

Legal Protection for Consumers Using Transportation Services on The River

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Abstract

This research discusses legal protection for consumers who use river transportation services, which aims to ensure the safety and comfort of users. With a normative juridical approach, this study uses the analysis of laws and regulations and a conceptual approach to evaluate the implementation of laws in the river transportation sector. The results show that despite regulations that protect consumer rights, implementation in the field still faces various challenges. Many business actors do not comply with the Standard Operating Procedures (SOPs) that regulate passenger safety, exacerbated by the weak supervision and socialization from the government. This research recommends increased supervision, more effective socialization, and strict law enforcement to ensure that consumer rights are optimally fulfilled.

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INTRODUCTION

Transportation services have operational guidelines that include transportation by air and sea, transportation by land, multimodal transportation, and transportation by land. Every transportation sector has a standard operating procedure (SOP) that has been set by the government to ensure the safety and welfare of passengers. In order to improve the quality of sea transportation services and meet safety and environmental goals for sea transportation service users, the Ministry of Transportation has complied with PM No. 20 of 2015 concerning Safety Standards and PM No. 37 of 2015 concerning Sea Transportation Passenger Service Standards to meet the safety objectives that have been set for environmental sustainability for sea transportation service users. The two regulations are an effort by the Ministry of Transportation to lower the Minimum Performance Standards (SPM) for sea transportation modes (Arapenta, 2022).

According to Law Number 20 of 2015 concerning Shipping Safety Standards, Environment, Sanctions, Human Resources (HR), Facilities, and Standard Operating Procedure (SOP) Infrastructure. In accordance with Regulation Number 37 of 2015 concerning Standards for Sea Transportation Goods, which is intended for certain types and types of claims submitted by sea transportation service users. Services intended for certain types and types of claims made by users of sea freight services. Sea freight standards include sea freight standards at the terminal and standards at the top of the lid (Akmal & Madda, 2022).

As stipulated in Article 1 Paragraph 1 of Law Number 8 of 1999 concerning Consumer Protection, consumer refers to every person who uses goods and/or services available for use for the purpose of fulfilling personal needs. The main purpose of this law is to ensure compliance with the law in order to provide protection to consumers. With this regulation, consumer rights have been legally guaranteed, both through applicable procedures and the application of relevant laws, which aim to provide protection to consumers who use the services of business actors (Aulia et al., 2021).

Services themselves are a type of work or action that is invisible, which is exchanged between one organization and another and consumed cooperatively. The interaction between the party providing the service and the party receiving the service can affect the quality of the service results received by consumers, thereby providing benefits for customers. In an increasingly fierce global competition, legal protection for passengers is a very important issue, which requires strong legal protection to guarantee their rights (Arapenta, 2022).

The right to comfort, security, and safety contained in Law No. 8 of 1999 concerning Consumer Protection, specifically in letters (a) and (b), aims to ensure that consumers obtain goods

and/or services that are safe and do not harm both physically and psychologically. Consumer safety should be a top priority, given the centuries-old philosophy of stating that consumers are entitled to protection, not the other way around. Business actors must ensure that consumers can consume goods and services without the risk of loss (Arapenta, 2022). However, problems often arise when business actors do not follow the Standard Operating Procedures (SOPs), which is the main cause of the lack of security guarantees. In addition, the lack of socialization and government attention to business actors also contributes to this condition. Therefore, business owners, especially in the transportation sector, should be careful in analyzing the potential losses that passengers may experience. This is even more important when referring to Article 249 of Law Number 17 of 2008 concerning Shipping, which requires business actors to be responsible for passenger safety (Meidiarti, 2022).

In addition, based on Law Number 8 of 1999 concerning Consumer Protection, consumers have the right to obtain clear information and compensation for losses they suffer due to non-conformity with services. For this reason, efforts to improve sea transportation services should begin with an emphasis on handling consumer complaints. In this case, stakeholders must take consumer needs seriously. As stated in Article 40 Paragraph (1) of Law No. 17 of 2008 concerning Shipping, business actors in the fisheries sector are required to pay attention to the environment and the safety of their catches. This is also true in the crossing transportation sector, where passenger safety must be a top priority (Arapenta, 2022).

However, in the field, the implementation of standard operational procedures often faces obstacles, especially in areas such as the Kalimas River, where the implementation of related regulations has not been optimal. This condition makes it difficult for local indigenous peoples to implement SOPs properly, while government policies and procedures are also not well structured. In these conditions, although consumer needs should be met, there are still many challenges that must be faced to achieve effective consumer protection.

METHODS

In this writing, the author uses a normative juridical research method using a conceptual approach and a legal and regulatory approach (Peter Mahmud Marzuki, 2016).

RESULTS AND DISCUSSION

The Ministry of Communications and Transport has introduced five new regulations to strengthen and improve crossing transportation services. Some of these regulations include Ministerial Regulation (PM) No. 25 of 2016 concerning the List of Passengers and Vehicles for Crossing Transportation, PM No. 27 of 2016, PM No. 28 of 2016 concerning the Regulation and Control of Vehicles Using Crossing Transportation Services, as well as regulations regulating the obligation to increase vehicles on crossing transportation ships. This regulation also emphasizes that passengers of crossing transportation are required to have a ticket. These regulations clearly regulate the requirements for several related parties, namely business operators, ship operators, passengers as service users, and the government as regulators (Nursantih & Ratnawati, 2023). The purpose of implementing this regulation is so that crossing transportation can run safely, orderly, and on time, as well as improve safety and security in the transportation sector (Arapenta, 2022).

Consumer protection in the cross-border transportation sector, especially on large rivers such as Kalimas, is essential to ensure that consumer rights are properly met. Based on Law No. 8 of 1999 concerning Consumer Protection, consumers have the right to obtain comfort, security, and safety in the use of the goods and services they consume. This right is part of an effort to avoid physical and psychological losses that may occur while using transportation services (Adi et al., 2023). In this context, consumer safety must be a top priority, because consumers have the right to be protected from all forms of potential hazards that can occur in transportation journeys (Arista et al., 2019).

However, the reality on the ground shows that there are still many business actors who do not comply with the Standard Operating Procedures (SOPs), which is the main cause of violations of consumer rights, especially in terms of safety and security (Kesuma et al., 2021). Clear and firm SOPs must be implemented by all parties involved in crossing transportation operations. Unfortunately, many business actors do not follow this procedure, which has the potential to endanger the safety of

passengers. In addition, the lack of socialization from the government to business actors and weak supervision are other factors that aggravate this situation. In this case, ship owners and freight operators must ensure that SOPs are strictly followed, and they are responsible for conducting an analysis of the risks that can occur to passengers, so that losses can be avoided.

In Law No. 17 of 2008 concerning Shipping, it is stated that business actors must pay attention to the safety aspects of passengers and the feasibility of ships. Article 249 requires stakeholders to maintain the safety of passengers and pay attention to the safety aspects of the ship, as well as ensure that the ship used meets the safety standards set by the regulations. In addition, in accordance with the provisions of the Consumer Protection Law, consumers have the right to obtain clear information about the services they receive. This includes information about the ship's condition, departure schedule, as well as safety procedures in place. If consumers feel harmed or suffer losses, they are also entitled to compensation as a form of protection for their rights (Aulia et al., 2021).

Efforts to improve the quality of crossing transportation services must begin by strengthening the consumer complaint handling system. As stipulated in Article 40 Paragraph (1) of Law No. 17 of 2008 concerning Shipping, business actors must pay attention to the environment and the safety of the goods transported, including passengers. This shows that passenger safety is not only the responsibility of ship operations, but also involves all aspects that support the operation of crossing transportation, including the environment and existing facilities.

However, even though there are rules that regulate consumer protection in crossing transportation, in the field, there are often obstacles in its implementation. In Sungai Kalimas, for example, many business actors have experienced difficulties in implementing the SOPs that have been set, either due to a lack of understanding or lack of support from the government in terms of supervision and coaching. Therefore, government policies must be more structured and focus on counseling and strict supervision of business actors. This will ensure that consumer rights, especially in terms of safety and comfort during travel, can be well protected.

CONCLUSION

Legal protection for consumers of river transportation services still needs improvement, especially in the implementation of Standard Operating Procedures (SOPs) and supervision. Non-compliance with SOPs by business actors and weak supervision from the government make consumers vulnerable to the risk of accidents and losses. Improving the quality of services in river transportation requires stronger collaboration between business actors and the government, especially in ensuring the safety, security, and comfort of passengers.

REFERENCES

- Adi, C., Putra, G., Nyoman, I., Budiarta, P., Made, N., & Ujianti, P. (2023). Perlindungan Hukum Terhadap Konsumen dalam Perspektif Kesadaran Hukum Masyarakat. *Jurnal Analogi Hukum*, 5(1), 13–19.
- Akmal, D. U., & Madda, S. M. (2022). Hak Politik Pekerja Migran Indonesia: Dinamika Permasalahan Dalam Pengimplementasian Hak Konstitusional. *ADLIYA: Jurnal Hukum Dan Kemanusiaan*, 16(1), 1–20. <https://doi.org/10.15575/adliya.v16i1.17089>
- Arapenta, D. C. (2022). Kecelekaan penumpang ojek online ditinjau dari persepektif hukum asuransi dan perlindungan konsumen. *Jurnal Ilmiah Sosial Dan Humaniora*, 2(1), 32–50. <http://journal.pppci.or.id/index.php/jurisandsociety/article/download/37/23>
- Arista, W., Emirzon, J., & Apriandi, M. (2019). Hak-Hak Konstitusional Buruh Migran Indonesia Di Malaysia. *Lex Librum : Jurnal Ilmu Hukum*, 6(1), 107–118. <https://lexlibrum.id/index.php/lexlibrum/article/view/178>
- Aulia, N., Tolo, S. B., & Rahman, R. (2021). Pelaksanaan Perlindungan Hukum terhadap Konsumen Pengguna. *Arus Jurnal Sosial Dan Humaniora*, 1(2).
- Kesuma, A. A. N. D. H., Budiarta, I. N. P., & Wesna, P. A. S. (2021). Perlindungan Hukum Terhadap Keamanan Data Pribadi Konsumen Teknologi Finansial dalam Transaksi Elektronik. *Jurnal Preferensi Hukum*, 2(2), 411–416. <https://doi.org/10.22225/jph.2.2.3350.411-416>

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- Meidiarti, E. R. (2022). *Perlindungan Hukum Terhadap Penumpang Angkutan Kota Berdasarkan Undang-Undang Perlindungan Konsumen Nomor 8 Tahun 1999*. 69. <http://eprints.uniska-bjm.ac.id/10967/%0Ahttps://eprints.uniska-bjm.ac.id/10967/1/EKA> RINI MEIDIARTI ARTIKEL.pdf
- Nursantih, N., & Ratnawati, E. (2023). Pengawasan Ojk Atas Data Pribadi Konsumen Pada Perusahaan Peer To Peer Lending. *Unes Law Review*, 5(4), 1564–1579.
- Peter Mahmud Marzuki. (2016). *Penelitian Hukum* .