

Conference paper

Legal Protection Against Grab Drivers for Consumer Actions Canceling Grabfood Orders (Study of Grab Padang Office)

Yofiza Media¹, Fadhika Nabila Syardin²¹Bung Hatta University Faculty of Law, Filano Enchantment Complex, DD Block No. 5 No. 5, Indonesia²Bung Hatta University Faculty of Law, Jl. Kingdom of Kurao No. 7, Indonesia**Abstract.**

Grab is an online transportation company from Malaysia in 2011. Cancellation of grabfood orders by consumers causes driver losses, because it has violated consumer obligations in Law No. 8 of 1999 concerning Consumer Protection. Problem formulation: 1) What is the legal protection of Grab Padang Office against Grab Drivers for the actions of consumers who cancel GrabFood orders? 2) How to compensate the Grab Padang Office against the driver for the consumer's action to cancel the GrabFood order. Type of research: sociological juridical. Data collection techniques: interviews and document studies. Research results: 1) Legal protection of Grab Padang Office for cancellation of consumer grabfood orders harms drivers with reimbursement or reimbursement. 2) Reimbursement from Grab Padang Office against drivers ie

Keywords: Legal Protection, Driver, Grab, GrabfoodCorresponding Author: Yofiza
Media; email:
yofiza.media@bunghatta.ac.id

Published 24 July 2023

Publishing services provided by
Knowledge E

© Media, Syardin. This article is distributed under the terms of the [Creative Commons Attribution License](#), which permits unrestricted use and redistribution provided that the original author and source are credited.

Selection and Peer-review under the responsibility of the ELEHIC Conference Committee.

1. INTRODUCTION

Technology has an important role in supporting the current era of globalization. Society needs to realize prosperity by utilizing developing technology. Rapidly developing technology has developed innovations that benefit society. One of them is transportation services, the development of transportation services plays an important role as a liaison from one place to another. The importance of the role of transportation in this era, making traffic and road transportation must be more organized in the transportation system in order to be able to realize transportation services that are in accordance with transportation services that are safe, orderly, smooth and low cost.

Currently, transportation services have switched to using an online ordering method called online transportation. Online transportation is a transportation service where every transaction activity is connected to the internet, starting from ordering, paying for

OPEN ACCESS

orders, to monitoring and evaluating the transportation services.[?] Online transportation provides an alternative solution in the midst of crowded vehicles so that you can reach places that may not be accessible by other public transportation.[?]

Online-based transportation in the form of a smartphone application can be ordered at platform certain company. In Indonesia, especially the city of Jakarta, there have been many online or application-based transportation services such as Gojek, Grab, Maxim, *SmartJek*, *OkayJek*, Jeger Taxi, Ojesy, Blue Jek, Anterin, inDriver, KOMBI KU, O'Jack Taxi Motor and many others. Online transportation operating in the city of Padang is Gojek, Grab, Maxim, OkeJek, Anterin, inDriver, KOMBI KU.

The online transportation company that has grown rapidly in Indonesia is PT Grab Indonesia. Grab is an online transportation service company from Malaysia which was founded in 2011 by Anthony Tan and Tan Hooi. Grab headquartered in Singapore and has grown in Southeast Asian countries. Grab has a presence in Indonesia, Singapore, Vietnam, the Philippines and Thailand, connecting more than 10 million passengers and 185,000 drivers across Southeast Asia.[?]

Grab was present in Indonesia in 2014. Currently Grab is available in 125 cities throughout Indonesia, from Banda Aceh - Aceh to Jayapura - Papua.[?] Grab App can be downloaded on smartphones via playstore and appstore. Based on research by ABI Research, Grab's share of ride-sharing services reached 11.4% in Asia Pacific. Most come from Indonesia and Vietnam. This study is the second research published by ABI Research after 2018.[?] Grab riders or what are called drivers are individual business actors who provide services in the form of work and enter into partnership agreements with PT. Grab Indonesia.

Initially, Grab only provided GrabTaxi services, in Indonesia Gradually Grab began to follow technological developments. Grab offers many choices of transportation services ranging from taxis, private cars, motorbikes, food orders, nebeng services, to package delivery to meet the needs of passengers.[?] In 2014 the month GrabCar (car) officially started operating, and in November 2014 the GrabBike (motorcycle) service began to appear and this service is the most popular transportation because it reduces congestion. In 2015 Grab services increased but not transportation services, but goods delivery services, namely the GrabExpress service. In 2016 Grab added a food delivery service, namely GrabFood. In 2018 Grab added the GrabFresh service which helps consumers to shop for their daily needs. Grab services are well received by the Indonesian people, which are intended to provide an alternative for users and drivers who emphasize a code of ethics with legal compliance standards, safety, speed, security, and provisions at clear rates.[?] In the city of Padang, the Grab branch office

is located at Bypass KM 9, Pasar Ambacang sub-district, Kuranji sub-district, Padang city, 25152 (Across from Kuranji Police).

The existence of online drivers (Grab) is currently beneficial because it helps the community in solving the obstacles to the limitations of public transport vehicles and also helps in the delivery of goods and food effectively. The legal basis for the existence of Ojek Online in Indonesia lies in Article 137 paragraph (2) of the LLAJ Law which states that the transportation of people using motorized vehicles is in the form of motorbikes, passenger cars, or buses. In Article 3 paragraph (1) and paragraph (2) Government Regulation no. 74 of 2014 concerning Road Transportation states that a motorcycle is a motor vehicle that can transport people/and or goods.[?]]One of the grab services, GrabFood is a service provider food delivery, with a wide selection of restaurants listed on the grab app. When ordering GrabFood which has been selected by the consumer and will appear on the driver's account is an agreement in the agreement, because the consumer has ordered food and already knows the price and shipping costs. Drivers buy consumer orders first using personal money, and after the orders are ready to be delivered to consumers. Payments on GrabFood services can be in the form of cash and GrabPay. *GrabPay* is electronic money for payment of financial transactions in the Grab application.

Since the entry of online motorcycle taxis in Indonesia, there have been several things that have harmed drivers, one of which is by suddenly canceling orders made by consumers. Cancellation of a GrabFood order is an act of ordering a grab that is carried out by consumers to order services and then the order is canceled, when the driver has purchased a consumer order. This has harmed GrabFood drivers who have lost energy, time, and money, drivers also cannot ask for compensation just like that. This cancellation means ignoring what has been agreed from the start and this can be detrimental to the driver because the services that have been issued and do not get compensation.[?]

In this study there is a problem, namely the cancellation of orders made by consumers against GrabFood orders.

The problem of canceling orders that occurs causes losses to Grab Drivers, because of the incompatibility of theory with field practice that has violated consumer obligations in Law Number 8 of 1999 concerning Consumer Protection as explained in Article 5 concerning Consumer Obligations, namely:[?]

1. read or follow information instructions and procedures for the use or utilization of goods and/or services, for security and safety;

2. have good faith in making transactions for the purchase of goods and/or services;
3. pay according to the agreed exchange rate;
4. follow the legal efforts to settle consumer protection disputes properly.

The problem of canceling grabfood orders that occurred caused losses to Grab Drivers, because consumers had violated Article 5 letters (b) and (c) of Law Number 8 of 1999 concerning Consumer Protection. Legal certainty in this matter is contained in Article 1267 of the Criminal Code, namely "The party to whom the engagement is not fulfilled, may choose; compel the other party to fulfill the agreement, if it can still be done, or demand the cancellation of the agreement, with reimbursement of costs, losses and interest." Compensation by the company PT. Grab Indonesia to Grab Drivers who have been harmed by consumers due to consumer actions canceling GrabFood orders, namely Article 1249 of the Civil Code states that where compensation for losses caused by a default can only be determined in the form of money, but along with the development of compensation, it is divided into two namely material losses and immaterial losses.

2. METHODOLOGY / MATERIAL

This type of research is sociological juridical, namely research that aims to gain knowledge by examining directly the object. This research is sourced from primary data and secondary data. Primary data obtained from interviews with Mr. Fally Pasolika, Operational Staff of the Grab Padang Office, grab drivers, namely Mr. Havid Hardi, Mr. Ardiansyah. Secondary data obtained through books, journals, articles, , Laws.

3. RESULTS AND DISCUSSION

Legal Protection From the Padang Grab Office Against Grab Drivers For Consumer Actions Who Cancel GrabFood Orders.

Based on the results of interviews withThe resource person, Mr. Fally Pasolika, as the operational staff of Grab Padang on Wednesday / January 12, 2022, said that there is no legal protection for drivers, but food that has been purchased but the Grabfood order has been canceled by the consumer will be reimbursed. And the food can be given to the nearest orphanage to be a blessing and increase the reward.[?]

PT. Grab Indonesia guarantees responsibility for the problem of canceling this grabfood order with the reimbursement procedure that has been made for grab drivers

affected by this fictitious order. By reporting the incident through the Help Center and attaching a photo of the receipt and a selfie photo with the order that has been purchased.

Based on the author's interview with Mr. Fally Pasolika as Grab Padang office operational staff. When applying for reimbursement, there are several things that drivers need to pay attention to, namely:[?]

1. The deadline for applying for a refund or reimbursement must be on the same day at 15.00 WIB and it will automatically go directly to the Driver's Wallet on the same day.
2. If the request for reimbursement is made after 15.00 WIB, it will be processed the next day.
3. The process of applying for a refund or reimbursement is only valid on working days.
4. *Driver* must prepare complete and clear files (according to requirements).
5. If the requirements are complete, the driver must send the file a maximum of 3 days after the time of the incident.
6. The time for submitting a refund or reimbursement after 3 days will not be processed by Grab.
7. *Driver* Must complete orders with the status "Completed", so that drivers receive incentives from Grab. In fictitious orders, replacements are not accepted if the order status is canceled by partners or customers.
8. The order receipt must match the receipt sent in the receipt photo feature in the application before completing the order.
9. The grab party will take strict action if there is a fraud committed by the driver.

Before accepting cooperation with Grab partners, drivers join the WhatsApp group provided by the Grab Padang Office. With this group, drivers can get information from the head office and Grab Padang office.



Source: Primary Data

Figure 1

4. CONCLUSIONS AND RECOMMENDATIONS

4.1. CONCLUSION

A form of protection from the Grab Padang Office for canceling orders made by consumers so that it harms drivers, therefore there is a reimbursement service. With this service help drivers in case of cancellation of grabfood orders and the grab party will replace the funds that have been issued by the driver. The food that has been purchased will be distributed to the orphanage. After the driver gives food to the orphanage, the driver must provide proof of receipt from the orphanage.

4.2. Suggestion

1. For PT. Grab Indonesia hopefully can provide legal protection insurance for drivers, in order to ensure a sense of security and safety when carrying out their work as grab drivers. In order to avoid problems with canceling orders by consumers, Grab

is expected to update the Grab application for passengers so that the activation of the number listed is an active and contactable number.

2. Before accepting grabfood orders, drivers should be more careful and increase vigilance in receiving grabfood orders, make sure the consumer number is active and the delivery location is clear.

References

- [1] Ahmad Wardi Muslich, 2013, Fiqh Muamalat, Amzah, Jakarta
- [2] Wijaya, Andika, 2016, Legal aspects of the online road transportation business, Sinar Graphic, Jakarta.
- [3] *Grab (Company)*, 2018, [https://id.m.wikipedia.org/wiki/Grab_\(application\)](https://id.m.wikipedia.org/wiki/Grab_(application))
- [4] ontjo Bambang M. and Krido Eko C. 2017 "Online Transportation Controversy as a Basis for Improving Passenger Service Facilities for Transportation Businesses in Surabaya", Journal of Proceedings of the Multi-Disciplined National Seminar and Call For Papers, 3rd Unisbank (Sendi_U 3), ISBN : 9-789-7936-499-93.
- [5] Putu Ari Sagita, "The Validity of Online Ojek Transportation Services in Indonesia" Specialty Program in Business Law, Faculty of Law, Udayana University, Bali.
- [6] *Grab's research leads the online transportation market in Indonesia*, 2020, <https://katadata.co.id/desyetyowati/digital/5e9a4e6d6521f/riset-grab-pimpin-pasar-transportasi-online-di-indonesia-dan-vietnam>
- [7] Septanto, Henry. 2016, ICT-Based Creative and Innovative Economy a la Gojek and Grabbike. Bina Insani ICT Journal 3.1: 213-219.
- [8] *Grab profile vision mission*, 2019, <https://visimisi95.blogspot.com/2018/08/visi-misi-profile-grab.html>.
- [9] Yudhi Satria, 2016, Legal Protection for Uber and Grabcar Application Service Users as Online Application-Based Transportation, Makassar, Thesis, Faculty of Law, Hasanuddin University.
- [10] Civil Code (KUHPerduta)
- [11] Law of the Republic of Indonesia Number 8 of 1999 concerning Consumer Protection.
- [12] Constitution Republic of Indonesia Number 22 of 2009 concerning Road Traffic and Transportation
- [13] Ministerial regulation Republic of Indonesia No. 12 of 2019 concerning the Protection of the Safety of Motorcycle Users Used for the Interest of the Community.