

The Nature of Organizing Special Rented Transportation Based on Legislation in South Sulawesi Province

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ABSTRACT

The purpose of this study is to analyze the nature of the implementation of special rental transportation in the province of South Sulawesi based on statutory regulations. The results of the study that The nature of the implementation of special rental transportation based on the legislation in the province of South Sulawesi, are: 1) The nature of the implementation of special rental transportation in the province of South Sulawesi based on the legislation is to realize legal certainty and justice through transportation services. special rental transportation based on online media applications. 2). The effectiveness of application-based special rental transportation is suspected to be less effective because not all users of special rental transportation services can access the required application, it is also suspected that there is business competition among transportation service providers. 3). The factors that influence the implementation of this special rental transportation are, the legal substance factor, the legal structure factor, and the legal culture factor. In addition to these three factors, other factors can influence, including facilities and infrastructure, education factors.

KEYWORDS: *Transportation; Rental Transport*

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I. Introduction

transportation *Online* in Indonesia was first introduced in 2015, marked by the presence of Uber, *Car*, and *Grab Car* which gave rise to pros. and cons in society.^[1] Pros and cons of opinions continue to be voiced through various media. Either directly or indirectly. Supporting groups think that online transportation presents a breakthrough that can change transportation.^[2] Especially in terms of ease of access, tariffs, and response speed which is considered more comfortable and secure. For those who are against the presence of online transportation, this is considered a trigger for social jealousy of conventional transportation. Online transportation is considered illegal because it does not have a permit like transportation in general.^[3]

Amid its popularity, the existence of a special online-based rental transportation mode to meet the needs of the community does not yet have a legal umbrella.^[4] Special rental transportation for online taxis has not been included in the list. This has led to protests and refusal actions carried out by conventional transportation crews such as Argo taxis, metro mini, angkot and others. The jealousy of other transportation parties is indeed very reasonable because many treatments and traffic rules that they feel are very unfair are applied among fellow public transport.^[5] The example of this injustice was first voiced by transportation such as Argo taxis, metro mini, public transportation and others. The three public transportations that were first present complained about the operational requirements that were different from online taxi transportation. Taxi Argo, metro mini, and angkot have operational requirements, among others, have a certain route, must use a General SIM B, vehicle plates are mandatory Yellow plates and vehicle Kernel from DISHUB. Meanwhile, online taxi transportation is not required as the operational requirements for the other three public transportations, so it can be seen how many online taxis still use black (private) plates, and are free to park anywhere which of course can create congestion on the highway. public transportation modes whose existence is recognized in the clause of Law Number 22 of 2009 concerning Road Transport Traffic. The legal problem that arises regarding the presence of *online* is the absence of regulations that allow application-based online taxis as public vehicles in Law no. 22 of 2009 concerning Road Transport Traffic.^[6]

The absence of specific regulations regarding *online* both motorbikes and cars in Law No. 22 of 2009 concerning Road Traffic and Transportation as well as Government Regulation (PP) No. 74 of 2014 concerning Road Transportation, has resulted in legal uncertainty related to the position of application-based special rental transportation as the transportation of people with public motorised vehicles.^[7] On the one hand, Law Number 22 of 2009 concerning Road Traffic and Transportation regulates vehicles in Article 1 number 10 which states that "public motorized vehicles are any vehicle used for the transportation of goods and/or people for a fee."^[8]

The government's evaluation of the chaos in society over the presence of online transportation based on this application was followed up by issuing the Minister of Transportation Regulation Number 108 of 2017 concerning the implementation of Transportation of People with Public Motorized Vehicles Not On Routes, namely transportation within urban areas and/or certain areas, or from one place to another, has an origin and a destination but does not have a trajectory. PM Number 108 of 2017 is also intended to accommodate the presence of special rental transportation or transportation based on online applications.^[9]

In the Regulation of the Minister of Transportation Number 108 of 2017 concerning Transportation of People with Public Motorized Vehicles Not On Routes, online taxi types are included in the category of Special Rent Transport (ASK). According to the Regulation of the Minister of Transportation of the Republic of Indonesia in PM Number 108 of 2017 concerning the Implementation of Special Lease Transportation, it is stated that public motorized vehicles not on a route are transportation within certain urban areas and/or areas, or from one place to another, having origin and destination but does not have a fixed path and time. Several types of transportation included in the above categories are taxis, tourism transportation, employee transportation, rental transportation, residential transportation, and special rental transportation using information technology-based applications. Therefore, public motorized vehicles not on the route are public vehicles that do not have a fixed travel route and time using information technology, namely applications as a means of transporting people, in this case, the community.

PM Number 108 of 2017 concerning the implementation of transportation of people with public motorized vehicles not on the route, is considered unable to resolve the problem regarding online-based special transportation, then a year later PM Number 108 of 2017 concerning the operation of transportation of people with public motorized vehicles not on the route, is revoked and replaced by PM Number 118 of 2018 concerning the Implementation of Special Lease Transportation with the sound Special Lease Transportation is door-to-door transportation service with a driver, having an operating area in urban areas, from and to airports, ports, or other transportation nodes as well as ordering using information technology-based applications, with the tariff rates listed in the application.

According to the Electronic Information and Transaction Law, Article 1 paragraph (6) states that the operation of an electronic system is the use of an electronic system by state administrators, individuals, business entities, and/or the public. The online application-based transportation service provider is the provider of the electronic system as a liaison between vehicle drivers and service users, which is a core part of the birth of *online*, as an application provider has a key role in the success of an *online* because Application service providers are liaisons between supply and demand, namely application providers or application companies, *driver application*-based transportation services *online*.

If you look at Law Number 22 of 2009 concerning Road Traffic and Transportation Chapter X concerning Transportation Article 137 paragraph (2) in conjunction with Article 3 paragraph (2) Government Regulation Number 74 of 2014 concerning Road Transportation states that the transportation of people and/or goods can be carried out by using motorized vehicles such as motorcycles, passenger cars, freight cars and buses, but in the same chapter in the third part the transportation of people with public motorized vehicles uses public passenger cars and public buses.

The absence of specific regulations regarding *online* both motorbikes and cars in Law No. 22 of 2009 concerning Road Traffic and Transportation and Government Regulation (PP) No. 74 of 2014 concerning Road Transportation, has resulted in legal uncertainty related to the position of rental transportation. application-based special as the transportation of people with public motorised vehicles. On the one hand, Law Number 22 of 2009 concerning Road Traffic and Transportation regulates vehicles in Article 1 number 10 which states that "public motorized vehicles are any vehicle used for the transportation of goods and/or people for a fee. In Law Number 22 of 2009 concerning Road Traffic and Transportation Article 3, Road Traffic and Transportation is carried out to realize safe, orderly, smooth, and safe Traffic and Road Transportation services with transportation modes to encourage the national economy, promote public welfare and the realization of ethics in traffic. Then the realization of law enforcement and legal certainty for the community, and easy to supervise.

II. Research Methods

The type of research used is empirical (non-doctrinal) legal research, namely research with the character of legal science, where in the study there is always an element (*norm*) or norm, by initiating its effectiveness in measuring. The type of non-doctrinal legal research conducts legal observations as empirical legal phenomena or phenomena. This is in line with the thinking of H. Syahrudin Nawi, that normative empirical legal research is legal research that combines normative legal research and social law research, where in this type of research, researchers conduct research by combining the two types of research. This research was conducted in the administrative area of the South Sulawesi Provincial Government for the reason that the South Sulawesi area is one of the provinces that organizes Special Rent Transport (ASK) with online taxis so it is representative to be the research location.

III. Results & Discussion

The nature of the implementation of special chartered transportation in South Sulawesi Province Based on the Legislation, the

implementation of special chartered transportation in South Sulawesi Province is relatively new, where something relatively new still finds weaknesses in its implementation, so efforts are needed -integrated efforts both from the Government in charge of land transportation issues as well as from operators providing operator services and entrepreneurs providing transportation service facilities.

Special rental transportation in South Sulawesi Province, although relatively new, is growing rapidly, this is evidenced by the existence of several special rental transportations operating in the South Sulawesi Province, specifically in the Makassar City area, Gowa Regency, Maros Regency, Pare-Pare Regency and Palopo Regency. How many special rental transportation businesses operate in the area referred to above, it can be clarified that there are as many as 25 legal entities that operate special rental transportation as follows:

Table 1 Rental Transportation Business Legal Entity Especially in South Sulawesi Province

No	Legal Entity/Company	Domiciled/Ddomiciled	Area of Operation
1	PT. Batara Marga	Makassar	Mamminasata
2	PT. Lintas Muda Cemerlang	Makassar	Mamminasata
3	PT. Ewaku	Makassar	Mamminasata
4	PT. Tallu Appa Rapping	Makassar	Mamminasata
5	Koprasi INKOPOL	Makassar	Mamminasata
6	Koprasi Putra Daerah Trasindo	Makassar	Mamminasata
7	PT. Global Pramono Servis	Makassar	Mamminasata
8	PT. Lingkar Terbaik Indonesia	Makassar	Mamminasata
9	Koprasi Rahmat Rahma Jaya	Makassar	Mamminasata
10	PT. Teknologi Pengangkutan Indonesia PT. Bosowa Utama	Gowa	Mamminasata
11	PT. Rante Malino	Makassar	Mamminasata
12	PT. Minara Suppa	Makassar	Mamminasata
13	PT. Nasrat Trans Sejahtera	Makassar	Mamminasata
14	PT. Annur Ishaq Azka	Makassar	Mamminasata
15	Koperasi Bina Mitra Sejahtera	Makassar	Mamminasata
16	PT. Indo Dua Ribu Sembilan	Makassar	Mamminasata
17	Koperasi Komando Trisula (PASKHAS)	Makassar	Mamminasata
18	PT. Oto Rental PT. Mitra Asia Trans	Maros	Bandara
19	PT. Lintas Cemerlang Indonesia	Makassar	Mamminasata
20	PT. Koperasi Mitra Penyelenggara Angkutan	Makassar	Mamminasata
21	Sewa Koperasi Anak Bangsa Bersatu	Makassar	Mamminasata
22	Koperasi Bhineka PT. Nasrat Palopo	Makassar	Mamminasata
23		Makassar	Mamminasata
24		Pare-Pare	PKW Pare-Pare
25		Palopo	PKW Palopo
Jumlah			

Notes:

Source: South Sulawesi Provincial Transportation Service in 2022

Based on the table above, shows that there are 25 legal entities for special rental transportation businesses registered with the land transportation service of the South Sulawesi Province with 4 (four) regional positions, namely Makassar, Gowa, Maros and Palopo. Meanwhile, the allocation of quotas from the South Sulawesi Land Transportation Service together with the South Sulawesi Provincial Government, for business entities that carry out special rental transportation services in South Sulawesi Province, as described in the table below

Table 2 Quotas and Applications for Business Entities Organizing Special Rental Transport in South Sulawesi Province

No	Quota/unit Vehicle	Application
1	50	Quota/Unit
2	50	Quota/Unit
3	100	Quota/Unit
4	50	Quota/Unit
5	100	Quota/ Unit
6	200	Quota/Unit
7	50	Quota/Unit
8	50	Quota/Unit
9	30	Quota/Unit
10	513	Quota/Unit
11	100	Quota/Unit
12	15	Quota/Unit
13	5	Quota/Unit
14	5	Quota/Unit
15	6	Quota/Unit
16	5	Quota/Unit
17	50	Quota/Unit
18	15	Quota/Unit
19	100	Quota/Unit
20	100	Quota/Unit
21	5	Quota/Unit
22	87	Quota/Unit
23	25	Quota/Unit
24	40	Quota/Unit
25	5	Quota/Unit

Total 1756 Quota/Unit

Source: South Sulawesi Provincial Transportation Office in 2022

Based on the data above, 1756 quotas have been distributed to several application providers. Meanwhile, the status of licensed quotas can be seen in the following table:

Table 3 Status of Licensed Quotas at Special Rental Transport Operators in South Sulawesi Province

No	Quota Licensed	Status
1	0	Continued
2	50	Permitted
3	100	Permitted
4	50	Permitted
5	100	Permitted
6	200	Permitted
7	50	Permitted
8	50	Permitted
9	30	Permitted
10	513	Discontinued
11	100	Permitted
12	0	Not
13	5	Permitted
14	5	Permitted
15	6	Permitted
16	5	Permitted
17	0	Not

18	15	Continuing
19	0	Not
20	0	Not Continued
21	0	Not Continuing
22	87	Permitted
23	0	Not
24	40	Permitted
25	0	Continuing
Quantity 1,406		

Source: South Sulawesi Provincial Transportation Service in 2022

Table 3 shows that of the 1,756 licensed quotas issued by the South Sulawesi provincial government to special rental transportation business entities, around 1,406 were used. As for the distribution of quotas with licensed status, which are intended for business legal entities that provide special rental transportation. The distribution of the licensed quota includes several operating areas in the South Sulawesi Province, as researchers have categorized them into two categories, namely:

1. Operation Area
2. Domicile

To get a clear picture of the operating area and domicile of the special rental transportation operator in South Sulawesi Province, the researchers present in the form of a table related to the area and domicile of the special rental transportation operator spread across several areas in South Sulawesi Province.

The following areas and domiciles for the operation of special rental transportation can be seen in the table below:

Table 4 Operational Areas and Domicile of Special Chartered Transport Operators in South Sulawesi Province

No	Operation	Domicile
1	Mamminasata	Makassar
2	Mamminasata	Makassar
3	Mamminasata	Makassar
4	Mamminasata	Makassar
5	Mamminasata	Makassar
6	Mamminasata	Makassar
7	Mamminasata	Makassar
8	Mamminasata	Makassar
9	Mamminasata	Makassar
10	Mamminasata	Gowa
11	Mamminasata	Makassar
12	Mamminasata	Makassar
13	Mamminasata	Makassar
14	Mamminasata	Makassar
15	Mamminasata	Makassar
16	Mamminasata	Makassar
17	Mamminas	Makassar
18	-	Maros
19	-	Makassar
20	of	Sulawesi
21	Area	Pare
22	Mamminasata	Palopo
23	Mamminasata	Source
24	PKW Pare-Pare	-Pare
25	PKW Palopo	:

Province in 2022

Based on the table above, it can be seen that three operational areas are the same with different domiciles, namely the city of Makassar with the operational area of Mamminasata, Gowa covers the operational area of Mamminasata, while Maros includes the operational area, namely the airport which is also still in the Mamminasata area.

Since the operation of special rental transportation (ASK) or known as application-based online taxis in Indonesia and especially in the Southern Province in 2016, of course, this will add new knowledge to the general public about the addition of new modes of transportation that go hand in hand with public transportation modes. which previously existed.

IV. Conclusion

The essence of organizing special rental transportation (ASK) in South Sulawesi Province based on statutory regulations, is to realize legal certainty and justice through special rental transportation services based on online media applications. The implementation of special rental transportation (ASK) in South Sulawesi Province based on the legislation, in fact, is still less effective.

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