

Legal Protection for Online Ojek Drivers Who are Victims of Fictitious Order

Eko Wahyudi, Dudit Darmawan, Rommy Hardyansah

Universitas Sunan Giri Surabaya

Email: dr.rommyhardyansah@gmail.com

ABSTRACT – This study explores the legal protection available to online ojek drivers in Indonesia who fall victim to fictitious orders, a prevalent issue that impacts their financial stability and emotional well-being. The current partnership model between drivers and application companies limits drivers' legal protections, making them vulnerable without access to compensation or adequate support in reporting incidents. Through a normative juridical approach, the research evaluates existing regulations, identifies barriers faced by drivers in seeking justice, and emphasizes the roles of both the government and app companies in enhancing protections. Key recommendations include establishing clearer compensation mechanisms, improving reporting systems, strengthening legal frameworks, and utilizing advanced technology for fraud detection. Ultimately, the study calls for collaborative efforts to create a safer and fairer work environment for drivers in the gig economy.

Keywords: Legal Protection, Online Ojek Drivers, Fictitious Orders, Compensation Mechanisms, Gig Economy.

A. INTRODUCTION

Fictitious order practice has become a serious problem faced by online ojek drivers in Indonesia. This phenomenon occurs when a consumer orders a service without the intention of utilizing the service, which ultimately disadvantages the driver financially and emotionally. The act of fictitious booking causes drivers to bear operational costs without earning income, resulting in real losses for those who depend on daily income (Sukmayati & Sudirga, 2022).

The working relationship between application companies and drivers is organized under a partnership scheme, not as a formal employment relationship. Consequently, drivers do not receive the same labor protections that permanent employees receive.

This partnership status affects drivers' ability to obtain compensation from the company, even if they are disadvantaged by practices such as fictitious orders (Rochma, 2019).

Although Law Number 8 Year 1999 on Consumer Protection in Indonesia provides some protection for parties disadvantaged by consumer actions, the existing law is still insufficient to address the issue of fictitious order, especially those involving partnership relationships such as those of online ojek drivers. The current policy does not fully cover or protect the rights of drivers in fictitious order cases. This shows a gap in legal protection that should be given to drivers working in the gig economy partnership system. Putri and Diamantina (2019) stated that existing laws need to be revised and equipped with more specific rules that can provide stronger protection guarantees for drivers, especially to deal with the risks they face, such as disadvantaged fictitious order.

Law enforcement challenges in fictitious order cases are further complicated by cumbersome and often ineffective reporting procedures. Many online ojek drivers are unwilling to report fictitious order incidents because the reporting process is lengthy and often does not result in adequate solutions. This leads to a lack of adequate data that can be used to support effective law enforcement. Waliyullah (2020) found that many drivers chose to ignore the incident rather than report it, as they felt that the lengthy legal process and unpromising results were not worth the effort. This unwillingness of drivers to report exacerbates the problem, as without sufficient reports, law enforcement officials struggle to properly investigate and prosecute perpetrators of fictitious order.

The problems faced by online ojek drivers related to fictitious order indicate a lack of adequate legal protection. Although drivers are under contract with the application company, this partnership status does not provide

sufficient legal security for them. This makes drivers vulnerable to disadvantages caused by fictitious order practices, which often cannot be clearly proven and cause significant financial losses. Lala et al. (2022) noted that the current partnership system cannot provide effective legal protection for drivers, as drivers do not have the same status as permanent workers who are fully protected by labor law. This further exacerbates the legal uncertainty faced by drivers, who find it difficult to obtain compensation for their disadvantages.

The purpose of this study is to analyze the legal protection that should be given to online ojek drivers who are victims of fictitious order in Indonesia. The main focus of this research is to understand the extent to which the existing legal system can provide adequate protection guarantees for drivers, especially to deal with disadvantages due to fictitious order that frequently occurs. This study aims to identify the obstacles faced by online ojek drivers to report and follow up on fictitious order cases, both in terms of law and operational procedures by the application company.

This study also aims to explore the role of government and application companies to protect online ojek drivers from disadvantages due to fictitious order. Understanding the role of the government and application companies is essential to develop more effective protection policies that are based on the rights of drivers. In this regard, this study will look at the extent to which current policies meet the protection needs of drivers, and how collaboration between various parties can improve the situation.

B. METHOD

This research uses a normative juridical approach with a descriptive-analytical method that aims to analyze laws and regulations, legal theories, and concepts of legal protection concerning fictitious order that disadvantages online ojek drivers. The normative juridical approach was chosen because it is effective for evaluating existing regulations, as well as analyzing how these regulations function in protecting the rights of drivers who are vulnerable to illegal practices such as fictitious order. Zuama et al. (2021) state that this approach allows researchers to examine the effectiveness of regulations applied to address legal issues related to online ojek drivers.

In collecting data, this research relies on two types of data, namely primary data and secondary data. The primary data used includes applicable laws and regulations in Indonesia, specifically Law Number 8 Year 1999 on Consumer Protection and Law Number 19 Year 2016 on Amendments to Law Number 11 Year 2008 on Electronic Information and Transactions (ITE). Wijaya and Setiawan (2021) argue that these regulations provide an important legal basis to protect online ojek drivers from fictitious order and become an important instrument to enforce the rights of drivers. Secondary data used in this research are scientific journals, law books, and previous research relevant to this topic. Lala et al. (2022) highlighted that secondary data is needed to provide deeper theoretical insights into the partnership relationship between drivers and application companies, as well as strengthen legal analysis of driver protection.

The data analysis technique used is a qualitative descriptive approach, which includes identification, interpretation, and evaluation of existing regulations and their relevance to protect online ojek drivers from fictitious order actions. This approach is very suitable for legal research that aims to identify deficiencies in regulations and provide recommendations for necessary improvements.

C. RESULTS AND DISCUSSION

Legal Protection for Online Ojek Drivers Who are Victims of Fictitious Order

The application companies provide preventive protection with security systems that prevent fictitious orders, but there are still many cases where drivers disadvantages. Research by Lala et al. (2022) shows that companies' preventive efforts are frequently inadequate as the partnership relationship does not include comprehensive protection for drivers' disadvantages.

The legal protection that should be given to online ojek drivers who are victims of fictitious orders in Indonesia must involve several in-depth aspects, given the complexity of the working relationship between drivers and application companies. As workers in the gig economy, online ojek drivers do not have the same protection as formal workers, although they also face significant occupational risks. Therefore, legal protection should focus on the basic rights of drivers to face disadvantages due to fictitious orders that are financially and reputationally detrimental.

First, the main legal protection is related to the right to obtain compensation for losses incurred from fictitious orders. Online ojek drivers should be given the right to obtain adequate compensation if they become victims of fictitious orders. This can be realized in the regulations that require application companies to provide compensation or reimbursement for losses suffered by drivers. The partnership system between drivers and application companies should include clear provisions on compensation for disadvantages arising from fictitious bookings.

Second, such legal protection should involve a clear mechanism for reporting and handling fictitious order cases. An efficient and accessible reporting procedure for drivers is important so that they can immediately report their disadvantages. In this case, application companies need to have a transparent reporting system that is integrated with the legal system, where drivers' reports of fictitious orders can be processed quickly and fairly. This procedure should involve the authorities to ensure proper follow-up.

Arrangements regarding valid evidence and transaction verification systems should also be strengthened. Drivers frequently have difficulty proving that orders have indeed been fictitious, thus requiring a system that allows application companies to detect and confirm fictitious orders before the driver is dispatched. A sophisticated verification system, including tracking IP addresses, user data, and suspicious transaction patterns, can be a preventive measure that reduces the risk of disadvantage for drivers.

It is also important to ensure that the rights of online ojek drivers are fairly met by application companies. The application company must be responsible for the act of fictitious order that occurs through their platform, by providing appropriate protection, both in the form of compensation and preventive measures. Therefore, the existence of a clause that requires the company to provide financial protection for drivers who are disadvantaged due to fictitious order is very important.

Legal protection should also include the provision of clear sanctions against those who make fictitious orders. Sanctions against consumers who make fictitious bookings need to be regulated in clear regulations, so that there is a deterrent effect and prevent similar actions in the future. Criminal offenses or administrative violations committed by consumers who make fictitious

orders must be regulated strictly and implemented by authorized law enforcement agencies.

The government, in this case, must strengthen regulations governing the relationship between online ojek drivers and application companies. One of them is by issuing regulations governing the rights and obligations of drivers and application companies in terms of protection against the disadvantages caused by fictitious orders. The regulation should clearly regulate the obligation of application companies to compensate drivers who are victims of fictitious orders.

Furthermore, it is important to develop a clearer model of employment agreement or partnership contract between drivers and application companies. This contract should contain detailed provisions on the rights of drivers to deal with situations such as fictitious orders, including how to report, how compensation is provided, and what the dispute resolution mechanism is between the driver and the application company. Drivers should have the right to claim compensation if any provisions in the contract are violated.

For these protections to be effectively implemented, there needs to be government oversight of the implementation of these regulations. Stringent supervision will ensure that application companies fulfill their obligations to provide fair protection and comply with the law. The government also needs to optimize the complaint and mediation mechanism between drivers and application companies in case of disputes related to fictitious orders.

Finally, with better legal protection and clearer regulations, it is expected that online ojek drivers in Indonesia are protected from disadvantages due to fictitious orders, and have equal rights to carry out their job. The government and application companies must work together to create a fair, transparent, and safe work ecosystem for drivers, which at the same time improves the work system in the gig economy in Indonesia.

Obstacles in the Legal Process by Online Ojek Driver to Report and Follow Up the Fictitious Order

To deal with fictitious order cases, online ojek drivers in Indonesia frequently face various obstacles in the legal process. Online ojek drivers are frequently unwilling to report

fictitious order incidents due to the long process and unpromising results. Waliyullah (2020) shows that reporting constraints cause drivers to not report cases, which ultimately reduces the effectiveness of law enforcement against fictitious order offenders.

One of the main obstacles is the unclear legal system that regulates the rights and protection of drivers against disadvantages caused by fictitious orders. As drivers work in partnership with the application company, they frequently find it difficult to obtain clear and direct access to report such cases. Most drivers are not familiar with their rights and therefore do not know the proper procedure to report the disadvantages experienced due to fictitious order.

The reporting process at application companies, where complaints are frequently made, can also be an obstacle. Many drivers report their fictitious orders, but the process by the application companies is often time-consuming and lacking in transparency. Drivers frequently feel frustrated because there is no certainty about the follow-up of their reports, and sometimes they do not get a clear response from the company regarding the promised compensation. This results in driver dissatisfaction with the existing reporting system and exacerbates their situation of facing financial losses.

Another obstacle faced by drivers is that evidence is difficult to obtain. In many cases of fictitious orders, drivers struggle to prove that the order they received was indeed fake or invalid. Drivers may not have sufficient evidence, such as legitimate recordings or confirmations from customers or third parties, that can substantiate their claims. Drivers who do not have a technical understanding of how to track transactions or understand the application system are frequently hindered from gathering the necessary evidence to support their reports.

Another problem is the lack of regulations that protect drivers in these situations. While drivers are frequently disadvantaged by fictitious orders, they do not have direct access to a legal system that can provide adequate protection. Existing regulations do not fully guarantee drivers their rights, especially when it comes to compensation for the disadvantages caused by fictitious orders. This worsens the drivers' position to face the often legally stronger application companies.

Drivers also face difficulties in reporting such cases to authorities such as the police or other agencies. This is due to a lack of understanding on how to report money laundering or fraud related to fictitious orders. Many drivers feel that the legal process is too complicated and takes a long time, which ultimately discourages them from continuing with the legal process. In addition, it is unclear whether money laundering or fraud can be directly related to fictitious orders, which is frequently the reason why drivers do not report.

Dispute resolution between drivers and application companies is also a major obstacle in the legal process. Many drivers report their disadvantage due to fictitious orders, but they frequently do not receive adequate assistance or protection. Mediation or dispute resolution mechanisms in place at application companies are frequently ineffective and unable to provide fair solutions for drivers. There are difficulties in finding responsible parties to resolve these issues, as application companies frequently operate outside of clear jurisdictions or do not have internal regulations governing driver protection.

Further obstacles arise in terms of the lack of technical support from law enforcement institutions to trace suspicious transactions or fictitious orders. Legal procedures related to money laundering or fraud related to fictitious orders require technical expertise to analyze data on transactions made through the application. However, limited human resources and technology in Indonesian law enforcement institutions hamper efforts to handle these cases quickly and efficiently.

Drivers are also faced with the problem of uneven justice in the legal process. Due to drivers' status as workers in the gig economy, they frequently do not receive sufficient protection from application companies or the government. Drivers feel that they are more vulnerable to abuse or fraud, but do not have equal access to effective legal protection.

Overall, although online ojek drivers are victims of fictitious orders, they are often prevented from undergoing legal procedures to obtain their rights. The main obstacles in the lack of clarity of regulations governing the legal relationship between drivers and application companies, lack of understanding of reporting and evidentiary procedures, and limitations in technical support and available legal resources. This points that improvements to the legal system and more effective oversight are needed to provide protection to drivers.

The Role of Government and Application Companies to Protect Online Ojek Drivers from Disadvantages due to Fictitious Orders

The role of the government and application companies to protect online ojek drivers from losses due to fictitious bookings is very important, given the complexity and high risks faced by drivers to carry out this profession. The government, through existing regulations, should play a role as the main regulator that sets policies and regulations to protect the rights of drivers. One form of protection that the government should provide is by creating clearer regulations regarding the relationship between drivers and application companies, including regulating compensation mechanisms for drivers who are disadvantages due to fictitious orders. Without clear regulations, drivers are in a vulnerable and unprotected position.

The government must also ensure that app companies comply with certain obligations, such as the protection of drivers in the event of fictitious orders. The government should conduct stringent supervision and enforcement to ensure that application companies provide adequate protection to drivers. Regulations that require companies to take responsibility for losses suffered by drivers due to fictitious orders are needed. The government must enforce sanctions against companies that do not comply with these obligations, including ensuring that companies provide a clear system for reporting and handling cases such as fictitious orders.

The application company also has a big role for protecting drivers from the disadvantages of fictitious orders. The lack of clear regulations means that many fictitious booking cases cannot be resolved fairly. The partnership status between the company and the driver limits the driver's ability to claim compensation because legally they are not employees. Candrawati et al. (2021) emphasized the importance of updating regulations to include specific protections for drivers related to the gig economy.

Legal protection for online ojek drivers in Indonesia is hampered by their status as partners. As partners, drivers do not have the same rights as employees, which makes them not entitled to labor protections such as guaranteed compensation for losses. This partnership structure requires revision so that drivers are seen as independent workers and also as workers who deserve protection.

Companies have a moral responsibility to protect drivers from disadvantages, especially in the case of fictitious orders. However, research shows that companies' protection efforts are frequently only preventive and do not accommodate drivers' needs for adequate compensation. Sukmayanti and Sudirga (2022) emphasized the importance of companies to be more active in providing legal support for drivers who have suffered a disadvantage due to the actions of fraudulent consumers.

Drivers who have been victimized by fictitious orders need better access to report their cases and claim their rights. A repressive approach that includes sanctions for fictitious order offenders can create a deterrent effect and provide justice for aggrieved drivers. Zuama et al. (2021) emphasized the need for strong regulations to accommodate the rights of drivers to obtain compensation for losses incurred due to fictitious actions.

As a party that facilitates transactions between drivers and consumers, application companies must provide adequate systems to detect and prevent fictitious orders. One of the steps that can be taken is to improve a stricter customer verification system, so that fictitious orders can be prevented from the start. In addition, app companies should provide clear guarantees or compensation for drivers who are victims of fictitious bookings. A transparent and fair system for providing compensation will provide more protection for drivers and improve the sense of justice in the gig economy ecosystem.

The application company should actively listen to complaints and feedback from drivers regarding their experience in dealing with fictitious orders. One step that can be effectively to develop a clear handling protocol, which includes procedures for reporting fictitious orders and efficient dispute resolution. App companies also need to educate drivers on their rights, and provide an understanding on how to effectively report fictitious orders. With a reporting system that is easily accessible and supported by policies that favor drivers, application companies can minimize the disadvantages suffered by drivers due to fictitious orders.

While the government and the application companies have an important role to play in protecting drivers, drivers themselves should also be educated on how to protect themselves from losses due to fictitious orders. The government and the application companies

need to work together to provide training or socialization that can provide drivers with knowledge on how to identify suspicious bookings and how to act in case of fictitious order. This socialization can be done through the application itself, by adding features or clear guidelines on reporting procedures and drivers' rights.

The application company needs to have a system that allows drivers to access information related to legal procedures or policies related to fictitious orders, so that drivers know the steps they can take to protect themselves. This also serves to build a more transparent and mutually beneficial relationship between companies and drivers. Drivers also need to be informed about the company's obligation to compensate for disadvantage caused by fictitious orders. Clarity on the compensation provided will help reduce the uncertainty that drivers often experience in dealing with such issues.

The active involvement of the government to oversee the implementation of this policy is crucial to ensure that application companies are responsible for the protection of drivers. The government must provide incentives for companies that demonstrate compliance with regulations, as well as provide strict sanctions for companies that fail to fulfill their obligations. Close collaboration between the government, application companies, and drivers is necessary to create a safer and fairer working environment in the online ojek industry.

The government should also facilitate companies to develop technology that can improve the verification and detection system of fictitious orders. With the support of more sophisticated technology, such as the use of data analysis and artificial intelligence (AI), application companies can more easily detect suspicious transaction patterns and reduce the potential for fictitious orders. This technological innovation can support driver protection efforts and accelerate the handling of case related to fictitious orders. The use of verification technology can help reduce the risk of fictitious bookings by detecting suspicious booking patterns. Applications can be enhanced with features such as stricter user verification to identify possible fictitious orders (Wijaya & Setiawan, 2021).

Protecting online ojek drivers from losses due to fictitious orders requires a clear and coordinated role between the government and the application company. The government must

set stricter regulations related to driver protection, while application companies must improve prevention and transparent reporting systems. Collaboration between the two is crucial to ensure drivers receive adequate protection, which in turn will create a fairer and more efficient work ecosystem.

The Indonesian government needs to consider implementing more specific regulations to protect online ojek drivers from losses due to fictitious orders. New regulations need to be drafted to place greater responsibility on application companies to protect drivers from disadvantaged that are not caused by their own fault (Purba & Sinaga, 2021).

D. CONCLUSIONS

This research reveals that online ojek drivers in Indonesia still face limited legal protection regarding fictitious orders. The partnership system between drivers and application companies puts drivers in a vulnerable position without adequate compensation for their disadvantages. Although the company has made some preventive efforts, these steps have not been significant enough to reduce the disadvantages due to fictitious orders.

The lack of specific regulations on driver protection exacerbates the situation, as there is no adequate legal umbrella to claim compensation or justice for their losses. Therefore, more specific policy updates are needed to protect gig economy drivers, especially to address the high occupational risks.

The government and application companies need to work together to strengthen driver protection regulations, including in terms of compensation, reporting procedures, and sanctions against fictitious orders. The development of more sophisticated surveillance technology and stricter user verification should also be considered to reduce the occurrence of fictitious orders. With clearer regulations, it is hoped that legal protection for drivers can be better guaranteed, creating a fairer and safer work ecosystem.

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