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### **Legal Protection Model for Consumers of Service Users' Passenger Transport Pt Mrt Jakarta**

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#### **Abstract**

This study aims to determine whether the Consumer Protection Law has provided legal protection to users of the Jakarta MRT transportation services. Besides that, it is also to find out how far the Jakarta MRT is in handling operational disruptions that cause harm to passengers. This research is descriptive normative legal research. This research uses a qualitative approach. Types of legal materials that are secondary legal materials. In this study, the techniques of collecting legal materials are collected, namely: library research and cyber media. In analyzing this legal material, the writer uses descriptive qualitative methods. Based on the study, it was obtained that the Consumer Protection Law has provided legal protection for PT Jakarta MRT. The consumer protection law applicable in the provisions described in the regulation is the obligation of the railroad implementing agency, namely PT Jakarta MRT, in the event of a disturbance to evacuate, refund, and secure equipment following security and safety aspects.

#### **Keywords**

Consumer, Jakarta MRT Train, Consumer Protection Law.

#### **Introduction**

The modes of transportation in Indonesia consist of land, sea, and air. The three modes of transportation play a significant and complementary role in carrying out their functions as a means of transporting people and goods. The problem that arises today is how to realize transportation that can produce transportation

services that are safe, comfortable, affordable, and can meet the needs of the community. With this, the community's prosperity will increase because people want to meet the needs of production of transportation services with low tariffs but with high-value services.<sup>1</sup>

One of the most popular modes of land transportation and is favored by some people in Indonesia today is the train. The train is an effective and efficient mass transportation mode because the train mode can transport large numbers of passengers and/or goods at one time and has many other advantages, including energy saving, low pollution, does not require a lot of lands, and free from traffic. The MRT was built in 2008 and was officially inaugurated by the President of the Republic of Indonesia in March 2019. It consists of 13 (thirteen) stations, 7 (seven) elevated stations, and 6 (six) underground stations. Elevated stations and underground stations have different systems.<sup>2</sup>

The official operation of the Jakarta MRT must be complemented by a guarantee of service standards and standard procedures related to the safety of consumers who use the Jakarta MRT transportation service as the preferred mode. Noting this, with the possibility of the emergence of an emergency condition until the occurrence of disruption, as a step and preventive measures related to the guarantee of consumer protection Jakarta MRT it is necessary to be prepared. Based on the background of the problem outlined above, the issues discussed in this study are Consumer Protection Act provides legal protection for PT Jakarta MRT, and the responsibility of PT Jakarta MRT if there are disturbances that harm consumers PT MRT Jakarta.<sup>3</sup>

## Method

This study uses research methods in a doctrinal (normative) which focuses on library data or secondary legal material through the principles of law, carried out over 3 (three) months with a location in PT Jakarta MRT. This study uses 2 (two) techniques to gather legal material, namely, 1. Library Research, the literature study is the primary source used by the author as a basis for theory and supporting data. In this literature study, the author studies and studies books, archives, and regulatory documents relating to research problems. 2. Cyber Media, data collection via the internet by e-mail and downloading various articles. 3. Data Analysis Methods/ Legal Materials. Therefore, in analyzing research data, the writer uses the descriptive qualitative method, describing the problem with the theory obtained and arranging it using a series of words or sentences on the data obtained.

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<sup>1</sup> Ismiyanto, A L.Sentot Sudarwanto, and I Gusti Ayu Ketut Rachmi Handayani, 'Reconstruction of Guarantee for Legal Protection of Communities Affected by Land Procurement for Railway Construction in Indonesia', *European Journal of Molecular and Clinical Medicine*, 7.8 (2020), 296–304.

<sup>2</sup> Hardianto Iridiastadi, 'Fatigue in the Indonesian Rail Industry: A Study Examining Passenger Train Drivers', *Applied Ergonomics*, 92 (2021), 103332 <<https://doi.org/10.1016/J.APERGO.2020.103332>>.

<sup>3</sup> Edi Sukmoro, Adi Sulistiyono, and Lego Karjoko, 'The Politic of Law of PT Kereta Api Indonesia (Persero) Track Access Charge Policy Based on Justice', *International Journal of Advanced Science and Technology*, 28.20 (2019), 353–61.

## Result and Discussion

Quoting AZ Nasution's opinion, he states that consumer protection law is part of consumer law that contains principles or rules that govern and have a property that protects consumer interests. In contrast, the understanding of consumer law is the law governing relationships and problems between various parties with each other relating to consumer goods or services in a life association.<sup>4</sup>

The Consumer Protection Act was issued during the transitional government of President B.J. Habibie's Reform Cabinet, so the Consumer Protection Law was placed into the corridor of the national legal system. The Consumer Protection Law becomes a solid legal basis for the government to protect consumers through established legislation and allows for forming a legal umbrella to protect consumers (PAUL-Mgbeafulike, Alonta, & Uzoka, 2022).<sup>5</sup>

The understanding as contained in the Consumer Protection Law Number 8 of 1999 Article 1 Number (3) states that: "*Business actors are every person or individual or business entity, whether in the form of a legal entity or not a legal entity established and domiciled or carrying out activities within the jurisdiction of the Republic of Indonesia both individually and jointly through agreements to carry out business activities in various economic fields.*"

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Transportation is the process of moving goods and/or passengers from one place to another by using various types of mechanical conveyance which are recognized and regulated in the Law by the field of transportation and technological advances in definition following Abdulkadir Muhammad's opinion so, that it states that transportation as a business has the following characteristics: 1. Based on an agreement; 2. Economic activities in services; 3. In the form of a company; 4. Using mechanical conveyance (Penyalver & Turro, 2022).<sup>6</sup>

Normatively/juridically, the term transportation is not found in the legislation in Indonesia. However, according to law/juridical, transportation can be defined as an agreement between the transporter and the party being transported or the owner of the goods or the sender, with a specific fee for compensation for transportation services.<sup>7</sup>

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<sup>4</sup> Puspita Dirgahayani and others, 'The Formation of Network Governance in Accelerating the Implementation of TOD: The Case of Jakarta MRT Phase 1, Indonesia', *Case Studies on Transport Policy*, 8.4 (2020), 1412–25 <<https://doi.org/10.1016/J.CSTP.2020.10.006>>.

<sup>5</sup> Fransiscus Rian Pratikto, 'A Practical Approach to Revenue Management in Passenger Train Services: A Case Study of the Indonesian Railways Argo Parahyangan', *Journal of Rail Transport Planning & Management*, 13 (2020), 100161 <<https://doi.org/10.1016/J.JRTPM.2019.100161>>.

<sup>6</sup> Linling Zhang and others, 'Public Transportation Development Decision-Making Under Public Participation: A Large-Scale Group Decision-Making Method Based on Fuzzy Preference Relations', *Technological Forecasting & Social Change*, 172 (2022AD), 121020.

<sup>7</sup> Pratikto.

In UUPK Article 1 point 5, it is explained that what is meant by services is: "Services are any services in the form of work or achievements provided for the community to be used by consumers". The standard for regulating people services is based on LLAJ Law No. 22 of 200 contained in Article 141, among others: a. public transport companies must meet minimum service standards, which include: Safety, Security, Comfort, Affordability, Equality, and Order. b. Minimum service standards as referred to in paragraph (1) are determined based on the type of service provided.

Regarding the responsibility of transport service providers to passengers as consumers of their services, the Road Transportation and Traffic Law No. 22 of 2009 states the form of responsibility in various articles in the context of these in Article 186, Article 187, Article 188, Article 189, Article 191, Article 192 paragraph (1), (2) and (3), Article 194 paragraph (1) and (2).

The Government issued Railway Law No. 13 in 1992. The issuance of this Act was aimed at reforming the rules of kerutanapi transportation in Indonesia which was based on railroad regulations during the Dutch colonial period so these regulations would no longer be valid. In addition, in this Law the rules are regulated in terms of excellence and characteristics of railways that need to be utilized in efforts to develop an integrated and integrated transportation system, where the implementation starts from the stages of development planning, procurement, operation, maintenance, and operation that need to be adequately regulated so that there is integration and harmony.<sup>8</sup> The balance of burden between transportation capital, which in the end can increase the provision of transportation services for the mobility of can goods in a safe, fast, precise, orderly manner at a cost that is affordable by people's purchasing power.<sup>9</sup>

Along with technological needs and the development of the times, the government replaced the Railway Law No. 13 of 1992 with Railway Law No. 23 of 2007. The reasons for the replacement of this law are based on the condition of national railways that are monopolistic and faced with various problems, including the contribution of railways to national transportation is still low, infrastructure and facilities are inadequate, networks are still limited, financing capabilities are limited, accident rates are still high, and the level of service is still far from expectations

According to the Railway Law, it is stated that the definition of a railway is a united system consisting of human infrastructure, facilities, and resources, as well as norms, criteria, requirements, and procedures for the operation of railroad transportation. At the same time, a train is a railroad facility with movable energy, both traveling alone or coupled with other railway facilities, which will or are currently moving on railway tracks related to train travel.<sup>10</sup>

<sup>8</sup> Muhammad Ragil Suryoputro, Amarria Dila Sari, and Ratih Dianingtyas Kurnia, 'Preliminary Study for Modeling Train Accident in Indonesia Using Swiss Cheese Model', *Procedia Manufacturing*, 3 (2015), 3100–3106 <<https://doi.org/10.1016/J.PROMFG.2015.07.857>>.

<sup>9</sup> Tri Tjahjono and others, 'Identification Determinant Variables of the Injury Severity Crashes at Road-Railway Level Crossing in Indonesia', *Transportation Research Procedia*, 37 (2019), 211–18 <<https://doi.org/10.1016/J.TRPRO.2018.12.185>>.

<sup>10</sup> Guanle Lim, Chen Li, and Emirza Adi Syailendra, 'Why Is It so Hard to Push Chinese Railway Projects in Southeast Asia? The Role of Domestic Politics in Malaysia and Indonesia', *World Development*, 138 (2021), 105272 <<https://doi.org/10.1016/J.WORLDDEV.2020.105272>>.

Referring to Article 2 of the Railways Law No. 23 of 2007, it is stated that Railways as an inseparable part of the national transportation system shall be held based on: 1. Principle of benefit; 2. Principle of justice; 3. Principle of balance; 4. Declaration of public interest; 5. Principle of Integrity; 6. Principle of independence; 7. Principle of transparency; 8. Principle of accountability; 9. Principles of Sustainable.

Discussing the history of PT MRT Jakarta, the MRT construction project in Jakarta has been initiated since 1985. However, it was only in 2005 that it was established as a national project by the President of the Republic of Indonesia, so the Central Government, together with the Provincial Government of DKI Jakarta, began to move, coordinate, and share responsibilities. The search for sources of funds was welcomed with a loan by the Japanese Government. Precisely on November 28, 2006, the signing of the Jakarta MRT project financing agreement was signed between Mr. Kyosuke Shinozawa as the Governor of JBIC with the Indonesian Ambassador to the Japanese Government, Yusuf Anwar. And there has been agreed on an agreement between JBIC and the Government of Indonesia to appoint a body to become a door to organize the completion of the Jakarta MRT project.<sup>11</sup>

To succeed in the MRT program in Jakarta, JBIC then merged with the Japan International Cooperation Agency (JICA). The JICA has a portion of an assessment team from JBIC as a part of the lender. According to the schedule made by JICA with the Jakarta MRT, the technical design and procurement were carried out from 2008 to 2009, construction tenders and tenders for electrical and mechanical equipment from 2009 to 2010, and construction work began from 2010 to 2014. As for the test, try the operation planned to start in 2014. However, the schedule was not fulfilled. The project's design was carried out from 2008 to 2009, and the construction phase was carried out from October 2013 and was planned for completion in 2018. The PT. Jakarta MRT was officially opened by the President of the Republic of Indonesia in March 2019.<sup>12</sup>

The legal basis for the establishment of the Jakarta MRT has been stated in DKI Jakarta Provincial Regulation No. 3 of 2008 concerning the Establishment of a Regionally Owned Company (BUMD) Limited Liability Company (PT) Jakarta (as amended by Regional Regulation No. 7 of 2013 concerning Amendment to Regional Regulation No. 3 of 2008 concerning the Establishment of a Regionally Owned Company (BUMD) Limited Liability Company (PT) Jakarta MRT) and Regional Regulation No. 4 of 2008 concerning Inclusion of Regional Modali in Jakarta MRT Limited Liability Company (as amended by Regional Regulation No. 8 2013 concerning Amendment to Regional Regulation Year 4 of 2008 concerning Regional Capital Inclusion in Jakarta MRT Limited Liability Company (PT).

The operation of railroad transportation has similarities with other

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<sup>11</sup> Dirgahayani and others.

<sup>12</sup> Putri Cahaya Sianturi, Rus'an Nasrudin, and Muhammad Halley Yudhistira, 'Estimating the Price Elasticity of Demand for Urban Mass Rapid Transit Ridership: A Quasi-Experimental Evidence from Jakarta, Indonesia', *Case Studies on Transport Policy*, 10.1 (2022), 354–64 <<https://doi.org/10.1016/J.CSTP.2021.12.015>>.

transportation operations, which began with a transportation agreement between PT Jakarta MRT with passengers and/or shippers. Each party bound in the transportation agreement has equality of rights and obligations, and responsibilities. And the transportation agreement must fulfill the legal requirements of an understanding as stipulated in Article 1320 of the Civil Code and special conditions specified in Law Number 23 of 2007 concerning Railways in which this Act is a new regulation issued by the government with the aim of for improvement and refinement of the previous rules, namely Railway Law No. 13 of 1992. Railway operation is regulated in Articles 17 to 34 of Railway Law No. 23 of 2007. Article 17 states that transportation using railways is in the form of railroad infrastructure and railway facilities. The process of the railways conducted by PT Jakarta MRT, both in the form of infrastructure and railways facilities of PT Jakarta MRT, is performed simultaneously and integrated.<sup>13</sup>

The rights of users of railroad transportation services based on the Consumer Protection Act are: Obtaining comfort, security, and safety in consuming goods and/or services; to being able to choose goods and/or services and obtain said goods and/or services by the exchange rate and conditions and guarantees promised; get accurate, transparent, and honest information about the condition and guarantee of goods and/or services, obtaining an opportunity to be heard and complaints about the goods and/or services used; get advocacy, protection, and efforts to resolve consumer protection disputes appropriately, get guidance and education of consumers, be treated or served properly and honestly and not discriminatory, get compensation, compensation and/or replacement, if the goods and/or services received are not according to the agreement or not as it should.<sup>14</sup>

The aspect of consumer protection in the Consumer Protection Act is not only regulated through consumer rights. However, it is also regulated in article 7 of the Consumer Protection Law and article 8 paragraph (1) letter a, which governs the provisions for business actors to produce and/or trade in goods and/or services that do not meet or not comply with the required standards and laws and regulations.<sup>15</sup>

Based on observations, the authors specifically highlight the problem of the cessation of PT Jakarta MRT on August 4, 2019, due to constraints on the interruption of PLN electricity supply from 11.50 to 20.00 West Indonesian Time, causing inconvenience for users of Jakarta MRT services. The problem occurs because the third subsystem is not yet available, so when the second subsystem fails, it causes a disruption in the electricity supply to drive the Jakarta MRT Ratangga train. The incident caused the service user to experience moral, time, and financial losses.<sup>16</sup>

<sup>13</sup> Yuma Tsumura and others, 'A Study on the Timing of Asian Metropolitan Railway Development with Motorization and Its Effect on CO2 Emissions from Transportation', *IATSS Research*, 43.3 (2019), 161–75 <<https://doi.org/10.1016/J.IATSSR.2019.01.001>>.

<sup>14</sup> B. K.A. Mohamad Ali Ridho and Sakdirat Kaewunruen, 'Failure Investigations into Interspersed Railway Tracks Exposed to Flood and Washaway Conditions under Moving Train Loads', *Engineering Failure Analysis*, 129 (2021), 105726 <<https://doi.org/10.1016/J.ENGFAILANAL.2021.105726>>.

<sup>15</sup> Suryoputro, Sari, and Kurnia.

<sup>16</sup> Tjahjono and others.



Carrier, in this case, PT Jakarta MRT has full responsibility for the safety and safety of the goods and/or passengers it transports to its destination. In transporting passengers based on existing transportation agreements, PT Jakarta MRT is responsible for losses suffered by passengers during official service unless PT Jakarta MRT can prove that the loss incurred is not the negligence of the employee on duty.

Every Jakarta MRT passenger is required to have a ticket. A ticket is a unique paper in the form of a small card issued by PT MRT Jakarta as a good sign or proof (a sign of having paid a fee) that applies to board a train that will be boarded by a passenger due to the interrupted supply of electricity and resulting in the termination of the Ratangga Train Jakarta MRT. The incident was caused by a disturbance in the 500kV transmission system, so the entire Java Bali Nusa Tenggara interconnection system was interrupted.<sup>17</sup>

Rail transportation problems and risks involving assets lives, and means of transport often occur. If you feel disadvantaged, passengers can submit complaints and suggestions.<sup>18</sup> The author's observations are based on press release data relating to the interruption of the electricity supply of PLN, which caused the Ratangga MRT train, which was issued on August 6, 2019. Inside it was stated related to the handling steps for service users starting from the evacuation process, refunds for card users' single trip, and security related to safety and security aspects. The emergency procedure still refers to the manual operation guide document from the vendor, while the internal SOP document is currently in the stage of legalization. And has not been established and officially valid.

## Conclusion

Based on the analysis of the research results above, the author can conclude several that in the Consumer Protection Law, legal protection has been given to Jakarta MRT passengers. The articles governing the security of Jakarta MRT consumers include, among others, Article 7, Article 8 paragraph (1), Article 19 paragraph (1), Article 23, and Article 62 paragraph (1) and paragraph (2). The responsibility of the service provider (PT MRT Jakarta) in the event of a disruption that causes losses to service users due to the interruption of electricity supply from the PLN that makes the Jakarta MRT Ratangga train stop. As stated in the press release, the Jakarta MRT has evacuated all passengers, refunded single trip card users, and PT Jakarta MRT secured equipment following security and safety aspects. The service provider must always maintain the security and safety of the passengers and/or the goods they transport by following the applicable procedures. And if there is no official procedure to be able to immediately compile and

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<sup>17</sup> Kartiko Putranto, Don Stewart, and Graham Moore, 'International Technology Transfer and Distribution of Technology Capabilities: The Case of Railway Development in Indonesia', *Technology in Society*, 25.1 (2003), 43–53 <[https://doi.org/10.1016/S0160-791X\(02\)00035-0](https://doi.org/10.1016/S0160-791X(02)00035-0)>.

<sup>18</sup> Seyedeh Ladan Fadaei Foroutan and Shahrooz Bamdad, 'Efficiency Measurement of Railway Passenger Stations through Network Data Envelopment Analysis', *Research in Transportation Business & Management*, 2021, 100767 <<https://doi.org/10.1016/J.RTBM.2021.100767>>.

determine the procedure. Consumers of transportation service users who get transportation service offers are to be more selective in choosing transportation service providers to avoid various forms of losses incurred due to service providers not obeying the obligations that must be fulfilled.

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