

Legal Protection by PPAI for Online Motorcycle Taxi Drivers

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Abstract: This study aims to examine the role and effectiveness of the Indonesian Application Drivers Association (PPAI) in providing legal protection for online motorcycle taxi drivers. Along with the development of technology and the digital economy, the application-based transportation sector is increasingly popular in Indonesia. However, behind this progress, there are legal challenges faced by online motorcycle taxi drivers, especially related to the protection of their rights. This article examines the regulations and policies implemented by PPAI and their implementation in providing legal protection for online motorcycle taxi drivers. The method used in this study is a qualitative approach with descriptive analysis. Data were obtained through literature studies from relevant legal and regulatory sources and interviews with online motorcycle taxi drivers and legal practitioners. The Indonesian government has issued various regulations to protect online motorcycle taxi drivers, but challenges in their implementation still exist, including the lack of responsibility of online motorcycle taxi companies for driver safety and the lack of legal awareness among drivers themselves. Even so, PPAI plays an important role in ensuring that drivers' rights are protected through legal assistance, training, and education on driving ethics. These efforts aim to improve the welfare, dignity, and provide legal certainty for application drivers.

Keywords— PPAI; online motorcycle taxis; legal protection

1. INTRODUCTION

In the increasingly advanced digital era, various technological innovations have changed the way humans interact and carry out daily activities. One such innovation is the emergence of online motorcycle taxis, which have become an important part of the lives of urban communities in Indonesia. Online motorcycle taxis not only facilitate mobility, but also provide job opportunities for thousands of drivers across the country. However, behind this convenience, there are legal and social challenges faced by online motorcycle taxi drivers, namely that they are often in a vulnerable position, both in terms of legal protection and work welfare (Dharani, et al., 2024).

Online motorcycle taxi drivers in Indonesia generally work as freelancers or partners of application companies, not as permanent employees. This status puts them in a position that is less legally protected, especially in terms of employment rights, such as social security, health insurance, and work safety protection. This condition is further exacerbated by the lack of regulations that specifically regulate the rights of online motorcycle taxi drivers (Aryaputri, et al., 2023). The lack of clear regulations means that online motorcycle taxi drivers often do not get basic rights as workers.

In response to the various problems faced by online motorcycle taxi drivers, the Indonesian Application Drivers Association (PPAI) emerged as a forum that functions to protect the rights of drivers. PPAI plays an important role in fighting for the interests of online motorcycle taxi drivers, both through public policy advocacy, provision of legal services, and empowerment of the driver community (Alfreda, 2021). This organization continues to strive to create a balance

between the interests of application companies and drivers, and to ensure that driver rights are recognized and respected.

However, the challenges in realizing effective legal protection for online motorcycle taxi drivers are still great. One of the main issues is the unclear legal status of drivers who are often not recognized as workers by application companies, but as independent partners. This has an impact on their limited access to employment legal protection (Fathurrahman, 2021). In addition, online motorcycle taxi drivers are also vulnerable to various work risks, such as traffic accidents and acts of violence, which do not always receive a quick response from application companies.

In this context, the role of PPAI becomes increasingly important to ensure that online motorcycle taxi drivers receive proper legal protection. PPAI seeks to encourage more comprehensive regulatory changes, which not only recognize the legal status of drivers as workers but also guarantee their basic rights at work. In addition, PPAI also continues to build partnerships with various parties, including the government, application companies, and non-governmental organizations, to strengthen the bargaining position of online motorcycle taxi drivers in the digital economy system (Suryana & Fauzi, 2023). Thus, this article aims to examine the role of PPAI in providing legal protection for online motorcycle taxi drivers in Indonesia. Through an analysis of policies, regulations, and advocacy efforts carried out by PPAI, it is hoped that a comprehensive picture can be obtained regarding the challenges and opportunities in strengthening legal protection for online motorcycle taxi drivers in Indonesia.

2. LITERATURE REVIEW

Indonesian Application Drivers Association (PPAI)

The Indonesian Application Drivers Association (PPAI) is an organization formed to represent and protect the rights and interests of online motorcycle taxi and online taxi drivers in Indonesia. PPAI acts as an advocacy forum that aims to fight for the social and economic rights of drivers working under application platforms, such as Gojek and Grab. This organization is active in voicing issues related to driver welfare, including fair wages, social security, and decent working conditions (Berly, 2021). The establishment of PPAI was legalized in November 2021 by the Minister of Law and Human Rights with the number AHU-0012874.AH.01.07.YEAR 2021, and is chaired by Ananda Nugraha Putra (Kemenkumham, 2021). The Indonesian Application Drivers Association (PPAI) continues to strive to fight for the rights of online motorcycle taxi and taxi drivers, especially related to improving welfare and better working conditions. Through the actions taken, PPAI strives to be a voice for drivers who are often ignored in the policies of application companies and the government (Arifin, 2021). PPAI plays an important role in urging the government and application companies to pay attention to driver welfare through fairer regulations and better protection. PPAI also provides a forum for drivers to consolidate and voice their complaints together. One of PPAI's main roles is to advocate for policies that affect drivers. This organization is actively involved in dialogue with the government and application companies to ensure that driver rights are protected (Ginanjari, 2021). PPAI also encourages regulations that provide social security such as health insurance and pensions for drivers, which have not been optimally accommodated by application companies. In addition to advocacy, PPAI is also involved in various protests and negotiations, both at the local and national levels. For example, PPAI once organized a mass action to demand an increase in fares and transparency in the calculation of commissions deducted by application companies. In this action, PPAI emphasized that the rates were too low and the commission cuts were high, which was detrimental to drivers, so adjustments were needed to ensure that drivers received a decent income (Trianto, 2021). Another example is that PPAI has been involved in various actions and negotiations with the government and application companies to ensure that the policies made do not harm drivers. They also provide legal support for their members, especially in cases where drivers face legal problems arising from their work.

Online Motorcycle Taxi Driver

Online motorcycle taxis are public transportation that is currently in great demand by the public, the same as motorcycle taxis in general, online motorcycle taxis use motorbikes as a means of transportation (Ali, et al., 2019). Online motorcycle taxis are now in great demand because they are developing with technological advances. Online motorcycle taxis are motorcycle taxis that can be ordered using internet technology by utilizing applications on mobile phones. This can make it easier for service users to call online motorcycle taxi drivers. Not only delivering people, online

motorcycle taxis can pick up and drop off goods according to orders or buy food and then deliver them to online motorcycle taxi customers.

Online motorcycle taxis are creative and innovative businesses that utilize current information and communication technology, the most prominent of which are Gojek and Grabbike. Both are new industries in Indonesia. The ability to see business opportunities by utilizing information and communication technology in Indonesia. Both are pioneers of ICT-based creative economic businesses in Indonesia, in a short time the two companies were able to become the spotlight of the public and other business actors, some government circles also praised it and considered it a creative economy (Septanto, 2016).

So that online motorcycle taxi drivers are drivers or drivers of transportation facilities based on Online Applications where consumers use gadgets as a tool to order Online Motorcycle Taxi services and connect to drivers who accept orders and are ready to take consumers to their destination.

3. RESEARCH METHODS

This study uses a qualitative method with a descriptive approach. According to Sugiyono (2019), the descriptive qualitative research method is a study based on the philosophy of postpositivism used to research the conditions of natural objects where the researcher is the key instrument. Data were collected through literature studies from various sources such as journals, books, government regulations, and official reports. In addition, in-depth interviews were conducted with several online motorcycle taxi drivers and the chairman of the Indonesian Application Drivers Association (PPAI) who have knowledge of legal protection in this sector.

The characteristics of this study are qualitative research with a descriptive natural background aimed at describing the conditions carried out by PPAI in providing legal protection for Online Motorcycle Taxi Drivers. The instrument in the study is the researcher himself using data collection tools needed in order to describe data that is relevant to the aspects being studied. According to Sugiyono (2019: 156) a research instrument is a tool used to measure natural or social phenomena that are observed.

Data analysis is the process of systematically compiling data obtained from interviews, observations, documentation, and other relevant materials so that it is easy to understand and the findings can be informed to the general public (Sugiyono, 2019). In this case, the researcher uses the following data analysis techniques: 1) Data reduction, 2) Data presentation, and 3) Drawing conclusions.

4. RESULT AND DISCUSSION

Regulations and Legal Protection Policies for Online Motorcycle Taxi Drivers

In recent years, the Indonesian government has issued various regulations aimed at protecting online motorcycle taxi drivers. For example, the Regulation of the Minister of Transportation No. 12 of 2019 concerning the Protection of the Safety of Online Transportation Drivers which sets safety and security standards for drivers and passengers (Ministry of Transportation, 2019). In addition, several regions have also issued local policies that support legal protection for online motorcycle taxi drivers (Setiawan, 2022). Meanwhile, in the Government Policy Regarding Online Motorcycle Taxi Drivers After the Constitutional Court Decision Number 41 / PUU-XVI / 2018, it means legal protection for online motorcycle taxi drivers, managers of needs such as online motorcycle taxi drivers in the Grab and Go-Jek applications, they launched a counter-monitoring of Article 47 (3) LLAJ. The Constitutional Council number. 41 or PUU-XVI was accused of violating and deviating from the applicant's constitutional rights and/or authorities, violating Article. 27 paragraph 1 and 2 and art. 28D paragraph 1 of the Republic of Indonesia Constitution. Indonesian Shipping and Transfer Law Number. 1945 or 2018 to the Republic of Indonesia's Subordinate Law. Petition for the replacement of LLAJ 1945. The Constitutional Council's alibi also rejected the request to replace online motorcycle taxis with regular transportation because it is risky to use online motorcycle taxis as regular transportation, and the polemic regarding online motorcycle taxis is not a constitutional issue. Although the Ministry of Transportation has not allowed online motorcycle taxis to work (Aditia & Mahmud, 2023). Despite the above decision, according to Ratnawati's research (2019) there are several shortcomings, namely:

- a. Online motorcycle taxi companies are not responsible for accidents experienced by their drivers because they state that online motorcycle taxi companies are only application service companies that actually only have responsibility for the use of applications used to order transportation services, while public transportation companies have responsibility for the implementation of public transportation services provided to their drivers.
- b. Protection for online motorcycle taxi drivers is stated not to be the responsibility of online motorcycle taxi companies, which means that there is no legal protection for the safety of online motorcycle taxi drivers. But in reality there is one online motorcycle taxi company that provides compensation to its online motorcycle taxi drivers when they have an accident, and provides a safety guarantee in the form of compensation of Rp. 20,000,000,- (twenty million rupiah).

The Role of PPAI in Protecting Online Motorcycle Taxi Drivers

PPAI has an important role in ensuring that the rights of online motorcycle taxi drivers are protected, especially in terms of handling cases of violence, discrimination, and unfair treatment that they often experience. A report from Wahyuni (2021) shows that PPAI has handled several cases involving

online motorcycle taxi drivers, especially those related to protection from legal problems. This is in accordance with the results of an interview with Putra (2024) as the head of PPAI who explained that PPAI is here to provide certainty and assistance in legal problems faced by online transportation drivers. In addition, with the presence of PPAI, we strive to increase the awareness of every driver to obey every regulation and be ethical so that they can be examples and role models on the road.

The presence of PPAI is a forum for application drivers to obtain legal certainty. In addition, PPAI will provide training and teaching on how to drive properly and correctly by involving related agencies (Putra, 2024). Until now, many application and non-application drivers have never received equality and legal certainty. In fact, during the current pandemic, online motorcycle taxi drivers are the fighters for all Indonesian people. PPAI will work with related agencies to provide training and education to Application Drivers in Indonesia on how to drive properly and correctly, obey every regulation and be ethical so that they can be an example and role model for other drivers on the road. PPAI's vision and mission, he said, is to provide legal certainty, prosper, raise the status, dignity and status of each PPAI member to be classy and share with all levels of society in general.

The statement describes the strategic steps taken by PPAI (Indonesian Application Drivers Association) in order to ensure fair legal protection for application drivers in Indonesia, in accordance with the provisions of Article 28D paragraph 1 of the 1945 Constitution. PPAI emphasizes the importance of the role of application drivers, as well as the general public, not to feel isolated in facing legal problems. PPAI's commitment focuses on providing legal assistance through paralegals for application drivers and other vulnerable groups, such as low-income communities, marginalized groups, people with disabilities, and women victims of violence. This initiative aims to ensure that legal certainty can be enjoyed equally by all levels of society. In addition, PPAI also plans to collaborate with related agencies to provide training to application drivers on good driving ethics, compliance with regulations, and correct driving methods, with the hope that drivers can be positive role models on the highway.

The focus on application drivers is a form of appreciation for their significant contribution in supporting families and communities, especially during the pandemic, where many people are highly dependent on the services they provide. However, there are still several challenges faced in implementing this legal protection. One of the main challenges is the lack of legal awareness among online motorcycle taxi drivers, who often do not know their rights. In addition, the implementation of regulations in the field is often inconsistent and ineffective.

5. CONCLUSION

Based on the explanation above, it can be concluded that in recent years, the Indonesian government has made efforts to

strengthen legal protection for online motorcycle taxi drivers through various regulations, such as the Regulation of the Minister of Transportation No. 12 of 2019 which sets safety and security standards. However, even though this regulation exists, the challenges in its implementation are still significant. In addition, many online motorcycle taxi drivers are still unaware of their legal rights, which makes them vulnerable to unfair treatment and other risks. In facing these challenges, PPAI (Indonesian Application Drivers Association) has emerged as an important actor in efforts to protect the rights of online motorcycle taxi drivers. PPAI not only provides legal assistance for drivers who face problems, but also plays a role in increasing legal awareness among drivers through education and training. PPAI is committed to ensuring that online motorcycle taxi drivers, especially those from vulnerable groups such as low-income communities, people with disabilities, and women victims of violence, receive equal legal protection. In addition, PPAI also collaborates with relevant agencies to provide training on driving ethics and safety, with the aim that drivers can be good examples on the highway and improve the image of their profession.

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