

ABSTRACT

This study describes that Legal Protection of Online Ojek Drivers After the Decision of the Constitutional Court No.41 / PUU-XVI / 2018. Starting from the submission of Material Test Article 47 paragraph (3) of Law Number 22 of 2009 carried out by online motorcycle taxi drivers to the Constitutional Court regarding the status and legal position of online motorcycle taxis as passenger vehicles, the Constitutional Court (MK) rejected the application because it considered motorcycles not as a safe vehicle for public transportation. For this condition, it creates legal uncertainty for Ojek Online drivers, so the government issued the Minister of Transportation Regulation of the Republic of Indonesia Number 12 Ministerial Regulation Year 2019 motorbikes are referred to as vehicles used for the benefit of the public

Research method that used as normative juridical research, using the method of legislative approach and conceptual approach. With primary and secondary legal materials, both applicable legislation and legal literature in the field of transportation, especially the protection of online motorcycle taxi law.

The conclusion of this study is First, Ojek Online does not conclude on passenger vehicles according to Law Number 22 Year 2009 concerning Road Traffic and Transportation and Decision of the Constitutional Court No. 41 / PUU-XVI / 2018, but based on the Regulation of the Minister of Transportation of the Republic of Indonesia Number PM 12 Year 2019 motorbikes are referred to as vehicles used for the benefit of the community. Second, the legal protection of online motorcycle taxi drivers after the decision of the Constitutional Court No. 41 / PUU-XVI / 2018 is the constitutional recognition of economic rights and the right to obtain decent work for every individual who acts as the subject of human rights, and has been guaranteed in the Regulation of the Minister of Transportation of the Republic of Indonesia Number PM 12 of 2019 namely certainty in obtaining compensation in the event of an accident and certainty of obtaining employment social security protection in accordance with statutory provisions.