, and supervising with the government and the community regarding the development of consumer protection in society.

An illegal online ojek accident case occurred in Semarang city, where the accident caused a fracture suffered by the ojek passenger. The accident occurred shortly after the rain stopped, where the motorcycle taxi driver would precede a car in front of him, but apparently, there was a motorcycle with a higher speed that preceded the car, so that there was a collision between the illegal online motorcycle taxi and another motorist. This can occur due to the fault of the motorcycle taxi driver and other motorcycle drivers where the motorcycle taxi driver does not pay attention to the rearview mirror and does not give a sign in the form of a turn signal when going ahead of the car and the other motorcyclist does not give a sign to the driver in front of him. Therefore, both sides of the motorcyclist resulted in an accident due to the negligence of both parties. In this case, the passenger victim who suffered a fracture has the right to claim compensation in the form of treatment and/or maintenance costs to the business actor because the losses suffered by passengers can occur due to an element of fault and negligence of the business actor. In such cases, the business actor and the passenger are taken to the hospital for further examination, and because the online motorcycle taxi does not have a clear license, the victim needs to apply for insurance personally. Therefore, it is necessary to carry out the process at the Semarang Police Station to record the parties involved in the case.

Although the presence of online motorcycle taxis (student shuttle services) is not specifically regulated the legality and implementation, but by progressive legal theory where the presence of law is related to its social situation, which looks more towards the effects and implementation of the law in society than the study of legal regulations.³² Therefore, based on the real situation in society where there is a gap or gap between the needs of the community related to public transportation and the government's ability to meet the need for proper and adequate public

³¹ Alfina Maharani & Adnand Darya Dzakra, "Fungsi Perlindungan Konsumen Dan Peran Lembaga Perlindungan Konsumen Di Indonesia : Perlindungan, Konsumen Dan Pelaku Usaha (Literature Review)" (2021) 2:6 J Ekon Manaj Sist Inf 659-666.

³² Nikanort Leba, Lendy Siar & Debby T Antow, "Pertanggungjawaban Hukum Kelalaian Pengemudi Perusahaan Dalam Kecelakaan Lalu Lintas Yang Mengakibatkan Kematian" (2023) 3:1 J Huk Unsrat 1-11.



transportation.³³ Because this is also needed to break down the density of vehicles in traffic, the shift in the use of transportation from two wheels to a larger type of transportation is considered to be very effective and efficient in breaking up traffic congestion, especially in university areas or office areas.³⁴ With the government unable to fulfill its obligations in meeting the needs of the community for safe, comfortable, affordable, and easily available transportation services, the presence of online ojek from application-based to social media-based continues to operate as a solution to the government's lack of ability to provide proper transportation services.

CONCLUSION

Regulation of online ojek in Indonesia still does not fully accommodate the development of application-based transportation services, especially those operating illegally through social media. The Road Traffic and Transportation Law (UULLAJ) has not specifically regulated the protection of illegal online ojek consumers, but the principles of safety and driver responsibility still apply. The Consumer Protection Law provides a legal basis for consumers to claim their rights, including in cases of accidents involving illegal online ojek. Regulation of the Minister of Transportation Number 12 Year 2019 regulates the minimum service standards for transportation of people by public motorized vehicles not on a route, but does not cover illegal online ojek based on social media. The Civil Code (KUHPdata) can be used as a legal basis to claim compensation in the case of an accident involving an illegal online ojek. Legal protection for consumers of illegal online ojek is still limited and requires more comprehensive regulatory development to accommodate technological developments and new business models in the transportation industry. Joint efforts are needed from the government, business actors, and the public to increase legal and safety awareness in the use of online transportation services, especially those operating illegally through social media. Strengthening law enforcement and supervision of illegal online ojek based on social media needs to be improved to protect consumer interests and ensure the safety of transportation service users.

DECLARATION OF CONFLICTING INTERESTS

The authors state that there is no conflict of interest in the publication of this article.

FUNDING INFORMATION

None.

³³ Rissa Afni Martinouva, Dina Haryati Sukardi & Satrio Nur Hadi, "Perlindungan Konsumen Terhadap Pelaksanaan Perjanjian Layanan Pemesanan Makanan Melalui Ojek Online Di Bandar Lampung" (2021) *J Supremasi* 70–78.

³⁴ Budi Santoso, Ratih Dheviana Puru Hitaningtyas & Sugeng Santoso Pudyo Nugroho, "Karakteristik Hubungan Hukum Antara Pengemudi Ojek Online Dan Perusahaan Aplikasi" (2023) *52:2 Masal Huk* 174–186.



ACKNOWLEDGMENT

The author would like to express his deepest gratitude to all those who have provided support in the preparation of this article. Special thanks go to the lecturers, academics, and legal practitioners who have provided valuable insights and inputs in the research and writing process. The author is also grateful to the institutions that provided relevant data and information, as well as to colleagues who have provided encouragement and moral support during the preparation of this work. Without the help and contributions of various parties, this article would not have been completed properly. All shortcomings in this article are the responsibility of the author, and constructive criticism and suggestions are highly expected for future improvements.

REFERENCES

BOOK

Kusumadewi, Yessy & Grace Sharon, *Hukum perlindungan konsumen*.

JOURNAL

Aditia, R & H Mahmud, "Perlindungan Hukum Bagi Mitra Pengemudi Ojek Online Apabila Mengalami Kecelakaan Kerja" (2023) 01:02 J Bevind 46–53.

Aditia, Rinto & Hadi Mahmud, "Perlindungan Hukum Bagi Mitra Pengemudi Ojek Online Apabila Mengalami Kecelakaan Kerja" (2023) 1:2 J Bevind 46–53.

Amri, Pahmi, Achmad Nurmandi & Dyah Mutiarin, "the Role of Policy Actors in Determining the Direction of Disruptive Innovation Policy" (2022) 11:4 Special Issue J Gov Regul 374–386.

Andini Istiqomah, Ning Nabila Zuhro & Shalfian Agung Prasetyo, "Kehidupan Sosial Ekonomi Tukang Becak Terhadap Keberadaan Ojek Online di Jember" (2023) 2:12 ULIL ALBAB J Ilm Multidisiplin 5735–5744.

Aris, Kamila Fakhriyah & Mahendra Wardhana, "Kesadaran Hukum Pengemudi Ojek Online 'Gojek' Terkait Keikutsertaannya Pada Program Jaminan Kecelakaan Kerja Dan Jaminan Kematian Di Kota Surabaya" (2024) Novum J Huk 426–435.

Astuti, Budi & Muhammad Rusdi Daud, "Kepastian Hukum Pengaturan Transportasi Online" (2023) 6:2 Al-Qisth Law Rev 205.

Ayuta Puspa Citra Zuama, Cut Mutia Dinda & Djalu Pamungkas, "Telaah Regulasi Ojek Online di Indonesia dalam Perspektif Filsafat Fenomenologi Hukum" (2021) 25:1 Reformasi Huk 21–40.

Azzahra, Sheila Eldi, Tarsisius Murwadji & Holyness N Singadimedja, "Akibat Hukum Pesanan Fiktif Oleh Konsumen Terhadap Pengemudi Ojek Online Ditinjau Dari Kuhperdata" (2022) 13:1 ADIL J Huk 1–21.

Erwin, "Intervensi Pemerintah Indonesia Melalui Peraturan Menteri Perhubungan Nomor PM 12/2019 Terhadap Kepuasan dan Loyalitas Konsumen" (2021) 18:1 JBMI (Jurnal Bisnis, Manajemen, dan Inform 46–56.

Fachrurozy, M, Redyanto Sidi & T Riza Zarzani, "Kajian Hukum Tanggung Jawab Perusahaan Transportasi Online terhadap Keselamatan Konsumen" (2023) 15:1 Leg J Huk 150.

Hermawan, Anton, "Kajian Hukum Penggunaan Handphone Oleh Driver Ojek Online Pada Saat Berkendara" (2021) J Law (Jurnal Ilmu Hukum) 1–8.



- Husni Thamrin & Manar Dimansyah, "Perlindungan Hukum Bagi Pengguna Angkutan Ojek Berbasis Aplikasi Online Sesuai Dengan Undang-Undang Nomor 22 Tahun 2009 Tentang Lalu Lintas dan Angkutan Jalan" (2022) 5:1 Coll Stud J 10–16.
- Irani Winda Adelia, Susanto Hery Muhammad, Piatur Pangaribuan, "Artikel LEGAL PROTECTION OF VICTIMS OF TRAFFIC ACCIDENTS DUE TO DRIVER NEGLIGENCE" (2022) 4:September Lex Suprema 65–79.
- Kamal, Ubaidillah, "Perlindungan Konsumen" in *Huk Ekon* (Semarang: BPFH UNNES, 2018).
- Lamganda, Saham, Umar Aris & Resi Pranacitra, "Kekosongan Hukum Pengaturan Transportasi Online Berdasarkan Undang-Undang Nomor 22 Tahun 2009 Tentang Lalu-Lintas Angkutan Jalan" (2023) 2:3 J Multidisiplin Dehasen 639–650.
- Leba, Nikanort, Lendy Siar & Debby T Antow, "Pertanggungjawaban Hukum Kelalaian Pengemudi Perusahaan Dalam Kecelakaan Lalu Lintas Yang Mengakibatkan Kematian" (2023) 3:1 J Huk Unsrat 1–11.
- Lubis, Ihsan Helmi, "Ojek Online Dalam Bingkai Hukum Nasional Dan Syariat Islam" (2022) 8:1 Yurisprudencia J Huk Ekon 117–126.
- Maharani, Alfina & Adnand Darya Dzikra, "Fungsi Perlindungan Konsumen Dan Peran Lembaga Perlindungan Konsumen Di Indonesia: Perlindungan, Konsumen Dan Pelaku Usaha (Literature Review)" (2021) 2:6 J Ekon Manaj Sist Inf 659–666.
- Martinouva, Rissa Afni, Dina Haryati Sukardi & Satrio Nur Hadi, "Perlindungan Konsumen Terhadap Pelaksanaan Perjanjian Layanan Pemesanan Makanan Melalui Ojek Online Di Bandar Lampung" (2021) J Supremasi 70–78.
- Maruru, Sonya Hermina Kusumaning et al, "Tinjauan Hukum Terhadap Regulasi Dan Pengawasan Layanan Transportasi Online (Studi Kasus Grab Di Indonesia)" (2024) 6:02 J Ekon Sos Hum 176–183.
- Muhamad, Lili Fadli & Elkin Rilvani, "Systematic Review: Perlindungan Konsumen Transaksi Online" (2021) 1:2 SMART Manag J 40–46.
- Nasution, Hafni Cholida, "Peranan Hukum Perlindungan Konsumen Terhadap Pengguna Transportasi Online InDriver di Kota Medan" (2024) 6:2 J Visi Ekon Akunt Dan Manaj 100–109.
- Nasution, Nurhasanah & Irwansyah Irwansyah, "Penegakan kepatuhan pengemudi ojek online terhadap regulasi lalu lintas: analisis hukum terhadap penggunaan ponsel saat berkendara menurut UU nomor 22 tahun 2009" (2023) 9:1 181–187.
- Ni'am, Haerun, Abd Rahim Nurdin & Nur Hadijah Yuniarti, "Evaluasi Transportasi Angkutan Umum Dan Keselamatan Akibat Adanya Transportasi Online di Kota Makassar" (2024) 2:1 J Penelit Tek Sipil Konsolidasi 99–105.
- Nuh, Muhammad Asrul, St Maryam H & Mukhtar Thahir Syarkawi, "Analisis Pemilihan Moda Transportasi Online dan Angkutan Kota bagi Pegawai Balai Besar Pelaksana Jalan Nasional" (2022) 1:2 J Konstr Tek infraSTRUKtur, dan SaIns 21–28.
- Pangku, Flantino & Qomarrudin Husni, "Tinjauan Hukum terhadap Manipulasi Informasi Elektronik oleh Pengemudi Ojek Online (Putusan Nomor 295/Pid.Sus/2020/Pn Mlg)" (2022) 3:2 Bhirawa Law J 102–109.



- Putra, Yardan Widyadhana Riyadi, Fidya Nur Styaningsih & Wiyan Herra Herviana, "Analisis Perkembangan Transportasi Online di Indonesia di Era 4.0 Dengan Metode Penelitian Deskriptif" (2022) 4:1 J Teknol dan Sist Inf Bisnis 162-170.
- Rizky Purnomo Aji & Mas Agus Priyambodo, "Pengemudi Kendaraan Bermotor Yang Melanggar Hukum Yang Menimbulkan Kerugian Dan Kecelakaan Lalu Lintas Yang Di Atur Dalam Pasal 1365 Kuh Perdata" (2022) 6:2 The Juris 485-493.
- Santoso, Budi, Ratih Dheviana Puru Hitaningtyas & Sugeng Santoso Pudyo Nugroho, "Karakteristik Hubungan Hukum Antara Pengemudi Ojek Online Dan Perusahaan Aplikasi" (2023) 52:2 Masal Huk 174-186.
- Sanubari, Fajar Trisna & Sofa Amalia, "Gambaran kepuasan kerja pada pengemudi layanan jasa transportasi ojek online" (2019) 7:1 Cognicia 77-94.
- Tangkudung, Stevani Joune E, "PERLINDUNGAN HUKUM BAGI PENGEMUDI TRANSPORTASI OJEK ONLINE AKIBAT PEMBATALAN SECARA SEPIHAK OLEH KONSUMEN" (2024) 14:2 Lex Priv.
- Tsalisa, Ridha Ashka, Sudharto P Hadi & Dinalestari Purbawati, "Pengaruh Kualitas Pelayanan dan Harga terhadap Kepuasan Pelanggan Pengguna Jasa Transportasi Online Maxim di Kota Semarang" (2022) 11:4 J Ilmu Adm Bisnis 822-829.
- Zamrud, Wa Ode & Muhammad Syarifuddin, "Perlindungan Hukum Terhadap Data Pribadi Konsumen Pengguna Jasa Ojek Online" (2022) 3:2 J Ilmu Huk Kanturuna Wolio 157-171.
- Zuhairi, Deni dan Ahmad, "Perlindungan Hukum Bagi Konsumen Pengguna Ojek Online Pada Saat Pandemi" (2022) 2:2 J Commer Law 360.