

APPROVAL PAGE

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SPECIAL REGION OF YOGYAKARTA

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ABSTRACT

The development of information technology had a major impact on human life. The impact has touched various aspects including the world of transportation. The need for larger modes of transportation is accompanied by people's increased mobility, which is not supported by government readiness to provide cheap, safe, comfortable and affordable modes of transportation. In the implementation of transportation system, on-line application-based transport modes that targeted taxi and motorcycle markets emerged. This online transportation has been presence throughout Indonesia, including in the Special Region of Yogyakarta. This research aims to expose the administration of online transportation and its obstacles in the Special Region of Yogyakarta. The research is an normative-empirical legal research using juridical approach with descriptive-qualitative analysis. The primary data were collected through library review and field research as well as indepth interview with relevant resource persons. In its management, the Departement of Transportation has a role in administration of online transportation in the Special Region of Yogyakarta. Government in its role as regulator, supervisor and issuer of license based on the Regulation of Minister of Transportation No.108 of 2017 concerning the administration public transport of motor vehicle no in the route. Some obstacles are still faced in managing online transportation in the Special Region of Yogyakarta. These obstacles include, Government delays in providing adequate transportation in terms of quality and quantity and the absence of the Regulation of the Special Region of Yogyakarta governing online transportation. To resolve these conflicts, the researcher hope that the DIY government makes special regulations regarding online transportation.

Keywords: *Information Technology, Online Transportation, permit*

A. INTRODUCTION

The online transportation phenomenon in this country, especially in Yogyakarta is very interesting. The development of the transportation and communication cannot be separated from the development of science and technology. Online transportation offers the latest innovations regarding transportation that are connected with online communication technology that can make it easy for people to use applications wherever and whenever. However, online transportation providers, such as Go-jek, Grab, and Uber, were not welcomed by conventional transportation service providers in several cities in Indonesia.¹ The word “Go-Jek” is defined as a social-minded company that leads the revolution of the public transportation industry.² Such a transportation innovation is a breakthrough that is multi-creative, and does not only contribute to the development of national transportation but also offers job opportunities for the Indonesian people.

However, this rapid growth of online transportation has led to some problems. One of them is the conflict between online and conventional transportation in Yogyakarta. In February 2017, thousands of conventional taxi drivers in Yogyakarta staged a demonstration in front of the Palace of Yogyakarta. They refused online transportation in Yogyakarta. Based on the online media there are two reasons for demonstration. Firstly, online transportation modes, especially four-wheeled vehicles do not have permit to be used as public transportation. Based on the fact in the Law No. 22 of 2009 on Road Traffic, all the online transportation vehicles are using personal license. Black license plates are intended for private transportation and public transportation have to use yellow license plate. The tax is different between the two

¹ Arizky Kautsar Ramadhanu, “Analisis Persepsi Kemanfaatan, Kemudahan, Kualitas dan Harga Transportasi Online Sebagai Sarana Penunjang Aksesibilitas Wisatawan di Kota Malang”, *Jurnal Administrasi Bisnis*, Vol. 60 No. 2 (Juli 2018)

² Anonymous, 2017, “The 3 Go-Jek Values”, accessed from <https://www.go-jek.com/about/> on October 23th, 2017, 3:17 p.m

plates. Secondly, the majority of people prefer to use online transportation since the price is cheaper than the conventional price.³

Online transportation was regulated under the Regulation of the Minister of Transportation No. 26 of 2017 in conjunction with the Regulation of the Minister of Transportation No. 108 of 2017 concerning the Administration of Public Transport of Motor Vehicle Not in the Route.⁴ The regulation was enacted on November 1, 2017, to regulate the existence of online transportation.⁵ The regulation is the basic foundation in the management of online and conventional transportation companies. The problem arisen between the perpetrator of online and conventional transportation led to the occurrence of criminal acts. Based on the report, passengers perform criminal acts intentionally by targetting the online drivers.⁶ Conventional transportation drivers complain to the Department Transportation of DIY related to the online transportation that still operate in Yogyakarta. On the other hand, the online transportation drivers in Yogyakarta also complain about the criminal act committed by conventional taxi drivers. They insisted that the DIY government should be fair in implementing and enforcing the policies.⁷

This implementation has the instrumental personification of the facts and the various problems that occur in the field. The process and obstacles found in the field will be discussed based on the theoretical

³ Edzan, 2017, "Tolak Taksi Online, Ribuan Sopir Taksi di Yogyakarta Demo", accessed from <https://news.detik.com/berita/d-3425021/tolak-taksi-online-ribuan-sopir-taksi-di-yogyakarta-demo-on-October-23th-10.13> a.m.

⁴The Regulation of the Minister of Transportation No. 108 of 2017 concerning the Administration of Public Transport of Motor Vehicle Not in the Route

⁵Muhammad Idris, 2017, "Ini Aturan Baru Taksi Online, Berlaku Efektif", Accessed from <https://finance.detik.com/berita-ekonomi-bisnis/3510258/ini-aturan-baru-taksi-online-berlaku-efektif-1-juli-2017> on October 23th, 8:47 p.m.

⁶Abdul Hamid Razak, 2017, "Pengemudi Online Harus Tingkatkan Kewaspadaan", Accessed from <http://m.harianjogja.com/baca/2017/08/07/kekerasan-jogja-pengemudi-online-harus-tingkatkan-kewaspadaan-840517> on October 23th, 9:19 p.m.

⁷Anonymous, 2017, "Pengemudi Taksi Online Kembali Datangi DPRD, Adukan Pelanggaran Zona Merah Oleh Taksi Konvensional", Accessed from <http://jogja.sorot.co/berita-48190-pengemudi-taksi-online-kembali-datangi-dprd-adukan-pelanggaran-zona-merah-oleh-taksi-konvensional.html> on October 23th, 2:42 p.m.

foundation chosen by the researcher. The researcher will review the rules in advance to the provisions of the regional government in the form of regulations after the enactment of the 2017 Ministry of Transportation Regulation. **Based on the above problems, the researcher is interested to discuss "The Administration of Online Transportation in the Special Region of Yogyakarta".**

B. RESEARCH METHOD

1. Type of Research

This a normative and empirical legal research. This research used primary and secondary data. The method of collecting data use library research and field research. The research is conducted in the Department of Transportation in the Special Region of Yogyakarta and the office of PUSTRAL (Pusat Studi Transportasi dan Logistik) in Universitas Gajah Mada. In this research, the respondent is the representative of the Head of Departement of Transportation of the Special Region of Yogyakarta or the representative staff and PUSTRAL (Pusat Studi Transportasi dan Logistik) in Universitas Gajah Mada. This research used prescriptive qualitative analysis.

C. DISCUSSION

1. The Administration of Online Transportation in the Special Region of Yogyakarta

a. The Role of Government in administration of Online Transportation in the Special Region of Yogyakarta

1) As regulator

The Government, in this case the Department of Transportation which is the most responsible government

institution in the process of implementing transportation management policies in DIY, acts as a regulator. To carry out its duties as a regulator, the government issued the Regulation of Minister of Transportation No. 108 of 2017 concerning the administration of public transport of motor vehicle not in the route. In this regulations the government provide safety guarantees for the passengers and the drivers. This is indispensable for a very efficient level of effectiveness in order to achieve success that has been set by the government.⁸

The enacted law, in this case the Regulation of Minister Transportation aims to resolve the online and conventional conflicts.⁹ According to Mochtar Kusumaatmadja the purpose of law is to achieve justice that varies in content and size according to society and its time.¹⁰ Legal relationships that exist in online transportation practices consist of horizontal legal relations between online transportation companies and their partners, such as Go-Jek or Grab. Horizontal legal relation is between online transportation providers and users. Meanwhile, vertical legal relations is between the companies and the Government. Every controversy which are stemmed from every legal relationship must be resolved through a special institution based on applicable law.

⁸ William Dunn N, *Analisis Kebijakan Publik*, Yogyakarta: Gadjahmada University Press, p. 610

⁹ LJ. Van Apeldoorn, 1996, *Pengantar Ilmu Hukum*. Terj. Oetarid Sadino, Jakarta: Pradnya Paramita, cet. Ke-26, , p. 10

¹⁰ Mochtar Kusumaatmadja, 1999, *Mengenal Hukum, Suatu Pengantar*, Yogyakarta: Liberty, p. 74-75

2) As supervisor

The government, based on the Regulation of Minister of Transportation No. 108 of 2017 in article 68 paragraph (1) and (2), acts as a supervisor. Their duties includes:

- a) Supervision of public transport of motor vehicles not in the route is carried out by supervisors manually or electronically in accordance with the provisions of the legislation.
- b) The supervisors of motor vehicles referred to in paragraph above, include: investigating civil servants officers in the field of traffic and road transport and police officers of the Republic of Indonesia.

In carrying out supervisory duties, the government is should based their actions on article 69 paragraph (1) and (2), namely:

- a) Supervision of public transport of motor vehiclee not in the route as referred to in article 68 done at:
 1. Tourist attraction
 2. Roads
 3. Place of departure
 4. Vehicle storage area; and
 5. stops and other transportation nodes
- b) In the event that a public transport company does not fulfill the minimum service standard provisions, the Director General, the Head of the Agency, the Governor, the Regent/Mayor in accordance with their authority can conduct an evaluation and punching again concerning the administration of public transport of motor vehicle not in the route the people's wrecking operating license with a

public motor vehicle not in the route that has been given to the company.

In conclusion, observing government acts in managing online transportation, the national public transportation system can be said to be advanced. This is a reflection of the discipline applied through the supervision and supremacy of the law which is well affirmed. One example of government supervision and upholding of law supremacy can be observed in an immoral in Yogyakarta Adisutjipto Airport. There was an incident of nudging an online taxi driver at the airport. The incident was started when an online taxi driver dropping off passenger into Adisutjipto Airport. At the moment, several new in an instant, got into his car in a prohibited zone for online transportation. Finding out about this, an airport officers chased the driver.¹¹ The above case is one example of a lack of supervision from the local government.

Despite many conflicts that have occurred in Yogyakarta and some problems have not been resolved, the contribution of the DIY Regional Government cannot simply be ruled out. At this point, stands as mere observer of the phenomenon despite the fact that, online transportation in Yogyakarta has been integral part of researchers social reality over the years. As neutral party, the researcher attempt to objectively analyze the theme of the study based on the results of interviews with the Department of Transportation and the Center for Transportation and Logistics Studies (PUSTRAL) UGM.

On the other hand the problem is, the lack of agreement between online and conventional transportation actors regarding:

¹¹ Purnomo Edi, 2017, "Supir Taksi Online di Persekusi di Adisutjipto dan di Paksa Telanjang", accessed from <https://www.merdeka.com/peristiwa/sopir-taksi-online-dipersekusi-di-adisutjipto-dan-dipaksa-telanjang.html> on November 1th, 2:54 p.m.

- 1) Tariff agreement. The Regulation of the Minister of Transportation No. 108 of 2017 article 65 application companies in the field of land transportation are prohibited to set tariffs that are not in accordance with the above regulations or as public transportation which includes:
 - a) The provision of application access services to public transport companies that do not have a license concerning the administration of public transport of motor vehicle not in the route.
 - b) Application access services availability for individuals
 - c) Driver requirement
 - d) Tariff agreement
 - e) The promotion of the lower fare set

Based on field data, it was found that application-based transportation violated the regulations set by the Government during traffic jams, nights, and bad weather (heavy rain) by setting tariffs which are not in accordance with government policy.

- 2) The prohibition zone for drivers of online transportation to pick up costumers in several areas, such as Yogyakarta Railway Station (pick-up location in front of Neo hotels and around Gedong Tengen Police Station, Lempuyangan Yogyakarta Station (pick-up location under the flyover (east station) and T-junction (west of the station), Airport Adisutjipto Yogyakarta (pick-up location in front of the Immigration Office), Giwangan Yogyakarta Terminal (pick-up location in front of SLB (north terminal) and around red lights (south terminal), fly over of Janti Yogyakarta (pick-up location in front of Honda Anugerah and front of Ayam Goreng Suharti), Jombor terminal (pick-up location in front of McD),

and in front of Hotel Borobudur Gamping (pick-up location in the west of Gamping Market), traffic light (east Gamping market), Dr. Sardjito General Hospital (pick-up location in front of Toko Bali).¹² In general, there are four basic rights of consumers, namely: a) the right to security, b) the right to information, c) the right to vote, and d) the right to be heard.¹³ While online transportation services, related to this matter, have a relationship with passenger services which ultimately determine the rights of passengers (as consumers) to be respected by providers of transportation services. Related to this, a guarantee of legal protection, which is also benefit of transportation safety as well as the responsibility of transporters, is needed for users of transportation services and other types of transportation.¹⁴

3) As the supervisor of licence

Government as issuer of license based on the Regulation of the Minister of Transportation No. 108 of 2017 in article 45, namely:

Permit for carrying out transportation of people with public motorized vehicles not on routes as referred to in article 36 paragraph (1), is given by: Director General, Head of Agency, the Governor, and Mayor/Regent.

As public transportation providers, online transportation companies must be legal entities which guarantee protection for

¹²Wijaya Kusuma, 2017, "Ini Zona Merah Taksi "Online" di Yogyakarta" Accessed from <https://regional.kompas.com/read/2017/06/21/10541821/ini.zona.merah.taksi.online.di.yogyakarta> on July 15th, 8:50 p.m.

¹³Mahmud Yunus, "Gojek Sebagai Simbol Perubahan Sosial dan Ekonomi di Kota Tegal" *Jurnal Ilmiah Pendidikan Ekonomi*, Vol. 2, No. 2 (2017), p. 62 Accessed on July 17th, 7:30 p.m.

¹⁴Shidarta, 2000, *Hukum Perlindungan Konsumen Indonesia*, Jakarta, PT. Grasindo, p. 14

entrepreneurs, drivers, and passengers. Based on the Regulation of Ministry of Transportation Number 108 of 2017, the government plays a role in providing licensing public transportation.

b. Licensing of Online Transportation in the Special Region of Yogyakarta

Online transportation has been regulated in the Regulation of Minister of Transportation Number 108 of 2017 on the administration of public transport of public vehicle not on the route. Based on article 37 paragraph (1) and (2), namely:

- 1) Public transport companies must be Indonesian legal entities in accordance with statutory provisions.
- 2) Indonesian legal entities as referred to in paragraph 1, are in the form of:
 - a) State-owned enterprises
 - b) Regional owned enterprises
 - c) Limited liability company
 - d) Cooperative

In the licensing, online transportation must fulfill several requirements as stated in the Regulation of Ministry of Transportation Number 108 of 2017 article 38 that:

To obtain a permit as referred to in Article 36 paragraph (1), Public Transportation companies must fulfill the following requirements:

- 1) Having at least 5 (five) vehicles
- 2) Owning/controlling a vehicle storage area that can accommodate in accordance with the number of vehicles owned

- 3) Providing vehicle maintenance facilities (workshops) as evidenced by ownership domiciles or cooperation agreements with other parties.

In DIY, there have been ready 15 legal entities in the form of PT (Limited Liability Companies) or cooperatives of operating online transportation.¹⁵ All online transportations want to move to public transportation businesses. However, they do not know what the terms of use or operation are. They consider the online transportation application use is enough. In fact, the law concerning it has been regulated. Eventhough not being specifically regulated in the Ministerial Regulation, the regulation actually concerns the entire transportation that take payments from passengers, online transportation.¹⁶ This is admitted by the Department of Transportation, who mentioned that the lack of the role of the Department of Transportation contributes to online transportation problem. On the other hand, the problems in the field related to transportation including online are too large. Therefore the cooperation with relevant parties such as officers of the Indonesian National Police is needed.

According to the UGM Center for Transportation and Logistics (PUSTRAL), until now licensing related to technical online transportation in the field has not yet existed. However, the permit in question is being processed in formal regulations.¹⁷ Due to the big number existing of online transportation in Yogyakarta that is very large and potential costumers, many problems to arise in the

¹⁵Interview's result with representative from Departement of Transportation. Mr. Sigit (Head of Land Transportation), on May 28, 2018.

¹⁶ *Ibid*

¹⁷Interview result with representative from PUSTRAL UGM (Pusat Studi Transportasi dan Logistik, Mr. Lili (Head of Public Relations), on May 31th, 2018

field. In addition to the ongoing legalization process, another problem that arises is technical problem.¹⁸

The PUSTRAL mentioned that social spaces will be disrupted by the presence of online transportation. The service users or consumers here are very threatened, whether they are aware or not. Users of online transportation, are not aware when that they become the consumer of the service a very low level of security. For example, the use of an online motorcycle taxi guarantees a minimum safety because motorcycles is not categorize as a public transportations. However, for people who do not interact and even use this online transportation directly, the disruption lies in such as:

- 1) More vehicles causing traffic jams. However, this is inversely proportional to the research initiated by Aspari Wahyu Kurnianti¹⁹ who said that online transportation has become an alternative solution for consumers in big cities to avoid the complexities of congestion,
- 2) Many people are disadvantaged when they become drivers because they are not aware of many things such as minimal security and as explained by PUSTRAL UGM there is no advantage of being an online driver because their financing and health. Security is nor guaranteed by online transportation companies.

This concern arises because of a large number of online drivers, and all of them use their own vehicles without being provided by Go-Jek. Thus, if withdrawn in the jurisdiction, Go-Jek is not considered as a transporation service provider. Article 201

¹⁸*Ibid*

¹⁹Aspari Wahyu Kurnianti, "Komunikasi Pemasaran Transportasi Online NguberJek", *Jurnal Komuniiasi dan Kajian Media*, Vol. 1, No. 1, Oktober 2017, p. 72 Accesed on July 18th, 2018, 9:46 p.m.

paragraph (2) of Law No. 22 of 2009 states, "Public Motorized Vehicles must be equipped with information giving tools to facilitate the detection of events in Motor Vehicles." Referring to the law mentioned earlier, many internal problems within Go-Jek may need to be addressed.

When referring to the principle of freedom of mobility, online transportation is initiated to answer the need of an effective transportation system in helping high levels of community mobility in using public transportation, especially in some metropolis cities in Indonesia such as Jakarta, Bogor, Depok, Tangerang, Bekasi, Bandung, and even Yogyakarta. Therefore, it can be understood and undeniable that online transportation is very beneficial for the community in terms of cost and convenience. Unlike any other mode of transportation, the tariff offered is relatively cheaper and no use price negotiation systems such as that with conventional public transportation is needed. Additionally, it also offer a convenient transporattion service. Passengers or consumers no longer need to find out which vehicle is the readiest to deliver goods. Here, passengers are very privileged because the driver is the ones who finally picks them up to a specific location that has been ordered.

2. The Obstacles in the Administration of Online Transportation in the Special Region of Yogyakarta

Some obstacles in managing online transportation, namely:

- a. Government delays in providing adequate transportation in terms of quality and quantity.

The government delays in providing adequate transportation resulted in many conflicts between online and conventional transportation, due to business competition between the two

parties. The high level of mobility of a region must be addressed with the availability of adequate public transportation in terms of quality and quantity. The existence of the mass transport is one of the important factors for the success of the country development process.²⁰ Considering the conditions that exist in Indonesia, one among them, the Special Region of Yogyakarta, that the field of public transportation has not become the main choice of the community, online transportation can be an option. This is because the quantity and quality of public transport is inadequate. The government had been less assertive both in regulating and taking action in the field directly.

- b. Lack of legal framework governing the relationship and alignment of online and conventional transport rule.

So far, the government has not made any clear regulations related to online and conventional transportation relations. As a consequence, many problems occur in various regions. The conflict occurred between online and conventional drivers became a public conversation. On some social media such as Facebook, Twitter, and Instagram, many concerns from netizens were received by online drivers.²¹ As the case of online driver tracking at Adisutjipto cause is drivers do not obey the prohibition zone already agreed to pick up passengers at the airport.²² With the government making legal basis governing the relationship and alignment between online and conventional transportation problems can be solved.

- c. The Government does not provide legal protection for two-wheeled vehicles as public transportation

²⁰ Indonesia Report 2015, “Respon Kebijakan Terhadap Transportasi Berbasis Aplikasi Di Jakarta: Kajian Singkat dan Rekomendasi”, *The Indonesian Institute Center for Public Policy Research*, accessed on november 2th, 2018, 9:36 p.m.

²¹ *Ibid*

²² Rid, 2018, “Terkait Insiden Pemukulan Driver Online di Bandara Adisutjipto, Beberapa Pihak Lakukan Pertemuan”, accessed from <http://jogja.tribunnews.com/2018/06/01/terkait-insiden-pemukulan-driver-online-di-bandara-adisutjipto-beberapa-pihak-lakukan-pertemuan> on November 2th, 9:15 p.m.

The parties of the online motorcycle want two-wheeled vehicles as public transportation as stated in Law No. 22 of 2009 concerning Traffic and Transportation.²³ So that drivers and consumers are protected that welfare. This makes a lot of conflict between online and conventional drivers. Online motorcycle drivers are at risk of accidents on the streets. The highest number of traffic accidents in Indonesia comes from two-wheeled vehicles. Additionally, online motorcycle experience employment gap because they are not considered employees. Drivers have no power to determine policies and drivers feel policies are not transparent.²⁴ There are several types of online transportation, namely online taxi and motorcycle online. In Yogyakarta, the availability of online taxi already obtained permits from the relevant government as regulated in the Regulation of Ministry of Transportation No. 108 of 2017, while online motorcycle has not yet been licensed and cannot be granted permission from the Department of Transportation the Special Region of Yogyakarta. The status online motorcycle is not recognized as public transportation so that it cannot obtain a transportation permit.

The cancellation of the Minister of Transportation's Notification No.Um.3012/1/21/Phb/2015 by the president has given an exception for motorcycle online drivers to be able to operate temporarily until the government is able to provide adequate transportation modes for people. There is discretion by the president who previously made rejection of the existence motorcycle online then legalized for a while. The president's

²³ Ika Fitriana, 2017, "Masalah Transportasi Online Darurat Payung Hukum", accessed from <https://ekonomi.kompas.com/read/2017/10/16/075916326/masalah-transportasi-online-darurat-payung-hukum> on November 2th 2018, 10:58 p.m.

²⁴ Kustin Ayuwuragil, 2018, "5 Masalah Kesejahteraan Yang di Keluhkan Supir Ojek Online", accessed from <https://www.cnnindonesia.com/teknologi/20180410195433-185-289823/5-masalah-kesejahteraan-yang-dikeluhkan-sopir-ojek-online> on November 2th 2018, 11:16 p.m.

discretion is oriented towards the implementation of the public interest, not necessarily at the enforcement of the legal aspect or legality because the government realizes may not provide a safe, comfortable, cheap, fast and affordable mode of public transportation. This contrasts with a survey from the Yayasan Lembaga Konsumen Indonesia (YLKI), April 2017 that the reasons for choosing online transportation are due to cheaps (84.1%), fast (81%), comfortable (78.8%), and safe (61.4%).²⁵ Licensing regarding online transportation in Yogyakarta has not yet been carried out optimally and comprehensively.

- d. The absence of the Regulation of the Special Region of Yogyakarta governing online transportation

Since its emergence early 2015 specially in Indonesia, one of the provides of online transportation system was Go-Jek. In Indonesia, Go-Jek attracted many interested people as the technology of smartphones offered and iOS developer both can access Go-Jek in the form of applications.²⁶ Online transportation which in this case Go-Jek is engaged in services that use online application media to serve anyone. The services in the form of go-ride, go-food, go-mart, go-glam (beauty services), go-clean home service, go-box (cargo), go-sed (courier goods), go-message (massage). Go-Jek is referred to as flexible transportation because it uses motorbikes that are easy, fast, and efficient to avoid the traffic jump.²⁷

²⁵Ahsani Amalia Anwar, "Online vs Konvensional: Keunggulan dan Konflik Antar Moda Transportasi di Kota Masyarakat" *Jurnal Etnografi Indonesia*, Vol 2, (2 Desember 2017) Accessed on July, 15th, 2018, 8:30 p.m.

²⁶Fania Darma Amajida, "Kreativitas Digital Dalam Masyarakat Risiko Perkotaan: Studi Tentang Ojek Online Go-Jek di Jakarta, *Jurnal Departemen Sosiologi Universitas Indonesia*, p. 108 Accessed on July 20th, 2018, 8:30 p.m.

²⁷Putu Citrayani Giri, Made Heny Urmila Dewi, "Analisis Faktor-Faktor Yang Mempengaruhi Pendapatan Driver Go-Jek di Kota Denpasar, Bali, *E-Jurnal Ekonomi Pembangunan Universitas Udayana*, Vo. 6, No. 6 Juni 2017, p. 951 Accessed on July 20th, 2018, 9:00 p.m.

This case has reaped many positive and negative responses. The response provoked various parties to participate in it so that it formed an archetype that could be called the pros and cons of its existence. In Yogyakarta, which is a metropolis city with visitors to travel and residents who live in it also resulted in considerable conflict such as fight related to online transportation. Positive responses such as consumer services from one of them Go-Jek is satisfied. This satisfaction ultimately has its own significance in panning positive attitudes rather than consumers or intended service customers.²⁸ While the negative response from consumers such as server disruptions such as loading-errors, long respond orders, out of estimate document delivery and so forth.²⁹

The data from media information throughout 2017 until 2018, indicated a series of conflicts both in the online transportation itself and with the users community even with the Yogyakarta government often occur. As at the end of 2017 on December 19th, hundreds of Yogyakarta motorcycle online drivers who were members of the Assosiation of Online Motorcycle Drivers Jogja (PPOJ) staged a protest in the form of a long march from the courtyard of the Syuhada Mosque.³⁰ They firmly protested the Regulation of Minister of Transportation No. 108 of 2017 concerning the administration of public transport of motor vehicle not in route. The local government in charge of the development of public transport have not been able to provide that in all regions, urban and suburban.

²⁸Rika Kharline Ekawati, "Pengaruh Kepuasan Terhadap Sikap yang Berdampak pada Niat Menggunakan Aplikasi Gojek", *Jurnal Sistem Informasi Indonesia*, Vol 2, No.1, 2017, p. 10 Accessed on July 20th, 2018, 10:31 p.m.

²⁹Muhammad Fahrurrozy dan Indira Rahmawati, "Analisis Kualitas Pelayanan Pada Gojek Bandung", *Jurnal e-Proeeding of Management*, Vol. 4, No. 3 Desember 2017, p. 4 Accessed on July 21th, 2018, 9:00 a.m.

C. CONCLUSION AND SUGGESTION

1. Conclusion

- a. The administration of online in the Special Region of Yogyakarta, the government as a public administrator has been well to provide public services that can be experience by the community. In conducting its management, the government has a role as a regulator, supervisor and issuer of license. As a regulator, government is the most responsible party in the transportation management policy implementation process in DIY. To carry out its duties as a regulator, the government issued transportation minister regulation No. 108 of 2017.

In this regulations the government provides a safety guarantee to passengers and the drivers. As a supervisor, government in this case should based their action on Regulation of Minister Transportation No. 108 of 2017 in article 68 paragraph (1) and (2), such as: Supervision of public transport of motor vehicles not in the route is carried out by supervisors manually or electronically in accordance with the provisions of the legislation. The supervisors motor vehicle referred to in paragraph above, include: investigating civil servants officers in the field of traffic and road transport and police officers of the Republic of Indonesia. And as issuer of license government based on the regulation of Ministry of Transportation No.108 of 2017 in article 45 stated that, permit for carrying out transportation of people with public motorzied vehicles not in the route is given by Director General, the Head of Department, and the Governor. With regards to online transportation, there are 15 companies or cooperatives that are in form of legal entities in DIY.

- b. The are some obstacles in the administration of online transportation in the Special Region of Yogyakarta, namely:

- 1) Government delays in providing adequate transportation in terms of quality and quantity. There are conflicts happened between online and conventional transportation, due to business competition between the two parties. For example in the Special Region of Yogyakarta, public transportation has not become the main choice of the community. This is because the quantity and quality of public transport is inadequate.
- 2) Lack of legal framework governing the relationship and alignment of online and conventional transport rule. So far the government has not made clear regulations related to online and conventional transportation relations. As a consequence, many problems occur in various regions
- 3) The Government does not provide legal protection for two-wheeled vehicles as public transportation. The parties of the online are demanding admission of two-wheeled vehicles as public transportation as stated in Law No. 22 of 2009 concerning Traffic and Transportation. This makes a lot of conflict between online and conventional drivers.
- 4) The absence of the Regulation of the Special Region of Yogyakarta governing online transportation, cause a lot of conflict as the Assosiation of Online Motorcycle Drivers Jogja (PPOJ) staged a protest in the form of a long march from the courtyard of the Syuhada Mosque. The local government in charge of the development of public transport has not been able to provide that in all regions, urban and suburban.

2. Suggestions

In order to have better administration of online transportation, the researcher suggests:

- a. The administration of online transportation, the government can enforce the regulation of online taxi more effectively. The government needs to make careful planning for its implementation.

The department of transportation in DIY should carry out surveillance actions on transport operators in order to protect the safety of drivers and passengers of online service users. Supervision can be done by regulating or appealing to transport operators, drivers and customers.

- b. The government along with the stakeholders (online and conventional drivers) need to discuss and make a rule that accommodates the existence of two-wheeled online transportation with clear terms and conditions. The researcher hope that the DIY government makes special regulations regarding online transportation. So that there is no gap between online and conventional transportation. And conflicts that have occurred so far can be resolved.

D. BIBLIOGRAPHY

Book

Abdul kadir Muhammad, *Hukum dan Penelitian Hukum*, (Bandung: Citra Aditya Bakti, 2004)

Bambang Susanto, *1001 Wajah Transportasi Kita*,(Jakarta: Gramedia Pustaka Utama, 2010)

Bambang Pribadi, *Dukungan Transportasi Pada Bisnis dan Pariwisata*, (Bandung, Gramedia Pustaka Utama, 2003)

Suherman, *Aneka Masalah Hukum Kedirgantaraan*, (Bandung, 2002).

Purwosutjipto, *Pengertian Pokok Hukum Dagang Indonesia*, (Djambatan: Jakarta, 1981)

Van Apeldoorn, *Pengantar Ilmu Hukum*. Terj. Oetarid Sadino, (Jakarta: Pradnya Paramita, 1996)

Mochtar Kusumaatmadja,*Mengenal Hukum, Suatu Pengantar*, (Yogyakarta: Liberty, 1999)

Muhammad Endriyo Susila *et al.*, *Buku Pedoman Penulisan Hukum*, (Yogyakarta: Laboratorium Hukum Fakultas Hukum Universitas Muhammadiyah Yogyakarta, 2007)

Rahardjo Adisasmita, *Manajemen Pembangunan Transportasi*, (Jakarta: Graha Ilmu, 2014)

Shidarta, *Hukum Perlindungan Konsumen Indonesia*, (Jakarta: PT. Grasindo, 2000)

Soegijatna Tjakranegara, *Hukum Pengangkutan Barang dan Penumpang*, (Rineka Cipta: Jakarta)

Sution Usman Adji, Djoko Prakoso dan Hari Pramono, *Hukum Pengangkutan di Indonesia* (Rineka Cipta: Jakarta, 1991)

Sudikno Mertokusumo, *Penemuan Hukum Suatu Pengantar* (Liberty: Jakarta, 1996)

Warpani, *Merencanakan Sistem Perangkutan*, (Bandung: Institute Teknologi Bandung, 1990)

William Dunn N, *Analisis Kebijakan Publik*, (Yogyakarta: Gadjahmada University Press)

Yusuf Shofie, *Pelaku Usaha, Konsumen, dan Tindak Pidana Korporasi*, (Ghalia Indonesia: Jakarta, 2002)

Zainuddin Ali, *Metode Penelitian Hukum*, (Jakarta: Sinar Grafika, 2009)

Journal

A.Di Febraro, V. Recagno, “Intermodal Transportation in Urban Framework: a Discrete-Events Simulative Approach” *International Journal of Transport Development and Integration*, Vol. 2, (2018)

Ahsani Amalia Anwar, “Online vs Konvensional: Keunggulan dan Konflik Antar Moda Transportasi di Kota Masyarakat” *Jurnal Etnografi Indonesia*, Vol 2, (2 Desember 2017)

Agus Pribadiono, “Transportasi Online vs Transportasi Tradisional Non-Online Persaingan Tidak Sehat Aspek Pemanfaatan Aplikasi Oleh Penyelenggara Online”, *Lex Jurnalia*, Vol 13 No. 2, (Agustus 2016)

Arizky Kautsar Ramadhanu, “Analisis Persepsi Kemanfaatan, Kemudahan, Kualitas dan Harga Transportasi Online Sebagai Sarana Penunjang Aksesibilitas Wisatawan di Kota Malang”, *Jurnal Administrasi Bisnis*, Vol. 60 No. 2 (Juli 2018)

Aspari Wahyu Kurnianti, “Komunikasi Pemasaran Transportasi Online NguberJek”, *Jurnal Komuniiasi dan Kajian Media*, Vol. 1, No. 1, Oktober 2017

Damar Ismoyo, “Pemetaan Trayek Angkutan Umum dan Fasilitas Sosial Berbasis Webgis”, *Jurnal Geodesi Undip*, IV, (Januari, 2015)

Fania Darma Amajida, “Kreativitas Digital Dalam Masyarakat Risiko Perkotaan: Studi Tentang Ojek Online Go-Jek di Jakarta, *Jurnal Departemen Sosiologi Universitas Indonesia*

Guntur C Purba, "Analisa Supply dan Demand Angkutan Taksi di Kota Medan Berdasarkan Tingkat Okupansi dan Biaya Operasional Kendaraan”, *Jurnal Teknik Sipil USU*, III, (2014)

Mahmud Yunus, “Gojek Sebagai Simbol Perubahan Sosial dan Ekonomi di Kota Tegal” *Jurnal Ilmiah Pendidikan Ekonomi*, Vol. 2, No. 2 (2017)

Muhammad Fahrurrozy dan Indira Rahmawati, “Analisis Kualitas Pelayanan Pada Gojek Bandung”, *Jurnal e-Proeeding of Management*, Vol. 4, No. 3 Desember 2017

Putu Citrayani Giri, Made Heny Urmila Dewi, “Analisis Faktor-Faktor Yang Mempengaruhi Pendapatan Driver Go-Jek di Kota Denpasar, Bali, *E-Jurnal Ekonomi Pembangunan Universitas Udayana*, Vo. 6, No. 6 Juni 2017

Rika Kharline Ekawati, “Pengaruh Kepuasan Terhadap Sikap yang Berdampak pada Niat Menggunakan Aplikasi Gojek”, *Jurnal Sistem Informasi Indonesia*, Vol 2, No.1, 2017

Wahyudi Prawesthi, “Penyelenggaraan Angkutan Orang dengan Kendaraan Umum di Surabaya”, *Jurnal Manajemen dan Logistik*, II, (Juli, 2015)

Legislation

The 1945 Constitution

Law No. 22 of 2009 on Road Traffic

Government Regulation No. 41 of 1993 on Transportation

The Regulation of the Minister of Transportation No. 26 of 2017 with conjunction to No. 108 of 2017 on Concerning the Administration of Public Transport of Motor Vehicle Not in the Route

Cancellation of the Minister of Transportation's Notification No. UM.3012 / 1/21 / Phb / 2015 by the president

Internet

Abdul Hamid Razak, 2017, “Pengemudi Online Harus Tingkatkan Kewaspadaan”, Accessed from <http://m.harianjogja.com/baca/2017/08/07/kekerasan-jogja-pengemudi-online-harus-tingkatkan-kewaspadaan-840517> on October 23th, 9:19 p.m

Anonymous, 2017, “Pengemudi Taksi Online Kembali Datangi DPRD, Adukan Pelanggaran Zona Merah Oleh Taksi Konvensional”, Accesed from <http://jogja.sorot.co/berita-48190-pengemudi-taksi-online-kembali-datangi-dprd-adukan-pelanggaran-zona-merah-oleh-taksi-konvensional.html> on October 23th, 2:42 p.m.

Anonymous, 2017, “The 3 Go-jek Values” <https://www.go-jek.com/about/> Accessed on October 23th, 2017, 3:17 p.m.

Anonymous, “What is Transportation”<http://thelawdictionary.org/transportation> Accessed on October 25th, 1:41 p.m.

Badan Pengembangan dan Pembinaan Bahasa, “Kamus Versi Online/Daring (Dalam Jaringan)”, 2012, <https://kbbi.web.id/transportasi> Accessed on October 25th, 1:47 p.m.

Chrysnapradipa, 2017, “Taksi Online dan Konvensional Konflik di Terminal Giwangan”, Accessed from <http://jogja.tribunnews.com/2017/04/13/taksi-online-dan-konvensional-konflik-di-terminal-giwangan> on July 22th, 4:23 p.m.

Edzan Raharjo, 2017, “Mulai Berlaku Hari Ini, Taksi Online di Yogyakarta Harus Patuhi Pergub”, accessed from <https://news.detik.com/berita-jawa-tengah/d-3545311/mulai-berlaku-hari-ini-taksi-online-di-yogya-harus-patuhi-pergub> on July 25th, 7:56 p.m.

Edzan Raharjo, 2017 “Pergub Taksi Online di Yogya, Sultan HB X: Semua Sudah Sepakat” accessed from <https://news.detik.com/berita-jawa-tengah/d-3546660/pergub-taksi-online-di-yogya-sultan-hb-x-semua-sudah-sepakat> on July 12th, 8:41 p.m.

Markus Yuwono, 2017, “Ratusan Pengemudi Ojek “Online” di Yogyakarta Mogok 24 Jam”, Accessed from <https://regional.kompas.com/read/2017/12/19/19330591/ratusan-pengemudi-ojek-online-di-yogyakarta-mogok-24-jam> on July 22th, 1:13 p.m.

Muhammad Idris, 2017, “Ini Aturan Baru Taksi Online, Berlaku Efektif”, Accessed from <http://finance.detik.com/berita-ekonomi-bisnis/ini-aturan-baru-taksi-online-berlaku-efektif-1-juli-2017> on October 23th, 8:47 p.m. Nur Fatah

Aliem Prabowo, 2017, “Viral! Driver Taksi Online Diperlakukan Tak Manusiawi di Bandara Adi Sucipto Yogyakarta” accessed from <http://video.tribunnews.com/view/28934/viral-driver-taksi-online-diperlakukan-tak-manusiawi-di-bandara-adi-sucipto-yogyakarta> on July 17th, 4:14 p.m.

Pribadi Wicaksono, 2018, “Kuota Taksi Online 496 Unit, Yogya Prioritaskan Plat AB”, accessed from <https://bisnis.tempo.co/read/1050641/kuota-taksi-online-496-unit-yogya-prioritaskan-plat-ab> on July 30th, 3:37 p.m.

Sindikot, 2017, “Gojek Tidak Sesuai dengan Peraturan, Ilegal kah?” Accessed from <http://www.sindikot.co.id/blog/gojek-tidak-sesuai-dengan-peraturan-ilegal-kah> on July 10th, 3:15 p.m.

Switzy Sabandar, 2017, “Yogya Siapkan Jurus Istimewa Tangani Konflik Transportasi Online” Accessed from <https://www.liputan6.com/regional/read/2900382/yogya-siapkan-jurus-istimewa-tangani-konflik-transportasi-online> on July 12th, 7:30 p.m.

Wijaya Kusuma, 2017, “Ini Zona Merah Taksi “Online” di Yogyakarta” Accessed from <https://regional.kompas.com/read/2017/06/21/10541821/ini.zona.merah.taksi.online.di.yogyakarta> on July 15th, 8:50 p.m.