

ABSTRAK

Perkembangan teknologi dalam era industri 5.0 menghadirkan disrupsi di berbagai lini, termasuk dalam dunia transportasi. Adanya disrupsi dalam dunia transportasi terlihat pada moda transportasi berbasis teknologi informasi, diperlukan pembaharuan hukum transportasi Indonesia. Berdasarkan hal tersebut, permasalahan penelitian ini antara lain: Pertama, bagaimana hubungan hukum antara para pihak transportasi online dalam sistem hukum Indonesia di era disrupsi? Kedua, bagaimana komparasi pengaturan transportasi online beberapa negara ASEAN? Ketiga, bagaimana mewujudkan hukum transportasi yang terbaru di era disrupsi berdasarkan perkembangan pembaharuan hukum di Indonesia? Metode penelitian yang digunakan dalam penelitian ini adalah penelitian yuridis normatif. Hasil penelitian antara lain: Pertama, tidak adanya pengaturan khusus mengenai transportasi online menjadikan ketimpangan posisi antara perusahaan dan mitra terjadi, sehingga hal ini haruslah menjadi perhatian pemerintah didalamnya untuk memberikan rasa kepastian hukum dan keadilan bagi mitra atau driver. Kedua, Indonesia dapat mengambil hal-hal yang baik dari aturan negara-negara komparan dan menjadikannya suatu pengaturan yang mengubah sistem dalam moda transportasi online ini dengan memasukkan norma-norma yang harus diatur pada perjanjian kemitraan transportasi online dan memasukkan unsur retribusi yang ditarik dari setiap transaksi dalam transportasi online yang dimana hal ini akan memberikan kepastian hukum dan keadilan bagi mitra serta menjadi salah satu upaya kontrol negara dari pelaksanaan transportasi online. Ketiga, Aturan mengenai transportasi online merupakan suatu pembaharuan dalam hukum transportasi yang dimana pelaksanaannya di masyarakat sudah terjadi namun tidak diikuti regulasi terkait hal tersebut. Urgensi regulasi transportasi online tersebut sesuai dengan pelaksanaan teori *socialological jurisprudence*. Saran dalam penelitian ini antara lain: Pertama, diharapkan pemerintah Indonesia segera merumuskan regulasi terkait transportasi online terkhusus berkaitan dengan isi perjanjian kemitraan yang menjadi hubungan hukum dalam transportasi online. Kedua regulasi yang dibuat nanti bagi transportasi online akan memberikan rasa keadilan dan kepastian hukum bagi mitra serta memberikan koridor bagi perusahaan transportasi online dalam hal membuat perjanjian kemitraan. Ketiga, sebuah peraturan baru dalam hukum transportasi sehingga kekosongan norma dan kerancuan dalam pelaksanaan hukum dapat di jalankan dan menghadirkan kemanfaatan bagi masyarakat Indonesia.

Kata Kunci: Kepastian Hukum, Disrupsi, Transportasi Online

ABSTRACT

Technological developments in the industrial era 5.0 bring disruption in various lines, including in the world of transportation. The disruption in the world of transportation can be seen in information technology-based transportation modes, requiring updates to Indonesian transportation law. Based on this, the problems of this research include: First, what is the legal relationship between online transportation parties in the Indonesian legal system in the era of disruption? Second, how do online transportation arrangements compare in several ASEAN countries? Third, how to realize renewable transportation laws in an era of disruption based on developments in legal development in Indonesia? The research method used in this research is normative juridical research. The results of the research include: First, the absence of special regulations regarding online transportation creates an imbalance in the position between companies and partners, so this must be a concern for the government to provide a sense of legal certainty and justice for partners or drivers. Second, Indonesia can take the good things from the regulations of comparable countries and make it into an arrangement that changes the system in this online transportation mode by including norms that must be regulated in online transportation partnership agreements and including elements of levies that are collected from each transaction. in online transportation, which will provide legal certainty and justice for partners and become one of the state's control efforts over the implementation of online transportation. Third, the rules regarding online transportation are an update in transportation law where its implementation in society has already occurred but the relevant regulations are not followed. that matter. The urgency of online transportation regulations is in accordance with the implementation of sociological jurisprudence theory. Suggestions in this research include: First, it is hoped that the Indonesian government will immediately formulate regulations related to online transportation, especially regarding the contents of partnership agreements which become legal relations in online transportation. The two regulations that will be created later for online transportation will provide a sense of justice and legal certainty for partners and provide a corridor for online transportation companies in terms of making partnership agreements. Third, a new regulation in transportation law so that the void of norms and confusion in the implementation of the law can be implemented and bring benefits to the Indonesian people.

Keyword: Legal Certainty, Disruption, Online Transportation