

Cross-Country Perspective: Imposing Sanctions on Grab Partners with Invalid Identities in Indonesia and Singapore

Ninne Zahara Silviani^{1*}, Nurlaily², Vivi³

Article	Abstract
<p>Keywords: Cross-Country; Grab Partners; Transportation</p> <p>Article History Received: Oct 4, 2023; Reviewed: Nov 8, 2023; Accepted: Nov 9, 2023; Published: Nov 13, 2023.</p>	<p>Technology continues to advance as time evolves. Conventional transportation methods have long been the preferred choice for individuals heading to specific destinations. However, the emergence of online-based transportation services like Grab has made it easier for people to move around by simply using the GrabApp on their smartphones. While the GrabApp has brought numerous benefits to society it also comes with certain drawbacks, such as instances where drivers do not align their identities with the information provided on the Grab platform. This mismatch can lead to potential inconveniences and safety concerns for consumers, including the possibility of account takeovers. The objective of this research is to understand and analyze the consumer protection regulations concerning legal issues and forms of protection, and to undertake a comparative analysis of the legal frameworks in Indonesia and Singapore regarding online drivers and the penalties imposed when they encounter legal complications. In conducting this research, the author adopted a normative doctrinal research approach, encompassing legislative and comparative legal perspectives. The data gathered during this investigation were subjected to qualitative analysis techniques. The research findings reveal that the legal regulations in Indonesia and Singapore are relatively similar. Both countries have regulations covering traffic and transportation, consumer protection, and sanctions for drivers whose identities do not match the application. The result of the research is to improve the regulation concerning the implementation of sovereign rights and jurisdiction that is related regulatory provisions regarding consumer's right in Indonesia and Singapore.</p>
<p>Copyright ©2023 by Author(s); This work is licensed under a Creative Commons Attribution-ShareAlike 4.0 International License. All writings published in this journal are personal views of the authors and do not represent the views of this journal and the author's affiliated institutions. (How to Cite: "Silviani, N. Z., Nurlaily, Vivi, (2023). Cross-Country Perspective: Imposing Sanctions on Grab Partners with Invalid Identities in Indonesia and Singapore. <i>Hang Tuah Law Journal</i>, 7(2), 170-188. https://doi.org/10.30649/htlj.v7i2.192")</p>	

^{1,2,3} Faculty of Law, Universitas Internasional Batam, Indonesia

* **Correspondence:** Ninne Zahara Silviani, Faculty of Law, Universitas Internasional Batam, Baloi-Sei Ladi, Jl. Gajah Mada 29426, Batam Sumatera, Indonesia. E-mail: ninne@uib.ac.id

Introduction

The main goal of establishing legislation in a state is to maintain social order and organization (Lubis, 2021). The state's objectives also include protecting all of its residents, improving the nation's well-being, and achieving long-term peace (Disemadi, 2022). The advantages of a well-implemented legal system are that citizens obtain legal protection in order to achieve wealth and national cohesion (Lubis, et.al., 2021). There are two widely acknowledged legal systems, rule of Law/*Anglo-Saxon* and Continental European Legal State/*Rechtstaat* (Hadi, 2022). The state is responsible for providing appropriate facilities and basic necessities to meet the requirements of society. Transportation is one of the services that the state can provide to its residents.

Transportation plays an indispensable role in technological advancements, and the services it provides have become a vital necessity from both economic and social perspectives, especially with the increasing mobility networks and growing community activities (Al Mukaromah, et.al., 2019). According to experts such as Adji, Prakoso, and Pramono, transportation involves the movement of goods and people to various destinations (Putri & Diamantina, 2019). Transportation significantly impacts various activities, including the economic sector and expedition services (Farida, et.al., 2016). The importance of transportation has led to the development of comprehensive regulations governing traffic and road transport, aimed at ensuring the availability of orderly and safe transportation services for the public's needs. Based on the 1945 Constitution, the state is accountable for providing adequate public services, particularly in the realm of transportation. The role of transportation manifests itself as a driving force for the economy and societal progress.

The emergence of globalization has exerted influence over various aspects of human life, encompassing technological advancements and economic development. This progress has the potential to inspire communities to embark on renewal endeavors aimed at fulfilling their livelihood needs and achieving prosperity (Bodhi, 2022). Consequently, people are empowered to engage in the development of information technology based on smartphones, serving as a catalyst for the proliferation of online transportation modes. The advent of this information technology evolution calls for the establishment of new values and norms in both the international and national spheres of life (Suprijanto, 2011).

Online transportation represents the integration of transportation service technology with smartphone communication technology (Nathalia & Irwansyah, 2018).

The introduction of online transportation has significantly altered operational systems, shifting from conventional to online platforms. This shift isn't limited to Indonesia; it extends globally, including countries like Singapore. In Singapore, specific regulations have been established for providers of online transportation services. These providers are mandated to hold a specialized certificate issued by the government. Furthermore, there are requirements for online transportation drivers, who must successfully complete a licensing examination administered by the Land Transport Authority (LTA) to ensure driver qualifications (Chin, 2010). This is aimed at enhancing the comfort and safety of passengers, aligning with the principle of the rule of law that underscores the protection of all members of society.

LTA is an organization under the Ministry of Transport of the Singaporean government. LTA was established on September 1, 1995, through the amalgamation of various public-sector entities, including the vehicle licensing sector, transit cooperation, the traffic and public transportation division, and the land transportation division from the Department of Communications (Xue & Gwee, 2017). LTA holds the authority to issue local driving licenses (referred to as Surat Izin Mengemudi or SIM) that are valid within Singapore. Additionally, LTA is responsible for overseeing traffic regulations and transportation policies in Singapore, which share certain resemblances with those observed in Indonesia. Hereinafter referred to as Law Number 22 of 2009 regarding Road Traffic and Transportation (Law No 22/2009), Law No. 6/2023 concerning the Stipulation of Government Regulations in Lieu of Law No. 2/2022 concerning Job Creation into Law, Indonesia also mandates specific regulations concerning SIM. Indonesian citizens are obliged to possess both a SIM and a Vehicle Registration Certificate (commonly referred to as Surat Tanda Nomor Kendaraan or STNK) when operating a vehicle.

An example of a rapidly expanding online transportation service widely adopted in both Indonesia and Singapore is the Grab application. This application has effectively addressed issues related to parcel deliveries as well as two-wheeled and four-wheeled transportation. The GrabApp offers a service that facilitates the pickup and drop-off of customers at their intended destinations. Within the Grab app, there is an active navigation system designed to streamline the booking process for drivers and customers. This navigation system operates within a radius of approximately 3 kilometers (Sultan, et.al., 2021). In addition to the Grab app, there are various other types

of online transportation applications available in Indonesia, such as Gojek, Maxim, Uber, and more.

When using either conventional or online transportation services, passengers, often referred to as consumers, have rights to ensure their safety and security. These rights encompass fundamental consumer rights, including the right to choose, the right to access information, and the right to be heard. However, occasional instances of dishonesty by drivers can result in passengers misconstruing the information they receive. Nevertheless, Grab's information technology services play a vital role in reshaping the relationship between transportation service providers and their surrounding environment (Dewantara, 2020).

Driver misconduct takes the form of driver identity mismatch within the Grab application. This situation can trigger passenger discomfort and pose safety risks for passengers. The mismatch in driver identities can also be linked to account takeovers, which constitute unauthorized actions prohibited by the company and regulated by law, specifically under Minister of Transportation Regulation Number 118 of 2018 concerning the Implementation of Special Rental Transportation (currently amended by Minister of Transportation Regulation No. 17 of 2019) (Fillaili, 2019). The disparity in driver identities opens the door for potential misuse by drivers engaging in criminal activities, resulting in serious safety hazards for passengers, which contradicts the provisions of the Law Number 8 of 1999 on Consumer Protection (Law No. 8/1999).

One illustrative case of Grab account transfer in Indonesia occurred on July 18, 2023. An individual by the name of Muhamad Luckas admitted to selling his Grab account to another individual named Andre. Muhamad Luckas explicated that Andre was the perpetrator behind the theft of a laptop valued at Rp 20,000,000 (twenty million Indonesian Rupiah). Initially, suspicions arose regarding Muhamad Luckas involvement in the laptop theft, primarily because he appeared to be the ride-hailing driver responsible for delivering the stolen laptop. He disclosed that he had sold his Grab account to Andre for a negotiated sum ranging between Rp 650,000 (six hundred and fifty thousand Rupiah) to Rp 800,000 (eight hundred thousand Rupiah). The motivation behind this account sale was attributed to the unavailability of new partnership openings for Grab drivers, consequently fostering a surge in Grab account transactions. Importantly, it was noted that Muhamad Luckas account wasn't merely sold but also leased, operating on a deposit-based system (Rizki, 2023).

In another case, a female GrabCar user shared her unpleasant experience on social media, particularly on Instagram. The user identified as @tiannnwu on Instagram, used her Instagram story to reveal an unfortunate incident she encountered while using GrabCar services. The incident took place on February 8, 2020, when she booked a GrabCar ride to her desire destination. During the ride, while she was alone in the car, the GrabCar driver engaged in suspicious behavior, such as mumbling with sentences that raised kidnapping concerns. The passenger intended to confront the driver but instead, the driver accelerated that cause her to panic and immediately press the emergency button on the GrabApp(Asih, 2023).

Henceforth, the researcher will explore the pertinence of '*das sollen*' and '*das sein*' in connection with consumer protection within the realm of prevailing legal statutes. In alignment with the foundational meta-juridical values underpinning legislative regulations, most notably embodied in Law No. 8/1999 and Consumer Protection (Fair Trading) Act 2003 Singapore, this study will analyze the law through the prism of three fundamental legal values: justice, utility, and certainty. In this context, the researcher will investigate issues of justice concerning victims impacted by events stemming from disparities in driver identities within the Grab application and the transfer of account takeovers. Additionally, the study will scrutinize the utility aspect pertaining to the enforcement of Law No. 8/1999 and Consumer Protection (Fair Trading) Act 2003 Singapore, designed to safeguard consumers from criminal activities arising from vulnerabilities like driver identity mismatches in the application that create opportunities for illicit acts. Lastly, the research will address the facet of legal certainty for consumers.

Moreover, this investigation will encompass a comparative legal analysis between Indonesia and Singapore with regard to the imposition of penalties on Grab partners with disparate identities. This aspect represents an innovative dimension that has hitherto remained unexplored in previous research, enriching the existing body of knowledge on this subject matter, also about the contribution of research to science or transportation policy in both states due to the implementation of safety transportation.

Method

This research is classified as normative legal research, characterized by an examination of norms/rules related to the case. The study adopts a descriptive research approach. In the realm of legal research, particularly within the doctrinal

or normative context, it aligns with the legal positivism perspective, where law is derived from the highest authority, embodying commands and sanctions. Legal norms are rooted in fundamental values, articulated within written regulations. The data approach employed encompasses both statutory analysis and legal comparative analysis. The legal sources utilized include Law No. 8/1999, Law No 22/2009, and Minister of Transportation Regulation Number 118 of 2018.

This research falls under the category of normative legal research. Consequently, the researcher relies on secondary data sources, comprising primary, secondary, and tertiary legal materials. Primary legal materials consist of legislative regulations and official documents containing legal provisions. Secondary legal materials encompass books, articles, journals, research findings, papers, and other relevant sources related to the issues under investigation. Tertiary legal materials may include legal dictionaries and the Indonesian Dictionary. Data collection primarily involves document analysis, with the researcher conducting a comprehensive literature review using diverse library resources.

Discussion

1. Consumer Legal Protection in the Online Transportation Sector

The impact of the emergence of online transportation on national development lies in the opportunity it provides to the public to secure decent employment, owing to the availability of job opportunities created by online transportation partners. This aligns with the provisions of Article 27, paragraph (2) of the 1945 Constitution of the Republic of Indonesia, which states that every citizen has the right to gain employment and a decent livelihood. Consequently, the presence of online transportation providers such as Grab can be seen as an alternative or solution to address unemployment issues prevalent in both Indonesia and Singapore. The advent of Grab has fostered a connection between entrepreneurs and job seekers, with the number of individuals entering contracts to become driver partners reaching approximately 250,000 in Indonesia (Kamim & Khandiq, 2019).

Law Number 26 of 2002 concerning the Human Rights Court applies to the entire Indonesian population with the hope that the state can protect the rights and obligations inherent to individuals since birth or even during prenatal development. Within every Indonesian citizen lies rights bestowed by the 'Divine Being' to the community (Hadi, 2022). These rights of every individual cannot be deprived by anyone and persist even

after the individual has passed away. These rights are also inherent and applicable to consumers without exception. In the eyes of the law, every citizen is obliged to adhere to the law and has the right to equal treatment. Thus, Law No. 8/1999 was established (Tampubolon, 2016). This law governs the rights and obligations between company and consumers to ensure that neither party is disadvantaged. Consumers and company share an equal status or position under this law (Hamid, 2017).

The responsibility of online and conventional transportation drivers is interconnected with the rights of consumers, specifically passengers. These passengers utilizing transportation services fall under the definition of consumers, as outlined in Article 1, Number 1 of the Law No. 8/1999. Legal protection extended to consumers plays a vital role in resolving disputes arising from losses incurred by drivers or partners towards consumers, often resulting from driver negligence. The presence of legal certainty in protecting consumers serves as a deterrent against company engaging in arbitrary actions that could harm consumers (Hamid, 2017). The primary objective of Consumer Protection Law is to safeguard the inherent rights of consumers. With consumer protection in place, companies are compelled to adhere to established regulations, ensuring that consumers receive both security and protection (Mashudi, 2017).

In accordance with Law No 22/2009, regulations pertaining to the protection of consumer rights have been established, which entail accountability from transportation service providers in the execution of their business activities. Article 141 of Law No 22/2009 delineates the prerequisites for transportation services, emphasizing aspects such as comfort, affordability, regularity, equality, safety, and security for consumers (Meang & Rade, 2023). Concerning the security aspect, particularly in the context of online transportation services like Grab, there exists a direct correlation with the driver's identity. Discrepancies in the data and identities provided within the Grab application can create opportunities for criminal activities that may harm others. The utilization of inconsistent identities raises apprehensions regarding the assurance of security and safety for Grab's consumers, which is in contrast to Article 4, subparagraph c, of Law No. 8/1999, as exemplified in the previously mentioned case involving the account transfer by Muhamad Luckas.

In terms of comfort, the impact and consequences of driver identity mismatch result in discomfort for passengers, coupled with potential risks to their safety. Inconsistencies in driver identities can also be linked to account transfers, an action

disallowed by the company and regulated by law (Fillaili, 2019). Regarding safety, drivers and service providers are obligated to fulfill and ensure passenger safety. The issue of passenger safety is closely related to driver identity discrepancies and account transfers since mismatched driver identities tend to pose a higher risk of criminal activities. As a consequence of driver identity mismatches, law enforcement agencies may encounter difficulties in conducting investigations and inquiries when the data provided does not align with what is registered in the application. In the context of driver regulation, drivers are also required to equip their vehicles in accordance with Law No 22/2009 standards to prevent any undesirable situations (Rusdiana, et.al., 2018).

Just by analyzing the increases number of criminal cases day by day, the public is once again reminded to be vigilant about their surroundings, particularly during transportation. Account transfers such as selling or buying accounts can lead to future criminal incidents, thereby reducing the potential risks that consumers may face in the future. Some criminal cases in Indonesia and Singapore can be seen from the data below.

Table 1. Criminal Incidents Report for the Period of January to April 2023 in Indonesia

Type of Cases	Number of Cases
Theft	50.062
Scam	6.425
Assault	6.374
Kidnap	3.516
Robbery with violence	3.124
Mob Assault	1.953

Source: databoks.katadata.co.id

Table 2. Criminal Incidents Report for the Period of 2022 in Singapore

Type of Cases	Number of Cases
Theft	3.244
Sexual Assault	1.610

Source: www.channelnewsasia.com

The impact of the 'cancel' or emergency care button due to driver non-compliance with the application relates to Grab's specific cancellation policies for GrabBike and GrabCar. Cancellation is only allowed if the driver exceeds the estimated arrival time displayed on the app, and if the driver's location isn't detected by the app (Grab, n.d.). However, in cases where consumers initiate a cancellation after the ride has been ongoing for more than 5 minutes or the driver has waited at the pickup location for over 10 minutes (for GrabCar) or 5 minutes (for GrabBike), a cancellation fee will be applied to the consumer. Thus, consumers cannot easily cancel a ride claiming driver identity mismatch.

Abrupt cancellations when the driver is already at the pickup location can lead to conflicts. If a consumer cancels their ride three times, their account may face suspension. Consequently, the 'cancel' button cannot be considered an effective legal protection mechanism for consumers by Grab. It doesn't effectively deter account switching or identity fraud, potentially resulting in consumer losses if unwanted incidents occur. It's important to note that Grab's response is restricted to freezing the driver's account, without a clear explanation of Grab's responsibility to the consumer. Nonetheless, according to the Road Traffic Law, carriers are liable for any losses arising from their errors or negligence. Furthermore, in situations where consumers board a vehicle driven by someone who has misused an account and subsequently experience unfortunate events such as abduction or theft, there's a chance that consumers may not have had the opportunity to activate the emergency care button before these distressing incidents unfold.

The ownership of a vehicle has a bearing on the owner's identity verification process to ensure data consistency within the application (Rakhmawati, 2017). In accordance with Section 1(b) of Annex I of Minister of Transportation Regulation Number 118 of 2018, promulgated by the Ministry of Transportation, it mandates driver identity requirements. Drivers are compelled to furnish accurate personal details in the Grab app, including their name, phone number, driver's license, vehicle registration number, and vehicle color. If the vehicle registered on Grab does not correspond with the data provided in the app, this constitutes a serious violation, as it fails to adhere to the standard electronic service card. The standard electronic service card refers to a card containing vehicle identity and licensing documents, with an annual renewal obligation.

2. Regarding legal Remedies for Consumers who have Suffered Losses

When an agreement for transportation services conducted through the internet is consented to by all parties, following the procedures outlined by the public transport company in their terms and conditions, it leads to the establishment of rights and obligations for the involved parties, namely the public transport company and the consumers. These rights and obligations are legally binding in accordance with the provisions of the law (stipulated in Article 1338 of the Civil Code) and are explicitly detailed within the electronic contract. The principles stated in Article 1338 of the Civil Code are also reflected in Article 18 (1) of Law No. 11 of 2008, emphasizing that electronic transactions incorporated into electronic contracts hold legal binding power for all parties concerned. This aspect provides a compelling area for research and analysis.

The legal connection between drivers, passengers or app users during the operation of transportation services through online transport applications represents a contractual relationship for the provision of transportation services. Responsibility in the execution of an agreement arises when one of the parties fails to fulfill their obligations properly. In the context of a transportation agreement, the carrier is responsible for ensuring the safe, secure, and intact transport of goods or individuals from the point of origin to the destination. As per Article 1, section 2 of Law No. 8/1999, it is stipulated that a consumer (passenger) is any person who uses goods and/or services available in society, whether for personal, family, or others' needs, or even for the benefit of living organisms, and not for commercial purposes.

Whether there was no concrete remedies to the consumer since they encounter false identity driver situation in their trip, when this kind of situation arises during the transportation process that leads the safety of passengers or the integrity of transported goods, it is the responsibility of the carrier to take accountability for these occurrences by compensating for any resulting losses and damages. Moving on the illustration case that was caused by Muhammad Luckas and followed by another case like @tiannnwu user, based on Article 45, paragraph (1) of the Law No. 8/1999 stipulates that the resolution of consumer disputes can be accomplished through two options. The first option allows the aggrieved consumer to file a lawsuit against the business entity through an institution responsible for settling disputes between consumers and businesses. The second option enables the harmed consumer to take legal action against the business entity within the jurisdiction of the general court system.

Article 45, paragraph (2) of the Law No. 8/1999 mentions that the settlement of consumer disputes can be carried out through either litigation or alternative methods such as non-litigation, depending on the preference of the parties involved in the dispute. Alternative Dispute Resolution is implemented to facilitate consensus on the nature and extent of compensation or specific measures, thereby ensuring the prevention of recurring losses suffered by consumers. The consequences for drivers who transfer their accounts through the sale of their accounts, resulting in consumer losses, extend beyond the termination of their partnership. Punishments that may be applied to irresponsible business operators encompass civil, criminal, or administrative sanctions.

3. Comparison of Indonesian and Singaporean Laws Regarding Online Drivers and Legal Sanctions in Case of Legal Issues

Indonesia operates within a legal system known for its strictness. This is emphasized in Article 1, paragraph 3 of the Constitution of the Republic of Indonesia, which categorizes Indonesia as a nation governed by the rule of law. The concept of law entails a comprehensive set of regulations that govern human behavior concerning their rights and responsibilities. These rights are inviolable and cannot be revoked by any entity. Within the framework of legalism, there exists a commitment and responsibility to uphold these rights, along with the assurance of equal standing for citizens in the eyes of the law (Waluyo, 2018). The state is obliged to exercise its authority while ensuring the protection of its citizens' rights in accordance with legal provisions. As a result, the Indonesian population is obliged to exhibit respect for and compliance with the law.

Indonesia is a nation that adheres to the principles of Pancasila as its foundational ideology, which also serves as a legal source for its legislation (Hadi, 2022). In general terms, a rule of law state can be defined as a nation that places a high value on the rule of law and has a comprehensive legal framework in place (Hart, 1997). According to Wirjono Prodjodikoro, a rule of law state is one that ensures justice for all its citizens and operates within the bounds of the law. Essentially, a rule of law state implies that no individual or entity is above the law, as the law itself reigns supreme (Hamzani, 2014).

Regarding legal systems, Indonesia follows the Continental European legal system (Widodo, 2023), while Singapore operates as a legal state with an Anglo-Saxon legal system (Ashibi, et.al., 2021), where judicial rulings act as a legal source. Both Indonesia and Singapore share common characteristics as unitary states with centralized government authority (Saleh, et.al., 2022). Indonesia employs a Presidential system of government, while Singapore utilizes a Parliamentary system. Singapore's constitution was established in 1965, subsequent to its separation from Malaysia. The legal frameworks that have influenced Singapore encompass the Singaporean Constitution, the Federal Constitution of Malaysia, and the Laws of Independence of the Republic of Indonesia (Saleh, et.al., 2022).

A nation under the rule of law governs all aspects within its borders with the aim of maintaining order among its citizens and preventing criminal activities (Lubis & Fahmi, 2021). This principle applies to all legal states, including Indonesia and Singapore. Among these aspects is transportation, including both traditional and online modes. The emergence of online and conventional transportation services does not

eliminate the possibility of criminal activities occurring. Crimes can take place anywhere, by anyone, and at any time, underscoring the importance of heightened vigilance among the general public (Norlinka Sintia Malomedi., 2023). To reduce or prevent criminal acts in transportation, especially in the online transportation sector, various terms and conditions are introduced for online drivers by companies such as Grab. These terms and conditions can be seen from the data below.

Table 3. Terms and Conditions for Online Drivers

Indonesia	Singapore
Driver's maximum age limit: 60 years	Minimum driver's age: Over 30 years
Vehicle Registration Certificate	Valid Class 3 or 3A driving license
Maximum vehicle age: 8 years	Minimum 1 year of driving experience
Certificate of Good Conduct (SKCK)	Less than 18 demerit points (DIPS) on the driving license
Indonesian Citizen Identity Card (NIK)	Singaporean Citizen Identity Card (NRIC)
Personal bank account book	Personal bank account book
Emission Test Certificate (for 5-year-old vehicles)	Private Hire Car Driver's Vocational License (PDVL) or Taxi Driver's Vocational License (TDVL)
Driving License (SIM)	LTA License
Complete online training	Commercial insurance proof

Source: www.grab.com

In every country, legal regulations are established differently. Indonesia adheres to the Law No 22/2009 as the legal framework for regulating traffic and road transportation. Meanwhile, Singapore has the Road Traffic Rules R 20 G.N. No. S 171/1981 as the legal basis for regulating traffic and road transportation. However, both legal frameworks have not specifically addressed the meaning of online-based transportation, commonly referred to as online transportation. Conventional drivers in Indonesia argue that online transportation still does not meet the requirements for public transportation as stipulated in Law No 22/2009 and Government Regulation No. 74 of 2014 on Road Transportation (Amaliyah, et.al., 2019).

Moreover, it's important to note that online transportation services lack of legal status. These services don't possess a Taxpayer Identification Number (NPWP) or a business domicile letter. They also don't operate fleets exceeding five units, it's lack of support center, and there's no necessary administrative preparations for maintenance, unlike conventional public transportation services (Amaliyah et al., 2019). Consequently, there is a need for further action on this matter, grounded in philosophical and sociological foundations. This underscores the fact that, the government has not comprehensively regulated online transportation, particularly concerning the issue of

drivers whose identities don't match the application in traffic and road transportation regulations. This situation has prompted a comparative analysis of Indonesia and Singapore's legal frameworks for regulating online drivers in the context of identity mismatches with the application, as elaborated in the attached legal issue.

Table 4. Law Comparison

Indonesia	Singapore
Law No. 22 of 2009 on Road Traffic and Transportation	Road Traffic Rules R 20 G.N. No. S 171/1981,
Law Number 8 of 1999 on Consumer Protection	Consumer protection (trade descriptions and safety requirements Act 1975, Consumer Protection (Fair Trading) Act 2003 (CPFTA)
Article 4 of the Consumer Protection Act outlines consumer rights, including the right to safety, security, and comfort; the right to choose services in accordance with promised service guarantees; the right to accurate information; the right to express opinions; the right to be treated fairly and properly; and the right to compensation in case of negligence by the business operator. Article 5 of the Consumer Protection Act explains consumer obligations, which include following procedures for product/service usage, acting in good faith during transactions, and paying transactions as agreed upon.	Article 2 of the CPFTA states that consumers have the right to receive goods/services of good quality as promised and are obligated to pay for transactions for goods/services as promised to the business operator.
Minister of Transportation Regulation Number 118 of 2018 addresses the issue of driver identities.	Road Traffic Act 1961 addresses the issue of driver identities.
Article 31 of Minister of Transportation Regulation Number 118 of 2018 establishes the requirement to ensure the conformity of driver identities and vehicle data. Article 34 of Minister of Transportation Regulation Number 118 of 2018 addresses violations related to driver identities, which are categorized as minor, moderate, and severe violations. Articles 36 to 34 of Minister of Transportation Regulation Number 118 of 2018 explain the sanctions for violations, including administrative penalties such as warning letters (SP),	Article 129 of the Road Traffic Act 1961 stipulates that individuals who provide inaccurate data regarding their vehicle, unilaterally cancel a transaction, or provide false information are considered violations that will result in administrative penalties of \$5,000 and/or imprisonment for up to 12 months.

suspension of operating permits, and
revocation of operating permits.

Consumer protection for online drivers who do not match the application has outlined consumer rights when using their services (K. L. Tobing, 2017). Based on Article 4 of Law No. 8/1999, it has explained consumer rights, including the right to safety, security, comfort, the right to choose services according to promised guarantees, the right to accurate information, the right to voice opinions, the right to be treated fairly and properly, and the right to compensation in case of negligence by the business entity (Alauddin, 2022). All nations or states have basic social rights regarding consumers, as declared by the United Nations in the 1985 Guidelines for Consumer Protection. Each country has an obligation to uphold its respective consumer rights in accordance with the UN's statement (Saraswati & Suprpto, 2021).

In the Grab partner code of ethics, specifically number 29 addressing identity falsification, the penalty imposed on drivers is limited to the temporary suspension of their account. However, this provision does not detail Grab's responsibilities in cases where consumers suffer losses due to this issue (Grab, 2023). According to Article 14 of Minister of Transportation Regulation Number 12 of 2019 concerning Safety Protection for Motorcycle Users Used for the Public Interest, which outlines penalties that application providers can apply to drivers involved in the sale and purchase of driver accounts, sanctions may include temporary suspension or the termination of the partnership. As outlined in Article 34 of Minister of Transportation Regulation Number 118 of 2018, it encompasses violations related to drivers providing inaccurate identities, categorized as minor, moderate, or severe violations. Instances of mismatched identities can also potentially lead to the use of fraudulent accounts. Additionally, Article 35 in conjunction with Article 51 (1) of the Law Number 11 of 2008 concerning Information and Electronic Transactions (currently revoked by Law no. 1 of 2023 concerning the Criminal Code) specifies that intentionally creating and manipulating fake accounts without legal authorization can result in criminal penalties of up to 12 years in prison and/or a maximum fine of Rp. 12,000,000,000 (twelve billion Indonesian rupiahs) (Nurisman & Anisah, 2022).

As per Minister of Transportation Regulation Number 118 of 2018, specifically Article 1, Letter b, ensuring the alignment of online driver identities is of utmost importance. The primary objective is to provide passengers of transportation services with brief information about the vehicle they have requested. This practice enhances

passenger comfort and ensures their safety. The driver's identity should include at least their name, contact number, and a valid driver's license (SIM) that matches the data in the application. If the vehicle does not match the passenger's expectations as per the application, the driver is considered to have committed a severe violation. This is because the driver operates a vehicle that does not conform to the Electronic Card for Standard Service, which contains the necessary licensing documents.

When comparing Indonesia's and Singapore's regulatory approaches, it becomes evident that Singapore's regulatory framework for addressing technological advancements in transportation, particularly in the case of services like Grab, prioritizes passenger safety and comfort through the LTA (Chin, 2010). In Singapore, third-party taxi booking services are governed by the law, and this regulation has been in effect since September 1, 2015 (Xue & Gwee, 2017). Indonesia, on the other hand, relies on the Road Traffic and Transportation Law as its legal basis for regulating online transportation. In Indonesia, online transportation is primarily regulated by Ministerial Regulation Number 118 of 2018. Regarding agreements between service providers and drivers, these are governed by the Civil Code, which defines the contractual relationships between parties. These agreements can be referred to as cooperation agreements. Cooperation agreements lack the legal strength of corporate entities, and as a result, criminal elements may sometimes be present within these agreements (Agustini & Dasopang, 2023).

Conclusion

In conclusion, the rise of online transportation, with a specific focus on Grab, has revolutionized the way people access transportation services in Indonesia and Singapore. While these platforms have proven highly efficient and popular, they have raised significant concerns related to consumer rights protection and the accountability of service providers. Issues such as discrepancies in driver identities and potential risks to public order and safety have been identified, and the existing ethical code primarily addresses account suspension rather than consumer losses. To address these concerns, both countries have enacted a range of legal regulations, encompassing road traffic rules and consumer protection laws, demonstrating their commitment to safeguarding consumer rights and ensuring accountability within the online transportation industry. Nevertheless, ongoing efforts may be required to further enhance consumer protection and address emerging challenges in this evolving sector.

References

- Al Mukaromah, M., Yuliari, K., & Arifin, M. (2019). Dampak Keberadaan Transportasi On Line Terhadap Kondisi Sosial Ekonomi Transportasi Konvensional Di Kota Kediri. *JIMEK: Jurnal Ilmiah Mahasiswa Ekonomi Kediri*, 2(2), 168-181. <https://doi.org/10.30737/jimek.v2i2.548>
- Amaliyah, Bakti, F. P., Syafiin, R. A., & Akbar, Akbar, K. A. (2019). Tantangan dan Perkembangan Jasa Taksi Online: Perspektif Larangan Praktik Monopoli dan Persaingan Usaha Tidak Sehat. *Jurnal Ilmu Hukum Amanna Gappa*, 27(1), 14-22. <https://doi.org/10.20956/ag.v27i1.6955>
- Anisah, A. P & Nurisman, E. (2022). Cyberstalking: Kejahatan Terhadap Perlindungan Data Pribadi Sebagai Pemicu Tindak Pidana. *Krtha Bhayangkara*, 16(1), 163-176. <https://doi.org/10.31599/krtha.v16i1.1047>
- Ashibi, A. M., Nastiti, A. W., Ariestrada., Asfaroni., Kumala, A. (2021). Perkembangan Mazhab Hukum Anglo Saxon Di Negara Singapura dan Malaysia. *Jurnal IKAMAKUM*, 1(2018), 154-158. <http://openjournal.unpam.ac.id/index.php/IKAMAKUM/article/view/12229/7343>
- Asih, R. W. (2023). *Viral Cerita Mendebarkan dengan GrabCar, Penumpang Bagikan Pengalaman Pentingnya "Emergency Button."* TribunnewWiki. https://www.tribunnewswiki.com/2020/02/11/viral-cerita-mendebarkan-dengan-GrabCar-penumpang-bagikan-pengalaman-pentingnya-emergency-button?_gl=1*lb1grd*_ga*MTQxMjYyMTk3NC4xNjkwMzY0NTU4*_ga_DFP7BBGFWN*MTY5MDM3MDk2NS4zLjAuMTY5MDM3MDk2NS42MC4wLjA
- Bodhi, S & Tan, D. (2022). Keamanan Data Pribadi Dalam Sistem Pembayaran E-Wallet Terhadap Ancaman Penipuan Dan Pengelabuan (Cybercrime). *UNES Law Review*, 4(3), 297-308. <https://doi.org/10.31933/unesrev.v4i3.236>
- Chin, K.-K. (2010). The Singapore experience: The evolution of technologies, costs and benefits, and lessons learnt. In *OECD Publishing* (Vol. 1). <https://doi.org/10.1787/5kmjp6fk71f6-en>
- Dasopang, S. H. M. & Agustini, S. (2023). Korelasi hukum perdata dalam kaidah hukum pidana. *Jurnal Ilmu Hukum Prima*, 6(1), 158-174. <https://ejournal.penerbitjurnal.com/index.php/hukum/article/view/130>
- Dewantara, M. H. (2020). Peran Gojek Sebagai Akses Publik Wisatawan di Bali dan Pelopor Ekonomi Kreatif. *Jurnal Master Pariwisata (JUMPA)*, 6, 541.

- <https://doi.org/10.24843/JUMPA.2020.v06.i02.p14>
- Farida, I., Tarmizi, A., & November, Y. (2016). Analisis Pengaruh Bauran Pemasaran 7P Terhadap Kepuasan Pelanggan Pengguna Gojek Online. *Jurnal Riset Manajemen Dan Bisnis (JRMB) Fakultas Ekonomi UNIAT*, 1(1), 31-40. <https://doi.org/10.36226/jrmb.v1i1.8>
- Fillaili, N. (2019). Tanggung Jawab Perusahaan Transportasi Online Terhadap Penumpang Akibat Adanya Praktik Peralihan Akun Driver. *Jurist-Diction*, 2(4), 1375. <https://doi.org/10.20473/jd.v2i4.14499>
- Grab. (2023). *Kode Etik Mitra*. <https://www.grab.com/id/kodeetik/>
- Hart, H.L.A. (1997). Konsep Hukum. In Nurainun Mangunsong (Ed.), *Penerbit Nusa Media*.
- Hadi, F. (2022). Negara Hukum dan Hak Asasi Manusia di Indonesia. *Wijaya Putra Law Review*, 1(2), 170-188. <https://doi.org/10.38156/wplr.v1i2.79>
- Hamzani, A. I. (2014). Menggagas Indonesia Sebagai Negara Hukum Membahagiakan Rakyatnya. *Yustisia*, 3(3), 1-20. <https://jurnal.uns.ac.id/yustisia/article/view/29562/20116>
- Hamid, A. H.. (2017). *Hukum Perlindungan Konsumen Indonesia* (Sobirin (ed.); 1st ed.). CV. Sah Media.
- Kamim, A. B. M., & Khandiq, M. R. (2019). Mitra Pengemudi Gojek dalam Jeratan Ekonomi Berbagi Melalui Platform. *Jurnal Studi Pemuda*, 8(1), 57. <https://doi.org/10.22146/studipemudaugm.45240>
- Lubis, A. E. N., & Fahmi F. D. (2021). Pengenalan dan Definisi Hukum Secara Umum (Literature Review Etika). *Jurnal Ilmu Manajemen Terapan*, 2(6), 768-789. <https://doi.org/10.31933/jimt.v2i6.622>
- Mashudi. (2017). Aspek Hukum Perlindungan Konsumen Berdasarkan Pasal 18 Undang-Undang Nomor 8 Tahun 1999 Tentang Perlindungan Konsumen. *Jurnal Pro Hukum*, 6(2), 50-66. <https://doi.org/10.55129/jph.v6i2.543>
- Meang, G. F., & Rade, S. D. (2023). Pemenuhan Hak-Hak Konsumen Sebagai Jasa Pengangkutan di Kota Kupang. *Widyakarya*, 1(3), 39-59. <https://doi.org/10.59581/deposisi.v1i1>
- Nathalia, H. B., & Irwansyah, I. (2018). Aplikasi Transportasi Online GO-JEK Bentuk dari Konstruksi Sosial Teknologi dalam Media Baru. *Mediator: Jurnal Komunikasi*, 11(2), 227-235. <https://doi.org/10.29313/mediator.v11i2.3737>
- Punuhsingon, J. Rumondor, K. M. S., Bawembang, N., Kindangen, J., Sumilat, R. R. I.,

- Tendean, J. A (2023). Penegakan Hukum Terhadap Tindak Pidana Pelanggaran Lalu Lintas Oleh Polres Minahasa Utara Menurut Undang-Undang Nomor 22 Tahun 2009 Tentang Lalu Lintas dan Angkutan Jalan. *Jurnal Multidisiplin Ukita*, 1(2), 108–116. <https://ukita.ukit.ac.id/jurnal/index.php/JMU/article/view/45>
- Putri, H. S., & Diamantina, A. (2019). Perlindungan Hukum Terhadap Keselamatan Dan Keamanan Pengemudi Ojek Online Untuk Kepentingan Masyarakat. *Jurnal Pembangunan Hukum Indonesia*, 1(3), 392–403. <https://doi.org/10.14710/jphi.v1i3.392-403>
- Rakhmawati, A. (2017). Analisis Variabel-Variabel yang Mempengaruhi Kepemilikan Mobil Pribadi pada Kalangan Dosen di FEB-UB. *Jimfeb*, 1–12. <https://jimfeb.ub.ac.id/index.php/jimfeb/article/viewFile/3650/3237>
- Rizki, D. (2023). Kesaksian Driver Ojol Soal Jual-Beli Akun Grab & Gojek: Sudah Lama-Akali Verifikasi Pakai Topeng. Wartakota. <https://wartakota.tribunnews.com/2023/07/21/kesaksian-driver-ojol-soal-jual-beli-akun-grab-gojek-sudah-lama-akali-verifikasi-pakai-topeng>
- Rusdiana, E., Ahmad, G. A., Putong, D. D., & Simanjuntak, R. (2018). Criticism Of The Strategy Of Criminal Law Formulation In The Law Number 22 Year 2009 Concerning Traffic And Road Transport. *Proceedings of the 1st International Conference on Social Sciences (ICSS 2018)*, 226(22), 92–97. <https://doi.org/10.2991/icss-18.2018.22>
- Rusdin Alauddin, I. R. (2022). Pemenuhan Hak-hak Konsumen dalam Perspektif Undang-Undang Perlindungan Perlindungan Konsumen di Kota Ternate. *Jurnal Pengabdian Masyarakat Fakultas Hukum Unkhair (JANUR)*, 1(1), 32–38. <http://ejournal.unkhair.ac.id/index.php/janur/article/viewFile/4452/2839>
- Saleh, M., Ismail, I., & Mau, H. A. (2022). Perbandingan Hukum Tata Negara antara Indonesia dan Singapura. *Jurnal Impresi Indonesia*, 1(5), 538–545. <https://doi.org/10.36418/jii.v1i5.71>
- Saraswati, L. W., & Suprpto, S. (2021). Studi Komparatif Perlindungan Konsumen di Indonesia dan Singapura Terhadap Kenaikan Harga Yang Tidak Wajar. *Jurnal Justisi Hukum*, 8(1), 245–256. <http://dx.doi.org/10.31604/justitia.v8i1.245-256>
- Soemarsono, M. (2017). Negara Hukum Indonesia Ditinjau Dari Sudut Teori Tujuan Negara. *Jurnal Hukum & Pembangunan*, 37(2), 300. <https://doi.org/10.21143/jhp.vol37.no2.1480>
- Sultan, M. A., Marsaoly, N., & Kotta, M. I. (2021). Persepsi Masyarakat Tentang

- Angkutan Online Di Kota Ternate. *Jurnal Simetrik*, 10(2), 350.
<https://doi.org/10.31959/js.v10i2.542>
- Suprijanto, A. (2011). Dampak globalisasi ekonomi terhadap perekonomian Indonesia. *Jurnal Imiah CIVIS*, 1(2), 100-119. <https://doi.org/10.26877/civis.v1i2/Juli.592>
- Tampubolon, W. S. (2016). Upaya Perlindungan Hukum Bagi Konsumen di Tinjau dari Undang-Undang Perlindungan Konsumen. *Jurnal Ilmiah Advokasi: Fakultas Hukum Universitas Labuhanbatu*, 4(1), 1-9. <https://doi.org/10.36987/jiad.v4i1.356>
- Tan, K & Disemadi, H. S. (2022). Politik Hukum Pembentukan Hukum yang Responsif dalam Mewujudkan Tujuan Negara Indonesia. *Jurnal Meta-Yuridis*, 5(1), 60-72. <https://doi.org/10.26877/m-y.v5i1.8803>
- Tobing, T. K. L. Tobing. (2017). *Perlindungan Hukum Terhadap konsumen Transportasi Berbasis Aplikasi Menurut Undang-Undang Nomor 11 Tahun 2008*. VI(5), 120-127. <https://ejournal.unsrat.ac.id/index.php/lexcrimen/article/view/16677>
- Waluyo, B. (2018). *Viktimologi Perlindungan Korban dan Saksi*. Sinar Grafika.
- Widodo, S. (2023). Perkembangan Sistem Hukum Indonesia Dan Adat Berdasarkan Pemikiran Filsuf Hukum. *Jurnal Insan Pendidikan Dan Sosial Humaniora*, 1(1), 15-31. <https://doi.org/10.59581/jipsoshum-widyakarya.v1i1.74>
- Xue, F., & Gwee, E. (2017). Electric Vehicle Development in Singapore and Technical Considerations for Charging Infrastructure. *Energy Procedia*, 143, 3-14. <https://doi.org/10.1016/j.egypro.2017.12.640>