

Aspek perdata pengaturan transportasi online: studi perbandingan Indonesia dengan Filipina = Civil law aspect of online transportation regulation: comparative study of Indonesia with Phillipines / Amza Aulia Zamani

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Abstrak

Kegiatan transportasi atau pengangkutan merupakan bidang kegiatan yang sangat penting dalam kehidupan masyarakat Indonesia. Jasa transportasi mempunyai peranan penting bukan hanya untuk melancarkan arus barang dan mobilitas manusia, tetapi jasa transportasi juga membantu tercapainya alokasi sumber daya ekonomi secara optimal. Perkembangan teknologi dan informasi begitu cepat di era globalisasi ini, dan transportasi tidak luput terkena dampaknya. Kini masyarakat sudah tidak asing dengan berbagai aplikasi *online* untuk berbagai transaksi atau perjanjian. Transportasi *online* yang ada pada saat ini sendiri merupakan layaknya jasa transportasi pada umumnya, hanya saja pelayanan dan ketentuan mengenai kebutuhan yang diperlukan dilakukan melalui suatu aplikasi berbasis *online*. Dengan adanya eksistensi layanan baru di bidang transportasi, Pemerintah perlu segera mengeluarkan regulasi. Tidak lama ini, pada bulan Desember 2018, dikeluarkan peraturan baru untuk memadai keadaan transportasi *online* di Indonesia oleh Peraturan Kementerian Perhubungan. Dimana transportasi *online* disebut menggunakan istilah Angkutan Sewa Khusus. Disisi lain, Filipina merupakan negara pertama di dunia yang memiliki regulasi mengenai transportasi *online* atau yang disebut sebagai transportasi berbasis aplikasi, yaitu *Transport Network Vehicle Services* (TNVS) atau perusahaan transportasi *online* yang disebut *Transport Network Companies* (TNC). Disini penulis memberikan perbandingan pengaturan transportasi *online* antara kedua negara dari aspek perdata, melihat bagaimana pengaturan tersebut mengatur hak dan kewajiban bagi para pihak pelaku kegiatan transportasi *online*.

Transportation activities or services have a significant role in Indonesia's societies. Transportation services not only accelerate the flow of goods and human mobility, but also to help to achieve optimal allocation of economic resources. The development of information and technology is growing rapidly in this era of globalization, and transportation sector is affected by its development. Nowadays, people are getting more familiar with online applications for various transactions or agreements. Currently, online transportation that is available is just like any other transportation services out there, however the requirements needed for the services are made through an online based application. With the existence of new services in the transportation sector, the Government needed to immediately issue regulations. Not long ago, in December 2018, a new regulation was issued for adequate online transportation in Indonesia by the Ministry of Transportation, Where online transportation is called using a term Angkutan Sewa Khusus. On other side, the Philippines is the first country in the world to have regulations on online transportation or what is referred to as application-based transportation, namely Transport Network Vehicle Services (TNVS) or an online transportation companies called Transport Network Companies (TNC). Here the author gives a comparison on online transportation regulation between the two countries

from the civil & law aspect, seeing how the regulations regulate the rights and obligations for the parties related to transportation online activities.</i>