

The Impact of the Ban on the Use of Public Transportation on the Legal Protection of Transportation Service Business Actors During the Covid-19 Pandemic

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Abstract

Legal protection for transportation service business actors in Indonesia is a crucial aspect in maintaining a balance between the rights and obligations of business actors and the interests of consumers. This study uses a normative legal method with a statute approach and a conceptual approach to analyze legal provisions governing protection for transportation service business actors, especially in Law Number 8 of 1999 concerning Consumer Protection (UUPK) and Law Number 22 of 2009 concerning Road Traffic and Transportation (UULLAJ). The results of the study indicate that UUPK provides legal protection through guarantees of business actors' rights to appropriate payments, protection from consumers with bad intentions, and the right to defense in legal disputes, while their obligations include guarantees of safety and transparency of information. UULLAJ further regulates technical protection for public transportation companies, such as the right to withhold, auction, or destroy goods that are not taken according to the agreement, as well as legal certainty in traffic management. With this regulation, transportation service business actors have a strong legal basis in carrying out their operations fairly and efficiently.

Keywords : Covid 19 Pandemic, Business Actors, Public Transportation

I. INTRODUCTION

The COVID-19 pandemic was first declared a global health emergency by the World Health Organization (WHO) in January 2020 and subsequently designated as a pandemic in March 2020 (Kurniawan, 2021). In Indonesia, the government responded to this crisis by implementing various restriction policies aimed at curbing the spread of the virus, including Large-Scale Social Restrictions (PSBB) and the Enforcement of Community Activity Restrictions (PPKM). These policies regulated various aspects of public life, ranging from restrictions on office and educational activities to public transportation, which was considered one of the main sources of virus transmission due to the high level of mobility and interaction between individuals in confined spaces (Mas'udi, 2024).

As a preventive measure, the Indonesian government imposed a ban on the use of public transportation, especially during the strict PSBB period, with the aim of limiting people's movement (Adam, 2021). This policy was based on various regulations, such as circular letters from the COVID-19 Task Force, regulations from the Ministry of Transportation, and regional policies adapted to the spread level in each area. The implementation of this policy directly affected the operations of various transportation modes, including city transport, buses, trains, and even online transportation services such as online motorcycle taxis, which experienced restrictions on the number of passengers and even complete suspension of operations during certain periods (Hirawan, 2020).

The main objective of this policy was to reduce public mobility so that the chain of COVID-19 transmission could be effectively broken. By limiting access to public transportation, it was hoped that people would engage more in activities from home and avoid crowds that could potentially become clusters of virus spread (Riadi, 2020). Furthermore, this policy aimed to protect public health more broadly by minimizing unnecessary social interaction, in line with the principle of prevention in pandemic response (Saputra, 2024). However, despite its positive health goals, this policy also had a significant economic impact on business actors in the transportation sector.

The policy banning the use of public transportation during the COVID-19 pandemic had a significant economic impact on transportation service business actors, both individuals and corporations (Sudaryono, 2020). Online motorcycle taxi drivers, public transport drivers, and transportation business owners experienced a drastic decline in income due to the reduced number of passengers. Large-scale transportation companies also suffered heavy losses due to limited operations, with some even forced to carry out layoffs (PHK) to reduce cost burdens (Jalaludin, 2021). This condition increased the risk of bankruptcy in the transportation sector, which previously was one of the sectors with a substantial contribution to the national economy.

Socially, the impact of this policy was also felt by the families of transportation business actors who depended on daily income. Many public transportation drivers struggled to meet

basic needs due to plummeting income (AKRIM, 2022). This situation led to increased unemployment in the transportation sector, worsening social conditions in society. In addition, the loss of income also potentially triggered various social issues such as rising poverty rates, difficulty in paying for children's education, and a possible increase in crime rates due to high economic pressure (Mardiyah, 2020).

Legally, transportation restriction policies raised issues regarding legal protection for affected transportation business actors (Bidari, 2020). The absence of regulations that specifically govern compensation or subsidy mechanisms for workers in this sector worsened their condition. Moreover, there was the potential for legal disputes between business actors and the government regarding operational restrictions, particularly concerning the rights of business actors to carry out their professions. In such situations, the lack of clear regulation regarding legal protection guarantees increasingly highlighted the need for more comprehensive policies to ensure the sustainability of transportation service businesses during emergency situations.

Amid the regulatory uncertainty caused by the COVID-19 pandemic, legal protection for transportation service business actors became increasingly urgent (Wulandari, 2023). The operational restrictions on public transportation directly affected the sustainability of their businesses, thus requiring legal certainty that ensures the rights and obligations of business actors remain protected. Clear and fair regulations would help them survive during the crisis without facing harmful legal risks. Therefore, it is important for the government to issue rules that can provide assurance and certainty for transportation business actors, both in the form of economic protection and ease in running their businesses during the pandemic (Priowirjanto, 2022).

Although Indonesia already has regulations such as Law Number 22 of 2009 concerning Road Traffic and Transportation, this regulation mostly governs rights and obligations under normal conditions and does not specifically address protection for business actors during emergency situations such as a pandemic. For instance, Articles 195 and 196 focus more on the rights of public transport companies to withhold or auction goods in case of contract violations by service users, but do not provide compensation guarantees for business actors when the government imposes operational restrictions. This weakness in the existing regulations further highlights the need for revisions or additional rules that are more adaptive to emergency conditions.

To address these limitations, a more comprehensive legal protection policy is needed for transportation service business actors. The government should consider economic compensation or subsidy schemes for those affected by operational restrictions (Faidhah, 2024). In addition, a fair and transparent dispute resolution mechanism must also be provided for business actors who feel disadvantaged by the restriction policies. With policies that ensure they can still earn income even under restrictions, a balance between pandemic mitigation

efforts and the sustainability of the transportation sector can be achieved (Ongkowijoyo, 2021).

This research is highly relevant to the current situation, especially in addressing the impact of mobility restriction policies on transportation service business actors. By identifying the legal issues faced by business actors during the pandemic, this study contributes to proposing regulatory reforms that are more adaptive and responsive to crisis situations. The results of this research can provide input for the government in designing more inclusive and equitable policies for transportation business actors, so they can continue to receive legal protection and economic security. In addition, this study can also serve as a reference for business actors in understanding their rights and obligations during the pandemic, enabling them to better navigate legal challenges and sustain their business amidst regulatory uncertainty.

2. METHOD

Metode penelitian yang digunakan dalam penelitian ini adalah metode yuridis normatif, yang berfokus pada kajian hukum berdasarkan peraturan perundang-undangan yang berlaku. Pendekatan yang digunakan meliputi pendekatan perundang-undangan (statute approach), yaitu dengan menganalisis ketentuan dalam Undang-Undang Perlindungan Konsumen (UUPK) dan Undang-Undang Lalu Lintas dan Angkutan Jalan (UULLAJ) terkait perlindungan bagi pelaku usaha jasa transportasi. Selain itu, penelitian ini juga menggunakan pendekatan konsep (conceptual approach) untuk memahami prinsip-prinsip perlindungan hukum terhadap pelaku usaha dalam sistem hukum di Indonesia. Selanjutnya, pendekatan kasus (case approach) diterapkan dengan mengkaji kebijakan pemerintah serta kasus-kasus konkret yang terjadi selama pandemi Covid-19, terutama terkait dampak larangan penggunaan transportasi umum terhadap keberlangsungan usaha jasa transportasi. Melalui pendekatan-pendekatan ini, penelitian ini bertujuan untuk memberikan analisis komprehensif mengenai perlindungan hukum bagi pelaku usaha jasa transportasi serta peran pemerintah dalam mengatasi permasalahan yang timbul akibat kebijakan pembatasan selama pandemi.

3. RESULT AND DISCUSSION

3.1 Legal Protection for Transportation Service Business Actors After the Ban on Using Public Transportation During the Covid-19 Pandemic

Legal certainty, justice, and protection of the rights of business actors in conducting their business activities. In general, this legal protection includes the right to earn legitimate profit, the right to fair treatment in legal proceedings, and the right to be protected from consumers acting in bad faith (Yusri, 2011). From a business law perspective, business actors have the right to enforce contracts, receive payments according to agreements, and sustain their businesses through lawful means (Rafi, 2024). Meanwhile, in consumer protection law, business actors also have the right to restore their reputation and the right to provide accurate

and non-discriminatory information to consumers (Permata, 2016). On the other hand, the obligations of business actors include acting in good faith in running their business, providing products or services that meet safety and security standards, and offering compensation if losses occur due to their products (Bustomi, 2018). These principles aim to create a balance between the interests of business actors and consumers, thereby fostering a conducive and sustainable business climate.

Legal protection for transportation service business actors is regulated in several laws, one of which is the Consumer Protection Law (UUPK), which grants transportation service providers the right to receive payment in accordance with agreements, protection from consumers acting in bad faith, and the opportunity to sustain their businesses lawfully (Pratama, 2016). On the other hand, they also have obligations, such as providing safe, honest, and transparent services to consumers. In addition, the Road Traffic and Transportation Law (UULLAJ) also regulates the rights and obligations of public transportation companies, including the right to withhold goods if customer obligations are not fulfilled, the right to charge additional fees for goods not collected on time, and the obligation to ensure safety and security in transportation operations. These regulations aim to create a balance between the rights and obligations of transportation service business actors so they can operate fairly and legally.

The Covid-19 pandemic has had a significant impact on the transportation sector, especially with the enforcement of travel bans, operational restrictions, and a decline in passenger numbers due to social restriction policies. This has drastically reduced the income of transportation business actors, particularly public transport providers such as buses, taxis, and online transportation services, which heavily rely on public mobility. In addition, there were operational and business management challenges, such as increased operational costs due to mandatory health protocols, passenger capacity limits, and regulatory uncertainties that frequently changed. As a result, many transportation companies faced financial difficulties and were forced to halt operations or implement workforce efficiency measures.

Legal protection for transportation service business actors in Indonesia is an essential aspect of maintaining a balance between the rights and obligations of business actors and the interests of consumers. In this regard, Law Number 8 of 1999 on Consumer Protection (UUPK) provides legal protection guarantees for transportation service providers, both in terms of rights to be obtained and obligations to be fulfilled in conducting business. These regulations aim to create a fair business climate and protect the interests of all parties involved in transportation service transactions.

According to Article 6 of UUPK, transportation service providers have several key rights, including the right to receive payment in accordance with the agreement made with the consumer. In addition, business actors also have the right to legal protection from consumers acting in bad faith, for instance, consumers who cause harm without legitimate reasons. In the

event of a dispute with a consumer, business actors also have the right to proper self-defense and to have their reputation restored if it is legally proven that the consumer's loss was not caused by the business actor's fault. These rights provide legal certainty guarantees for business actors so they can operate fairly and not be disadvantaged by consumers acting in bad faith.

In addition to these rights, Article 7 of UUPK also sets out various obligations that must be fulfilled by transportation service business actors in conducting their businesses. These obligations include the requirement to act in good faith in conducting business activities, provide accurate, clear, and honest information about the services offered, and refrain from discriminating against consumers. Furthermore, business actors must ensure the safety and security standards of the transportation services provided, ensure that the services comply with applicable laws and regulations, and provide compensation or restitution to consumers if losses occur due to the use of the transportation services offered.

Legal protection for transportation service business actors in Indonesia is not only regulated under the Consumer Protection Law (UUPK), but is also specifically regulated under Law Number 22 of 2009 on Road Traffic and Transportation (UULLAJ). UULLAJ provides a more technical legal basis concerning the rights of public transportation companies, especially in managing goods and executing transportation service contracts. This protection aims to ensure legal certainty for public transportation companies in conducting their businesses and protect them from potential losses resulting from consumer noncompliance with transportation agreements.

One form of legal protection regulated in Article 195 of UULLAJ is the right of public transportation companies to withhold transported goods if the sender or recipient fails to fulfill their obligations under the transportation agreement. This right provides a strong bargaining position for transportation companies in ensuring that consumer obligations, such as payment of transportation fees, are fulfilled in a timely manner. In addition, transportation companies also have the right to charge additional fees for goods not collected within a certain period. This provides economic protection for transportation companies by ensuring that the storage costs of goods not immediately collected by consumers are properly compensated.

Furthermore, Article 195 paragraph (3) of UULLAJ also regulates the right of transportation companies to auction goods not collected in accordance with the terms of the agreement. This provision serves as an important legal instrument for resolving issues related to delayed collection of goods. The auction process is carried out in accordance with applicable legal regulations, ensuring that transportation companies remain within legal boundaries in exercising their rights. In addition to auctions, Article 196 of UULLAJ grants public transportation companies the authority to destroy goods that are hazardous or disruptive in storage if not collected within the agreed timeframe. This not only protects the company from potential losses but also safeguards safety aspects in goods management.

Beyond protection in transportation contracts, UULLAJ also provides a legal basis for

traffic management regulations through Article 133 of UULLAJ. This article grants public transportation companies rights regarding restrictions on public vehicle traffic, aiming to enhance the efficiency and effectiveness of traffic space usage. Through this regulation, public transportation companies have legal certainty in their operations, especially in facing traffic restrictions imposed by the government.

3. 2 Problems Regarding Legal Protection for Transportation Service Business Actors After the Ban on the Use of Public Transportation During the Covid-19 Pandemic

The Consumer Protection Law (UUPK) provides legal protection for transportation service business actors by stipulating the rights that must be respected by consumers. Business actors have the right to receive proper payment according to the agreement and legal protection from actions in bad faith, such as intentionally avoiding payment or making baseless claims. In addition, they have the right to maintain the continuity of their business in accordance with applicable law and to obtain rehabilitation of their reputation if proven not at fault in a legal dispute with consumers. However, business actors also have the obligation to act in good faith in conducting their business, provide accurate and non-misleading information to consumers, and ensure transportation services are safe and meet safety standards. If losses occur to consumers due to negligence or violations in the provision of transportation services, business actors are responsible for providing compensation to guarantee consumer rights protection.

Legal protection for public transportation companies in the Road Traffic and Transportation Law (UULLAJ) includes various rights that support the continuity of their operations. Public transportation companies have the right to withhold goods to be delivered if customers fail to fulfill their obligations, such as unsettled payments, to ensure transaction certainty. In addition, they have the right to charge additional fees for goods not promptly collected within a certain period, as a form of protection against the use of limited storage space. If customers still do not retrieve their goods within the agreed timeframe, public transportation companies also have the right to auction or destroy the goods in accordance with applicable legal provisions. This legal protection covers the validity of contracts and transportation service agreements made between business actors and customers, thereby providing legal certainty in transportation service operations and reducing the risk of legal disputes that could harm the company.

The ban on the use of public transportation during the pandemic caused a drastic decline in income for transportation service business actors. Travel restriction policies, such as the ban on homecoming and restrictions on community mobility, directly impacted the decline in passengers and service users. This caused many public transportation companies, whether land, sea, or air, to experience financial difficulties due to significantly reduced income. In addition, app-based transportation services also experienced a decrease in demand, affecting the daily earnings of drivers.

The inability of business actors to cover operational costs further worsened their financial condition. With declining revenue, many companies had difficulty paying employee salaries, vehicle maintenance costs, as well as other obligations such as taxes and vehicle loan installments. This situation forced some companies to reduce their operational fleets, apply for credit relaxation, or even temporarily cease their business activities. Some companies that were unable to survive eventually went bankrupt, causing a ripple effect on related industries, such as workshops, spare parts providers, and vehicle leasing companies.

Legal uncertainty became one of the impacts felt by transportation service business actors during the pandemic. Various regulations regarding travel restrictions often changed in line with the development of the pandemic situation, forcing business actors to adapt in a short time. This caused confusion, both in terms of operational permits and in implementing health protocols that complied with applicable rules. In addition, inconsistent policy changes also made it difficult for companies to plan long-term business strategies.

On the other hand, the increasing potential for disputes between business actors and consumers or the government also became a significant issue. Many consumers experienced travel cancellations due to the transportation operation ban, leading to demands for refunds or other compensation. Meanwhile, some business actors who continued to operate faced the risk of government sanctions if deemed to have violated mobility restriction regulations. This situation triggered many legal disputes involving various parties, both in the form of civil lawsuits from consumers and administrative sanctions from the government against transportation companies.

4. CONCLUSION

Legal protection for transportation service business actors in Indonesia aims to create a balance between the rights and obligations of business actors and the interests of consumers, as regulated in Law Number 8 of 1999 concerning Consumer Protection (UUPK) and Law Number 22 of 2009 concerning Traffic and Road Transportation (UULLAJ). UUPK guarantees the rights of business actors to appropriate payment, protection from consumers acting in bad faith, and defense in legal disputes, while their obligations include providing clear information, ensuring safety, and compensating consumers if losses occur. UULLAJ provides more technical protection for public transportation companies, such as the right to withhold, auction, or destroy goods that are not collected according to agreements, as well as legal certainty in traffic management. With these regulations, transportation service business actors can conduct their businesses fairly, efficiently, and be protected from potential losses due to consumer non-compliance or operational obstacles.

The government has a crucial role in protecting transportation service business actors during the Covid-19 pandemic through various economic, health, and regulatory certainty policies. The provision of subsidies, tax incentives, and social assistance for workers in the

transportation sector helps reduce the financial burden caused by the decline in passenger numbers and income. Accelerated vaccination and the implementation of clear health protocols are strategic steps in ensuring safe transportation operations. In addition, stable and adaptive regulatory certainty is highly needed so that business actors can run their businesses without confusion caused by frequently changing rules. With a comprehensive approach involving various relevant parties, the government can ensure the sustainability of the transportation sector and support economic recovery in the post-pandemic period.

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