



Legal Protection in App-Based Transportation Partnerships and Consumers in Indonesia



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Abstract

The app-based transportation sector, such as Gojek and Grab, has rapidly developed in Indonesia, yet it still faces significant challenges regarding the legal regulations governing the partnership between platform providers and driver partners. The lack of clear legal norms has led to uncertainty regarding the rights and obligations of both parties, which ultimately reduces legal protection for both drivers and consumers. This study aims to analyze how Indonesia's legal system regulates this partnership and evaluate the extent to which existing regulations provide adequate protection for drivers and consumers. The main research questions address how Indonesia's legal system governs partnerships in this sector and to what extent the regulations support the principle of justice. The research method used is normative legal research, employing legislative, conceptual, and theoretical approaches. The findings show that Indonesia's legal system has not provided sufficient legal certainty in these partnerships. Protection for both drivers and consumers remain limited, particularly regarding labor rights and dispute resolution mechanisms. This study suggests the need for clearer and more detailed regulatory reforms to create a more equitable and transparent relationship between companies, drivers, and consumers.

Keywords: Consumer Protection; Partnership; Transportation

I. Introduction

Transportation plays a very important role in the lives of Indonesian society due to the continuously growing mobility needs, especially in densely populated and active urban areas. Along with the growth of urbanization and the increasingly complex dynamics of urban life, the demand for fast, efficient, and affordable transportation services has been steadily increasing. The development of information technology, particularly with the advent of online-based applications, has had a significant impact in transforming the face of the transportation industry in Indonesia. One of the most prominent examples of this change is the emergence of online motorcycle taxi services (*ojek online*) such as Gojek and Grab, which have now become an inseparable part of urban society's daily life. These services not only offer comfort and convenience in traveling but also provide a new, more flexible and efficient alternative for consumers. The presence of these online-based applications has had a positive impact by accelerating the booking process, increasing accessibility, and opening new job opportunities for

thousands of drivers who have joined these platforms.¹ However, despite its convenience and efficiency, the existence of app-based transportation faces many challenges, including the lack of clear regulations regarding the rights and obligations of the parties involved in the partnership.

One of the main issues faced by the app-based transportation sector is the absence of clear legal norms that govern the relationship between the service platform and driver partners. This is due to the lack of regulations that clearly and in detail address the rights and obligations of each party in the partnership agreement formed between the drivers and the application company. Legally, these agreements are often not comprehensively regulated in the existing legislation, creating uncertainty that can harm both the driver partners and consumers. In practice, this flexible partnership often leads to unclear protection of the rights of both drivers and consumers. Although the presence of online motorcycle taxi services has had a positive impact on the economy, increased mobility, and created new job opportunities, legal protection for driver partners and consumers using these services is still weak. Therefore, it is crucial to have more comprehensive and detailed regulations to govern various legal aspects in this sector to provide better protection and uphold justice for all parties involved.

While the app-based transportation sector continues to grow rapidly, the existing legislation has not fully accommodated the legal needs of the sector. The numerous regulations that do not clearly define the legal status of driver partners whether they are considered permanent workers or independent partners create a legal gap. This results in minimal legal protection for both drivers and consumers, as well as uncertainty regarding the rights and obligations of each party. The partnership in online transportation often fails to provide adequate legal protection for the driver partners. Although there are regulations related to transportation, the decentralized implementation of these regulations in various regions creates legal uncertainty that can potentially harm the parties involved in app-based transactions.²

Consumer protection also becomes an important issue in app-based transportation. As the number of complaints related to order cancellations by consumers increases, both in transportation services and food delivery services, app-based companies like Gojek and Grab often fail to take responsibility for the losses incurred by driver partners. This can be seen from the imbalance in the partnership agreements between the company and the drivers, where the company more often profits without providing adequate protection to the driver partners. In a case found in Pekanbaru, for example, many drivers had to bear the losses caused by fictitious orders that were unilaterally canceled by consumers, yet the company did not provide a clear solution or sufficient legal protection for the drivers.³

The partnership agreements made between app-based companies and driver partners often do not refer to the applicable labor laws, resulting in minimal protection for the drivers. In practice, the agreements offered by the companies tend to be one-sided and standard, providing no room for the partners to modify the existing terms. This leads to conflicts and dissatisfaction among the driver partners, who often feel they are treated unfairly, despite their significant

¹ Hanifah Sartika Putri, Amalia Diamantina, "Perlindungan Hukum Terhadap Keselamatan Dan Keamanan Pengemudi Ojek Online Untuk Kepentingan Masyarakat", *Jurnal Pembangunan Hukum Indonesia*, Vol. 1, No. 3, (2019), <https://doi.org/10.14710/jphi.v1i3.392-403>

² Rahandy Rizki Prananda, Zil Aidi, "Tinjauan Yuridis Kedudukan Pengemudi Transportasi Online Dalam Perjanjian Kemitraan Dengan Perusahaan Penyedia Aplikasi Transportasi Online", *Law, Development & Justice Review*, 2(2), (2019), <https://doi.org/10.14710/ldjr.v2i2.6139>

³ Sukmayanti & Sudirga, "Perlindungan Hukum Terhadap Driver Ojek Online Yang Mengalami Kerugian Akibat Tindakan Konsumen Yang Melakukan Pesanan Fiktif", *Synotic Law: Jurnal Ilmu Hukum*, 1(3), (2021), <https://doi.org/10.56110/sl.v1i3.16>

contributions to the company's success. The imbalance in these partnership agreements highlights the legal gap that exists, which fails to more specifically regulate the legal relationship between the platform and the driver partners.⁴

In the business practice of app-based transportation, many drivers feel that the existing partnership agreements not only benefit the company but can also be detrimental to the drivers. With one-sided standard agreements, drivers are not given the freedom to negotiate the terms that bind them and are only faced with rules set by the platform. This has become a source of dissatisfaction that often leads to demonstrations and protests from drivers against the company's policies. The imbalance in these agreements adds to the issues related to the lack of legal regulation governing this relationship, particularly concerning order cancellations and payments that do not meet the drivers' expectations.

Consumer safety and protection in app-based transportation services also remain critical issues that must be addressed seriously. Although platforms like Gojek and Grab attempt to provide safety guarantees through rating systems and driver identification, there is still no adequate legal framework to protect consumers in the event of problems during the transaction. In this context, legal protection for consumers using app-based transportation services is still very limited, given the absence of regulations explicitly governing consumer safety in the current transportation regulations in Indonesia.⁵

The existence of app-based transportation services increasingly requires clear and integrated regulations. Although some regions have started to draft local regulations governing online transportation, their implementation still varies and is inconsistent across regions. This creates legal uncertainty for both driver partners and consumers. In this context, despite the existence of several regulations, such as the Law on Road Traffic and Transportation, the regulations are still not comprehensive enough and fail to address the dynamics evolving in the app-based transportation sector.

The government must urgently formulate regulations that can address the legal gaps in the partnership between app companies and drivers. Such regulations will not only provide legal certainty for drivers but also offer better protection for consumers. With clear regulations in place, the rights of both parties can be guaranteed, and issues like order cancellations or unfair pricing can be resolved more effectively.⁶

The current legal gap creates legal uncertainty in the highly dynamic online transportation sector. Without binding regulations, both drivers and consumers are in an unprotected position, which can ultimately undermine public trust in app-based transportation services. Therefore, it is crucial for the government to immediately establish regulations that can provide clear protection for all parties involved, so that this sector can grow in a fair and sustainable manner.

This legal ambiguity also creates an imbalance in the partnership between the platform and the drivers. While this partnership offers flexibility for driver partners, it also leads to a lack of clear legal protection. This can be seen in unclear wage systems and rewards, as well as the difficulties drivers face when issues arise, such as order cancellations or losses caused by

⁴ *Ibid.*

⁵ Hanifah Sartika Putri, Amalia Diamantina, *Op. Cit.*

⁶ Rahandy Rizki Prananda, Zil Aidi, *Op. Cit.*

consumer actions. The existing regulations are insufficient to provide adequate protection for couriers or partners because this partnership is not included in the existing labor law regulations.⁷

Legal protection for partners in the app-based transportation sector is still very limited. The imbalance in partnership contracts causes drivers or couriers to not receive the normative rights that they should be entitled to as workers. They do not receive protections such as minimum wage, health insurance, and social security, which should be basic worker rights. This is primarily due to the lack of clarity regarding their status as independent partners who are not bound by formal employment contracts. Many partners work with the expectation of receiving social security and better legal protection, but in reality, they are treated as if they do not have legitimate worker rights.⁸

On the other hand, the state has an obligation to ensure fair protection for all workers, including partners in the gig economy sector. An update in labor laws is urgently needed to provide clearer protection rights for driver partners. This also forms part of the state's commitment to human rights, where the state must protect workers from potential exploitation in unbalanced partnership relationships. This legal update is crucial to ensure that the rights of workers in the app-based transportation sector receive adequate protection, without sacrificing the flexibility they have in their work.⁹

One of the issues faced by driver partners in their partnership with app companies is the lack of an effective dispute resolution mechanism. When problems arise between drivers and consumers, such as order cancellations or complaints about service quality, driver partners often lack a clear channel to file claims or receive adequate legal protection. This occurs because the companies prioritize internal policies and do not provide space for partners to assert their rights in a systematic manner. Risk mitigation faced by partners is poorly supported by a clear legal mechanism, which allows for exploitation in the form of wage cuts or unilateral cancellations by the company.¹⁰

To address the issues arising from this legal gap, it is essential to update and strengthen the regulations governing the relationship between app companies and driver partners. The government needs to formulate policies that not only regulate the technical and operational aspects but also provide better protection for the rights of the partners. With clear and firm regulations, both companies and partners will have more balanced rights and obligations, and consumers will feel safer and more protected when using app-based transportation services. The government must also adjust labor laws to meet the needs of emerging industries, such as the app-based transportation industry.

II. Research Problems

Based on the background above, this article raises two main research questions

⁷ Ageng Nur Muhamad Buana Al Kahfi, Edi Wahjuningati, "Perlindungan Hukum Terhadap Mitra Gojek Atau Kurir Padapengiriman Paket Secara Cash On Delivery Atau Bayar Ditempat", *Jurnal Magister Ilmu Hukum 'DEKRIT'*, Vol. 12 No. 2, (2022) <https://ejournal.fh.uhh.ac.id/index.php/dekrit/article/view/112/106>

⁸ Whitney Brigitta Sinaga, "Perlindungan Hak dalam Mendapatkan Pekerjaan yang Layak terhadap Mitra dari Perusahaan Jasa Transportasi Daring", *Jurnal Hukum Magnum Opus Volume 6 Nomor 1*, (2023), <https://doi.org/10.30996/jhmo.v6i1.7420>

⁹ Richard Jatimulya Alam Wibowo, "Urgensi Pembaharuan Hukum Ketenagakerjaan Indonesia Untuk Mengakomodasi Perlindungan Hubungan Kemitraan", *Jurnal Ketenagakerjaan Volume 18 No. 2*, (2023) <https://doi.org/10.47198/jnaker.v18i2.211>

¹⁰ Opa Jermias Matara, Benny Djaja, "Analisis Yuridis Perlindungan Hukum Terhadap Mitra Dalam Perjanjian Kerja Sama Antara Perusahaan Penyedia Aplikasi Marketplace (Shopee) Dengan Mitra (Kurir)", *Unes Law Review, Volume 5, Issue 4*, (2023), <https://doi.org/10.31933/unesrev.v5i4>

1. How does the legal system in Indonesia regulate the partnership between app companies and driver partners in the app-based transportation sector from the perspective of legal certainty?
2. How do these regulations support the principles of justice in this partnership?

III. Research Methods

This study uses a normative legal research method supported by a comparative legal approach to analyze how partnership law and consumer protection in Indonesia respond to the development of the app-based transportation sector within the framework of legal certainty. The study adopts three main approaches: the legislative approach, which examines the relevant regulations on partnerships and consumer protection and their implementation in the context of app-based transportation; the conceptual approach, which explores key legal concepts such as the legal status of partners, rights and obligations in partnerships, and consumer protection; and the theoretical approach, which evaluates the fundamental legal principles and values of legal certainty that underlie the regulation of partnerships and consumer protection. Primary legal materials used include national legislation, court decisions, and relevant government regulations, while secondary materials encompass academic journal articles, legal commentary, policy documents, and expert analyses. Legal materials are collected through document research and qualitative data collection methods, utilizing legal databases, government publications, and academic sources. Analysis is conducted using grammatical, systematic, and teleological legal interpretation techniques, as well as comparative analysis to identify similarities and differences between existing legal systems. Inductive reasoning is used to draw conclusions about the normative adequacy and future adaptation of regulations in the context of partnerships and consumer protection in the app-based transportation sector.

IV. Result and Discussion

1. The Indonesian Legal System in Regulating App-Based Transportation Platform Partnerships.

The app-based transportation sector in Indonesia, such as Gojek and Grab, has experienced rapid growth and has become an integral part of urban life. This service not only offers many benefits to consumers, such as easy access to transportation, speed, and affordable costs, but it also provides flexible job opportunities for thousands of driver partners across Indonesia. However, this sector also faces significant challenges in terms of the legal framework governing the relationship between the app providers and driver partners. One of the main issues is the legal status of driver partners, where companies like Gojek position drivers as independent partners rather than permanent workers. This status as independent partners often creates confusion regarding legal protection, as driver partners are not covered by formal labor regulations that govern the rights of permanent employees. While the relationship between Gojek and the drivers is considered a partnership that benefits the company, it also raises uncertainty regarding the legal rights of drivers in terms of legal protection. In reality, even though the company profits greatly from this partnership model, driver partners often do not receive adequate protection in terms of workplace safety, social security, and other basic rights.

Therefore, it is crucial to create a clear legal framework that not only regulates this relationship fairly but also provides more comprehensive protection for the rights of driver partners.¹¹

In the Indonesian legal system, there are no regulations that specifically govern the legal relationship between app-based transportation platforms and driver partners. This creates a significant legal gap, which harms the driver partners, especially in terms of labor protection. Without clear regulations, driver partners are often in a vulnerable position because they do not receive the rights that are provided under applicable labor laws. The existing partnership agreements tend to prioritize the interests of the service platform, without providing adequate protection guarantees for the drivers as partners. Driver partners are often considered independent contractors, meaning they are not entitled to various benefits typically provided to permanent workers, such as social security, health insurance, or pension benefits. As a result, these agreements create legal uncertainty that can harm both parties, from the perspective of the company and the driver, due to the lack of clarity in defining mutually beneficial rights and obligations.

From the perspective of legal certainty, the partnership agreement between the app company and the driver partner should clearly outline the rights and obligations of each party. According to contract law theory, a valid agreement is the source of rights and obligations governed by law, and such an agreement must meet several basic requirements, such as a clear agreement between the parties involved, legal capacity of each party, a lawful object of the agreement, and a purpose that does not contradict the law. Therefore, in the context of the partnership between Gojek and its drivers, the agreement should provide clarity regarding the rights and obligations of both parties and offer adequate protection, especially for the drivers, who are more legally vulnerable, so that this partnership can function fairly and transparently.¹²

As independent partners, drivers in app-based transportation services are not protected by the labor laws in Indonesia, even though they are practically engaged in activities similar to formal employment relationships. The lack of protection contradicts the basic principle of legal certainty, which requires that every individual involved in a work relationship should receive their due rights and protection. The Indonesian legal system, through the Labor Law and various related regulations, tends to focus more on formal workers, such as permanent employees or workers with clear employment contracts. This results in driver partners, who are classified as independent contractors, being unable to access basic rights typically afforded to formal workers, such as minimum wage, social security, health benefits, or paid leave. Their inability to enjoy these rights leads to injustice in the partnership between the driver and the app provider company.

To achieve better legal certainty in this partnership, there is a need for clearer and more detailed regulations governing the rights and obligations of both parties in the partnership. In this way, both the app companies and driver partners can better understand their roles and responsibilities. On the other hand, the partnership model applied by app platforms in Indonesia, such as Gojek, indeed offers great flexibility for drivers in managing their working hours. However, this flexibility creates uncertainty in terms of the legal protection that should be a basic right for drivers. With their status as independent contractors, drivers cannot enjoy the adequate legal protection that they should receive as workers who are required to directly interact with

¹¹ R. Desril, Miftahur Rachman, Mulia Akbar Santoso, "Comparison of Online Transportation Regulatory Framework in Indonesia and Several ASEAN Member States", *PENA JUSTISIA: MEDIA KOMUNIKASI DAN KAJIAN HUKUM*, Vol. 23, No. 3, (2024), <https://jurnal.unikal.ac.id/index.php/hk/article/view/4628/pdf%2028>

¹² Mertokusumo, 2004, *Hukum Kontrak Indonesia*, Gramedia Pustaka Utama.

consumers. This lack of legal status causes drivers to be very vulnerable to unfair practices, such as fictitious orders that harm them or unilateral fare reductions by the company that do not take into account the well-being of the driver partners. Therefore, it is crucial to have clearer and fairer regulations in this partnership model to provide adequate protection for drivers while also supporting the sustainability of the company's operations.¹³

In practice, online motorcycle taxi drivers often face significant uncertainty regarding legal protection, both in terms of wages, social security, and other rights. One concrete example commonly encountered is when there are fake orders or disagreements about applicable rates, where driver partners do not have a clear and effective legal mechanism to claim their rights. This ambiguity results in losses for driver partners, who are often trapped in situations where they cannot defend themselves or receive fair compensation. This highlights the imperfections in Indonesia's legal system, despite the existence of consumer protection and labor laws, both of which have yet to fully cover and regulate protection for driver partners in the context of their partnership with online transportation platform apps.

Therefore, it is crucial to make adjustments to regulations that are clearer and more comprehensive to provide legal certainty for driver partners. Additionally, the current regulations are still very limited and do not specifically accommodate the needs of workers in the gig economy sector, such as online motorcycle taxi drivers, who have unclear legal status. Existing regulations have not been able to address the specific needs of gig workers who do not have formal employment status, leading to potential injustices, both for drivers who do not receive their rightful employment benefits and for consumers who do not receive adequate service quality guarantees. Furthermore, Indonesia's legal system does not clearly distinguish between the status of gig workers and formal employees, which can cause uncertainty in legal protection for gig workers. This lack of clarity in status creates a gap that must be addressed immediately so that all parties can be fairly protected and receive their proper rights.¹⁴

Regulatory updates in this sector are essential to provide clearer protection for driver partners. With regulations that clearly define the rights and obligations of each party, both the platform and the driver partners, it is expected to create a fairer partnership and reduce the potential for conflict. Moreover, clear regulations will strengthen the bargaining position of drivers and provide certainty for consumers regarding service quality and pricing. This update will also enhance legal certainty in the app-based transportation sector, in line with the principles of justice that must be upheld in every transaction.

While updating existing regulations is crucial, the biggest challenge lies in the implementation of these new regulations on the ground. Some platforms may oppose regulations that strictly govern the partnership with driver partners, as it could affect their flexible business model. Therefore, the implementation of these regulations must be carried out gradually, considering the interests of various parties, including the platform, drivers, and consumers. A prudent approach is required to ensure that the interests of all parties are protected without hindering innovation and the development of the app-based transportation sector.

¹³ Windy Juli Astuti Ningtyas, Miko Aditiya Suharto, "Upaya Perlindungan Bagi Mitra Driver Gojek Yang Dirugikan Akibat Orderan Fiktif Pada Layanan Gofood Dan Gomart", *Kabilah: Journal of Social Community*, Vol. 9 No.1, (2024), <https://ejournal.iainata.ac.id/index.php/kabilah/article/view/333>

¹⁴ Erda Afifah, "Studi Perbandingan Regulasi Hukum bagi Pekerja Ekonomi Gig di Sektor Transportasi : Indonesia dan California", *Jurnal Restorasi Hukum* Vol. 7 No. 2, (2024), <https://doi.org/10.14421/tfkj5t58>

Technological advancements have enabled the creation of new business models, such as app-based transportation services, which have transformed the work relationship paradigm. In this sector, drivers are not considered permanent employees, but rather as independent partners. While this provides flexibility for the partners, the main issue that arises is the lack of regulation that explicitly governs this legal relationship. In contract law theory, such partnerships are based on mutual agreements between the two parties, but in practice, these agreements often do not provide sufficient protection for drivers.¹⁵

In practice, the relationship between drivers and platform apps is often in the form of a partnership agreement, rather than a formal employment relationship. This agreement is supposed to regulate the rights and obligations of both parties in a balanced way. However, partnership agreements in the context of app-based transportation tend to be more favorable to the platform. This occurs because drivers often do not have the opportunity to negotiate the agreement and are forced to accept the terms set by the platform. This creates legal uncertainty, as even though there is an agreement, there is no guarantee of protection for the driver partners, who are often in a weaker position compared to the platform.

According to contract law theory, a valid agreement must be based on mutual consent between the parties, the competence to make the agreement, a clear object, and a purpose that does not contradict the law. This theory emphasizes the importance of the principle of freedom to contract and legal certainty in the agreements made. However, in the context of driver partnerships with platform apps, the freedom to contract becomes limited due to the imbalance in the relationship. The platform typically holds a stronger position in setting the rules and regulations that drivers must follow, without any room for negotiation.¹⁶

From the perspective of legal certainty, the partnership agreement between app companies and drivers should provide clarity regarding the rights and obligations of both parties. However, in practice, the existing agreements tend to fail to provide adequate protection for driver partners, who are at risk of being neglected in terms of labor rights such as social security and minimum wages. Therefore, to achieve legal certainty, more stringent regulations are needed to govern this relationship, ensuring that the existing rights and obligations can be enforced fairly.

As independent partners, drivers are not protected by labor regulations that apply to permanent employees, which makes them highly vulnerable to risks within the partnership. Although they provide services needed by consumers, drivers do not have clear rights like regular employees, such as the right to social security and minimum wages. As a result, these partnership agreements often do not offer sufficient legal protection for drivers, who rely solely on the app system to earn income. This could potentially harm them in terms of their basic worker rights.¹⁷

The existence of regulations specifically governing the relationship between service provider platforms and drivers in the app-based transportation sector in Indonesia is still very limited and inadequate. Although there are some regulations that govern this sector, such as the Minister of Transportation Regulation No. 12 of 2019, these regulations do not explicitly address the status of drivers as partners or employees, leading to ambiguity regarding the rights and

¹⁵ Anton Cahyono, Indra Fredika Kusuma, Haryo Hendro Kusumo, "Hubungan Hukum Kemitraan antara Driver Online dengan Penyedia Layanan", *Perspektiva Hukum*, 24(2), (2024), <https://doi.org/10.30649/ph.v24i2.311>

¹⁶ *Ibid.*

¹⁷ Soya Putri Mirena, Imam Haryanto, "Tanggung Jawab Hukum bagi Konsumen atas Kerugian Layanan GrabFood oleh PT. Grab Teknologi Indonesia", *Jurnal USM Law Review Vol 7 No 2*, (2024) <https://doi.org/10.26623/julr.v7i2.9135>

obligations of both parties. This lack of clarity adds complexity to the legal relationship in the app-based transportation sector, where drivers do not have strong bargaining power and are unable to access normative rights they should be entitled to under labor law, such as social security, protection against work-related accidents, and paid leave.

This weak bargaining position further exacerbates the uncertainty faced by drivers, given that they are not protected in the same way as formal workers under the employment system. Without clear regulations, drivers are often the disadvantaged party in this partnership, as they are unable to claim their rights legally, whether in terms of fair wages, social security rights, or other legal protections. Therefore, it is crucial for the government to promptly formulate clearer and more detailed regulations to comprehensively govern this partnership relationship. Clearer regulations will provide legal certainty not only for drivers but also for platforms, so that both parties can fulfill their roles and obligations more fairly and transparently. For example, better legal protection for drivers could include granting entitlement to adequate social security, protection against losses resulting from unilateral cancellations by consumers or platforms, and the right to fair wages in accordance with applicable labor standards.¹⁸

In addition to strengthening existing regulations, the government must also ensure that the implementation of fairer and more detailed regulations is carried out effectively. This requires strict oversight by the authorities to ensure that app-based companies comply with the applicable regulations and provide adequate protection to drivers. Furthermore, regulations should be able to accommodate the evolving dynamics of the app-based transportation sector, to ensure more effective protection for all parties involved, including consumers.

As the authority responsible for creating legal rules, the government must take responsibility for addressing this legal uncertainty. This can be achieved by establishing more specific laws regarding the legal status of drivers as partners and providing adequate protection for their rights. In doing so, the existing regulations can support the creation of a fairer partnership relationship and reduce the potential for exploitation of driver partners in the app-based transportation sector.

2. Legal Protection for Driver Partners and Consumers in App-Based Transportation

With the rapid growth of the app-based transportation sector in Indonesia, an increasing number of drivers are becoming partners with major platforms such as Gojek and Grab. While this partnership brings many benefits for both the drivers and the service providers, legal protection for drivers remains very limited. From a contract law perspective, the partnership between drivers and app providers should clearly regulate the rights and obligations of both parties, including protection for the drivers. In this regard, the theory of legal protection argues that partnership agreements must provide adequate protection for the weaker party in the legal relationship, in this case, the driver, who is in a vulnerable position.

As partners without formal employment status, drivers are often caught in unfavorable conditions, such as unilateral order cancellations or policy changes by the platform that can harm them without clear legal protection. For example, drivers may lose income due to order cancellations without proper compensation or may face a unilateral reduction in rates by the company, which does not meet fair standards. This situation highlights serious legal gaps in the

¹⁸ Ery Charmelita Raska, Susilo Wardani, "Perlindungan Hukum Bagi Driver Grab Yang Mengalami Pesanan Fiktif Pada Era Gig Economy Di Kabupaten Banyumas", *COLLEGIUM STUDIOSUM JOURNAL*, VOL. 7 NO. 2, (2024), <https://doi.org/10.56301/csj.v7i2.1439>

existing regulatory system, which fails to provide balanced legal protection for drivers. This exacerbates the injustice in the partnership relationship and indicates the need for clearer and more detailed regulations to adequately protect the rights of drivers, ensuring that the partnership relationship is more fair and beneficial for all parties involved.¹⁹

Consumer protection in the context of app-based transportation in Indonesia faces many serious challenges. Although the Consumer Protection Law regulates basic consumer rights, its implementation in the app-based transportation sector remains very limited. Consumers who feel disadvantaged due to issues such as poor service, fictitious bookings, or sudden declines in service quality often have to submit complaints through the app platforms involved. However, the dispute resolution process is often ineffective in restoring consumer rights optimally, leading to dissatisfaction and injustice. Refunds or complaint submissions made by consumers also often do not proceed in a fair and transparent manner due to the lack of clear regulations governing the mechanism for returning consumer rights.

In the relationship between drivers and platform apps, the theory of legal protection is highly relevant to assess to what extent the existing regulations provide adequate protection for both parties, particularly drivers and consumers. According to the theory of legal protection, the law should pay special attention to the weaker party in a legal relationship, in this case, the driver and consumer, who are often in an imbalanced position with the more dominant platform. The absence of norms and unclear legal status exacerbates the situation, as drivers not only struggle to claim their rights but are also trapped in an unfavorable partnership that is not well protected by the law.

The application of the principle of justice in this partnership is often neglected. For example, in the case of unilateral order cancellations by consumers, drivers often do not receive adequate compensation or protection, even though they have spent time and energy. In other cases, companies can easily change policies or rules without considering their impact on drivers, which further weakens their bargaining position. This clearly shows that the principle of justice, which should serve as the foundation of this partnership, is not being achieved. Drivers, who are in a more vulnerable position, lack the power to effectively claim their rights.

With the rapid development of the app-based transportation sector, heavily influenced by technology and the digital economy, there is a need for regulatory updates that provide better protection for both drivers and consumers. The government must formulate clearer and more comprehensive regulations regarding the rights of driver partners and the obligations of app service providers. These regulations are not only important for guaranteeing the basic rights of drivers and consumers but must also balance the economic interests of companies with adequate protection for both driver partners and consumers. These regulatory updates should also accommodate the dynamics emerging in the digital economy era, as current regulations are no longer sufficient to address the various issues arising in practice.²⁰

The active involvement of the government in formulating and ensuring the implementation of adequate legal protection for driver partners and consumers is crucial in creating a fair and sustainable app-based transportation ecosystem. While significant efforts have been made to protect consumer rights through the Consumer Protection Law and other related regulations, the enforcement of these laws in the context of app-based transportation remains

¹⁹ Yandri Radhi Anadi, "Perlindungan Hukum Bagi Pengemudi Transportasi Akibat Pembatalan Sepihak Oleh Konsumen", *Jatiswara Vol. 36 No. 1*, (2021), <https://doi.org/10.29303/jtsw.v36i1.264>

²⁰ Maudy Stevania, Siti Hajati Hoesin, "Analisis Kepastian Hukum Jaminan Sosial Ketenagakerjaan Bagi Gig Worker Pada Era Gig Economy Di Indonesia", *Jurnal Ilmiah Penegakan Hukum*, 11 (2), (2024) 10.31289/jiph.v11i2.11968

limited and insufficient to address the specific issues emerging in this sector. Therefore, comprehensive and thorough regulations are urgently needed, not only to govern the rights and obligations between service provider platforms and drivers but also to provide clear and strong protection for consumers, especially in cases of disputes related to order cancellations, unilateral fare reductions, or unfair services.

The government's involvement in designing fairer regulations will greatly support the creation of a healthy legal ecosystem, which in turn will provide a sense of security and better protection for all parties involved. These regulatory updates must adhere to the principle of fairness, not only for drivers but also for consumers and companies. In this regard, the new regulations should offer stronger protection for driver rights while still considering the economic interests and sustainability of the companies, as well as consumer satisfaction. Fairness in these regulations should not only focus on protecting drivers but also ensure that consumers receive transparent, fair, and accountable services. Therefore, better regulation that is more responsive to the dynamics of the app-based transportation sector is essential to support the creation of a balanced partnership, where the economic interests of both parties can align without compromising the legal fairness that should underpin the relationship.²¹

The legal uncertainty in the app-based transportation sector today has had significant negative impacts on both parties, drivers and consumers. Drivers who do not receive adequate legal protection often suffer losses due to unilateral order cancellations or fare cuts made without clear or transparent reasons. Such practices not only harm drivers financially but also diminish their sense of fairness and trust in the service provider platforms. Meanwhile, consumers also face uncertainty regarding the quality of the services they receive, whether in terms of punctuality, comfort, safety, or the protection of their consumer rights, which remain unclear.

In this context, regulations that provide legal certainty for both parties – drivers and consumers – are crucial to creating a fairer, more transparent, and harmonious partnership. With clear, firm, and easily applicable regulations, both drivers and consumers will feel better protected, which in turn will increase public trust in app-based transportation services. Clear regulations will also help app platforms operate in a more structured manner, reduce the risk of disputes, and enhance service efficiency.

Despite the rapid growth of the app-based transportation sector and the convenience it offers to the public, legal protection for driver partners remains severely limited. Many drivers work as independent contractors, meaning they do not receive the same employment protections as permanent workers, such as social security, health insurance, or paid leave. According to legal protection theory, basic worker rights – including social security, workplace safety, and fair wages – should be part of a clear contract and protected by law. Unfortunately, in practice, the partnership between app companies and drivers often does not cover these protection aspects, resulting in driver partners lacking sufficient legal rights and not being adequately protected. Therefore, it is essential to promptly formulate regulations that not only govern this relationship fairly but also ensure better protection for drivers as the more vulnerable party in this partnership.²²

²¹ Yandri Radhi Anadi, *Op.Cit.*

²² Syahrani Aryanti, Agus Satory, "Jaminan Kepastian Perlindungan Hukum Terhadap Driver Ojek Online: Studi Kasus Pemberitaan Media Nasional Demonstrasi Akbar Driver Grab Mei 2025", *Journal of Law and Nation (JOLN) Vol. 4 No. 2*, (2025), <https://joln.my.id/index.php/joln/article/view/235>

One of the main issues faced by drivers in the app-based transportation sector is the ambiguity of their legal status in their partnership with app companies. This uncertainty creates a gap in the existing regulations, which, in turn, worsens the drivers' bargaining position in their working relationship with service platform providers. The current regulations do not explicitly state whether driver partners should be protected by applicable labor laws, leading to many of the drivers' rights, such as fair wages, social security, and other legal protections, not being adequately safeguarded. The legal uncertainty exposes drivers to various injustices, such as the unilateral adjustment of fares, order cancellations without proper compensation, and fare cuts implemented by companies without clear reasons or driver consent.

Moreover, because of their status as independent partners, drivers also cannot access various social security benefits that should be afforded to formal workers, such as pension, health insurance, or retirement benefits. This indicates an imbalance between the rights they should receive and the reality they face in their jobs. In this context, the theory of legal protection is highly relevant for analyzing the legal uncertainty faced by drivers. This theory emphasizes protection for the weaker party in a legal relationship, in this case, the drivers, who are in a more vulnerable position. The theory of legal protection argues that the law must provide sufficient protection for drivers as informal workers by establishing clear normative rights that are legally regulated. Drivers should be protected from risks of injustice, such as unilateral wage cuts, dismissal without clear procedures, and potential exploitation in the imbalanced partnership between drivers and platforms. With clearer and stronger legal protection, drivers can work more safely and securely, and this working relationship can evolve into a fairer and more transparent one.²³

In addition to protection for driver partners, existing regulations must also provide adequate legal protection for consumers, who are equally important in this relationship. Consumers who use app-based transportation services often face various issues related to the quality of the services they receive, such as discrepancies between the price paid and the service provided, delays, and lack of comfort. Although the Consumer Protection Law provides a legal foundation for protecting consumer rights in general, its application in the context of app-based transportation services remains limited and does not fully address the issues commonly encountered in practice. In many cases, the existing protection tends to favor the platform, while consumers often cannot effectively claim their rights when issues arise with the service they receive, whether it concerns unilateral cancellations, incorrect fares, or poor service quality.²⁴

The lack of clarity regarding consumer rights and the inadequate complaint procedures has led many consumers to feel unprotected and hesitant to file formal complaints. In facing this challenge, there is a pressing need for a more comprehensive regulatory update that provides stronger and clearer protection for both driver partners and consumers. This new regulation should cover basic workers' rights, such as social security, as well as establish more transparent and fair fare regulations. The government must introduce more specific regulations that govern the partnership relationship in the app-based transportation sector to ensure that the rights of both drivers and consumers are protected in a balanced and fair manner. With clear and detailed regulations, legal certainty will be established, which can strengthen the bargaining position of drivers, reduce the existing legal uncertainty, and create a healthier and more transparent

²³ Alifvio Bramandika Karindra, "Konstruksi Hukum Perlindungan Kurir Cash On Delivery (COD) Berbasis Asas Keadilan Dan Kepastian", *Lex Stricta : Jurnal Ilmu Hukum*, Vol. 4 No. 1, (2025), <https://doi.org/10.46839/lexstricta.v4i1.1430>

²⁴ Eka Wijaya, Trubus Rahardiansyah, "Maya Indrasti Notoprayitno, Dimensi Sosio-Legal dalam Pengaturan Transportasi Publik Berbasis Aplikasi", *Mimbar Keadilan VOLUME 01 NO 06*, (2025) <https://doi.org/10.5139.vol1iss6pp209>

business environment for consumers. As a result, this partnership relationship can become more sustainable and beneficial for all parties involved.²⁵

Although several regulations, such as the Minister of Transportation Regulation No. 12 of 2019 and the Minister of Manpower Regulation No. 12 of 2023, have provided minimum protection for drivers, these regulations still contain many weaknesses that need to be addressed urgently. One of the main shortcomings of these regulations is the ambiguity regarding the status of drivers, whether they are considered independent partners or formal employees. This lack of clarity results in drivers not receiving adequate protection, despite performing tasks that are nearly identical to those of permanent employees. While efforts have been made to introduce protection for platform-based workers, these policies still do not cover all the essential aspects needed by drivers in their work. For instance, drivers still do not receive a reasonable minimum income guarantee, which should cover their operational costs, such as fuel, vehicle maintenance, and daily living expenses.

The principle of justice is a crucial principle that should underpin the partnership relationship between drivers and app companies. In this context, the principle of justice demands a clear balance between the rights and obligations of both parties, i.e., the drivers and the service platform. As the more vulnerable party in this relationship, drivers should receive stronger protection against various actions that harm them, such as unilateral fare reductions often made without clear justification or order cancellations made unilaterally without notice or compensation. In this regard, regulations governing the app-based transportation sector should be designed to create a fair partnership relationship, reducing inequalities between drivers and the companies. Clear and comprehensive regulations will ensure that drivers receive their rights, such as protection of a fair income and job security, while providing a sense of justice for all parties involved in this ecosystem.²⁶

In addition to the principle of justice, the principle of legal certainty also plays a crucial role in ensuring adequate protection for both driver partners and consumers. In this regard, existing regulations must provide clear legal certainty regarding the rights and obligations of each party involved in the partnership relationship, whether between drivers and app companies or between consumers and service providers. These regulations should also provide clear and efficient procedures for resolving disputes that arise between drivers, platforms, or consumers, ensuring that the parties involved do not feel disadvantaged or lose their rights. This legal certainty will increase trust and provide a sense of security for all parties involved in this sector. Therefore, regulations that are more responsive, adaptive, and proactive in responding to the dynamics in the app-based transportation sector are needed. More flexible and detailed regulations will be crucial to ensure adequate legal protection for drivers, consumers, and platforms, so that the partnership can function fairly and not harm any party.

To achieve social justice in the app-based transportation sector, the government must take an active role in formulating regulations that not only govern operational technical aspects but also provide sufficient protection for informal workers, such as drivers. The government needs to introduce more progressive and inclusive policies that can accommodate the rapid technological developments and social changes that are taking place. These policies should consider the diversity of work forms in the gig economy era and provide better protection for

²⁵ I Gde Sandy Satria, "Perlindungan Hak Pekerja Gig Economy melalui Perspektif Hukum Ketenagakerjaan", *Nomos : Jurnal Penelitian Ilmu Hukum* Vol. 5 No. 1, (2025), <https://doi.org/10.56393/nomos.v5i1.2723>

²⁶ Sharleen Agustine, "Analisis Kekosongan Hukum Terhadap Transportasi Berbasis Aplikasi: Studi Kasus Ojek Online", *Media Hukum Indonesia (MHI)* Vol. 3 No. 3, (2025), <https://doi.org/10.5281/zenodo.16537555>

informal workers so that they are not exposed to the legal uncertainty that jeopardizes their well-being. More inclusive and responsive regulations, which take into account the dynamics of social and technological changes, will ensure that this sector not only grows rapidly but also remains sustainable and fair. Thus, better protection for drivers and consumers can be created, while ensuring that the app-based transportation sector operates within a clear and fair legal framework.

V. Conclusion

This research concludes that the current legal system in Indonesia has not fully regulated the partnership between app-based transportation companies and driver partners clearly, leading to a normative gap that harms both parties. Although some relevant regulations exist, legal protection for drivers and consumers remains very limited, particularly in terms of labor rights, such as social security, fair wages, and effective dispute resolution mechanisms. This creates legal uncertainty that can disadvantage drivers, who often find themselves in a weaker position within the relationship. Therefore, there is a need for more specific and detailed regulatory updates to provide clear legal certainty, protect driver rights, and create a fairer and more balanced partnership between companies, drivers, and consumers. These updates must also consider the rapid technological developments and social dynamics in the app-based transportation sector, with the aim of ensuring stronger and more transparent protection while fostering a sustainable and mutually beneficial ecosystem for all parties involved. The government is expected to promptly formulate policies that are more responsive to these challenges so that the sector can grow fairly and in line with principles of justice and social sustainability.

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