

Pengaturan Santunan Asuransi Kecelakaan Penumpang dan *DriverGo-Ride* yang Diberikan Oleh PT Gojek

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Info Artikel	Abstract
<p>Masuk: Revisi: Diterima: Terbit:</p> <p>Keywords: <i>Accident, Insurance, Go-Ride</i></p>	<p><i>Indonesia is now entering the digital era and is developing not only in information technology but also in the field of transportation. People can now order motorcycle public transport (Go-Ride) only through the application. Go-Ride is one of the services provided by Gojek, whose mission is to carry passengers. High interest in the use of Go-Ride can cause traffic accidents. The purpose of this investigation is to find laws and regulations regarding insurance for public transport passengers and to determine regulations regarding the fulfillment of insurance claims due to accidents between passengers and Go-Ride drivers. The type of study used by the author is normative study. The nature of this study is descriptive and analytical. The data sources used in this study are primary and secondary data sources. In the data analysis method of this study, the author uses qualitative data analysis using an interactive model. The results of this study explain the regulations that Gojek used as a reference for implementing insurance. The regulation in question is Road Traffic and Transportation Law No. 22 of 2009, which requires all carriers to be held responsible in the event of a passenger accident, with Go-Ride passengers and drivers in an accident. Explains the mechanism of providing insurance coverage in the event of an accident. There are two types of highways and passenger insurance is Basic penumpang Go-Ride dan Perjalanan Aman+.</i></p>
<p>Kata Kunci: Asuransi, Kecelakaan, Go-Ride P-ISSN: E-ISSN:</p>	<p>Abstrak</p> <p><i>Indonesia saat ini memasuki era digital, bukan hanya berkembang di bidang teknologi informasi tetapi juga transportasi. Masyarakat pada saat ini dapat melakukan pemesanan angkutan umum roda dua (Go-Ride) hanya dengan menggunakan aplikasi. Go-Ride merupakan salah satu layanan yang ditawarkan oleh perusahaan Gojek yang tugasnya mengangkut penumpang. Tingginya minat masyarakat dalam menggunakan Go-Ride tersebut berpotensi mengakibatkan terjadinya kecelakaan lalu lintas. Penelitian ini bertujuan</i></p>

untuk mengetahui peraturan perundang-undangan yang mengatur tentang asuransi yang diberikan kepada penumpang angkutan umum dan mengetahui pengaturan pemenuhan santunan asuransi akibat kecelakaan penumpang dan driver Go-Ride. Jenis penelitian yang digunakan oleh penulis adalah penelitian normative. Sifat dari penelitian ini yaitu, deskriptifanalitis. Sumber data yang digunakan dalam penelitian ini adalah sumber data primer dan sumber data sekunder. Teknik analisis data dalam penelitian ini penulis menggunakan analisis data kualitatif dengan model interaktif. Hasil dari penelitian ini menjelaskan mengenai peraturan yang dijadikan acuan oleh Perusahaan Gojek untuk melaksanakan asuransi, peraturan yang dimaksud adalah Undang-Undang No.22 Tahun 2009 tentang Lalu Lintas dan Angkutan Jalan, dimana setiap perusahaan pengangkutan wajib bertanggung jawab apabila penumpang mengalami kecelakaan serta menjelaskan mekanisme peraturan santunan asuransi apabila penumpang dan driver Go-Ride mengalami kecelakaan di jalan raya, asuransi yang diberikan kepada penumpang ada dua, yaitu Basic penumpang Go-Ride dan Perjalanan Aman+.

Introduction

Indonesia in 2011 has entered a more advanced era or civilization, where this year a company was born that provides the first online-based public transportation service in Indonesia. The company is Gojek. The high public interest in using Gojek, especially Go-Ride, can lead to the possibility of accidents. The accident incident will cause a legal event, where each partner must have an agreement with PT Gojek regarding the terms and obligations between the parties which in this case is Gojek as a company and the Gojek driver as a partner and also Go-Ride service users as passengers. The Traffic and Road Transportation Law has regulated the legal responsibility of drivers who make mistakes or mistakes, causing life, injury, or economic loss suffered by victims of road traffic accidents.

Ojeks as two-wheeled public vehicles that can carry passengers have not been regulated in Law Number 22 of 2009, but the Ministry of Transportation issued Ministerial Regulation Number 12 of 2019 which regulates the protection of the safety of motorcycle users used for the benefit of the community, explaining in detail that motorcycle taxis can be used for public purposes. categorized as public transport. Go-Ride service users must be protected by law, including settlements that can be taken if Go-Ride passengers experience losses on the operation of motorized public transportation services.

Research Method

This type of research uses normative legal research. Normative Research Normative Legal Research is a legal research conducted by examining library materials or secondary data. Based on the problems in the subject matter in this study, the nature of this research is descriptive analysis, namely the research is intended to provide as detailed data as possible about how to fulfill the insurance compensation provided by PT Gojek to drivers and passengers in the event of a road accident. The data sources used in this study are primary data sources, data sources secondary and tertiary data sources. The data collection technique in this study went through two stages. The first stage is the primary data collection technique through interviews and the second stage is the

secondary data collection technique through documentation, which is done by taking notes and taking written sources. The data analysis technique in this study the author uses a statutory approach and a conceptual approach.

Discussion

Law No. 22 of 2009 concerning Road Traffic and Transportation explains that PT Gojek is not a public transportation company but is a provider of online transportation services and Go-Ride (2 wheels are not public transportation). However, PT Gojek has a commitment to enter into a cooperation agreement between PT Gojek with Pasar Polis and Prodigy, where in the contents of the agreement, every accident that occurs during the passenger transportation process by the Go-Ride Driver, PT Gojek provides insurance services that can be claimed by Go-Ride passengers and drivers.

The responsibility given by PT Gojek to Go-Ride drivers and or passengers is not given free of charge but is taken through the premium paid by the passenger at the time of booking, this can be proven by the details of the payment fee of 20% of the total travel costs for used as payment for insurance premiums and Gojek application services and there is an additional fee of Rp. 1,000, - if the passenger activates Safe Travel+.

PT Gojek provides an option in the form of offers to passengers and Go-Ride drivers who experience traffic accidents so that they can make insurance claims facilitated by PT Gojek, namely with 2 PasarPolis insurance companies and study program. Both insurance companies can provide insurance funds due to accidents that occur in accordance with the terms and conditions and criteria that have been set.

The insurance benefit (insured fund) provided by PasarPolis and Prodigy is far greater than the sum insured provided by Jasa Raharja, where the sum insured provided by PasarPolis when a passenger makes a Go-Ride order plus Prodigy if the passenger activates the Safe Travel+ feature can reach Rp. .350,000,000,- while Jasa Raharja is only able to provide funds in the amount of Rp.50,000,000,-.

However, it should be borne in mind that Article 252 of the Commercial Code explains that: "Unless in the case described by the provisions of the law, no second insurance has been provided for the same time, and for the same harm to goods that have been insured for its full value, with the threat of cancellation of the second guarantee."

Go-Ride passengers and/or drivers can choose between insurance offered by PasarPolis and Prodigy in collaboration with PT Gojek or the government-owned Jasa Raharja.

Conclusion

Based on the regulations in Law Number 22 of 2009 concerning Road Traffic and Transportation, it does not explain that motorcycle taxis can be categorized as public transportation. However, explaining the fulfillment of insurance compensation that will be obtained by public transportation passengers in the event of an incident or accident on the way using public transportation that can harm passengers. The insurance compensation provided by the Gojek Company if a Go-Ride passenger has a traffic accident is in the form of a sum of money according to the condition of the passenger's injury caused by the accident. Gojek is collaborating with two insurance providers, namely PasarPolis and Prodigy. The two companies provide several conditions that must be met by Go-Ride passengers who suffer losses due to accidents. Such as paying additional costs for insurance (Prodigy) of Rp. 1,000, - and include several documents as a complement to insurance claims. The two insurance companies provide compensation funds to Go-Ride passengers according to the impact of the accident, from treatment for minor injuries treated in hospital, to fractures or lifelong disability to death.

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