


Consumer Legal Protection Against 'Oto' Public Transport Practices in Ambon City: A Case Study of Premature Passenger Drop-off Before Destination

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Abstract

Introduction: This article analyzes the legal issues surrounding the practice of prematurely dropping off passengers in the "oto" public transportation service in Ambon City. The issue has raised public concern due to its impact on passenger rights and comfort, as well as the obligation of drivers to provide agreed-upon services.

Purposes of the Research: The purpose of this study is to examine the legal protection afforded to passengers under Indonesian law, particularly in relation to unfair transportation practices and violations of consumer rights by "oto" drivers.

Methods of the Research: This research uses a normative legal method, employing statutory and conceptual approaches. It focuses on analyzing relevant laws such as Law Number 22 of 2009 on Traffic and Road Transport and Law Number 8 of 1999 on Consumer Protection to determine the obligations of public transport providers.

Findings of the Research: The findings show that prematurely dropping off passengers without justification constitutes a breach of both transportation and consumer protection laws. This study contributes to the discourse by highlighting the need for improved legal enforcement and increasing public awareness regarding consumer rights in the public transportation sector, particularly in underserved urban areas like Ambon.

Keywords: Consumer Rights; Public Transportation; Oto Service; Legal Protection.

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INTRODUCTION

Public transportation plays an essential role in supporting the mobility of the community, especially in urban areas like Ambon. In this context, public transport, known locally as "oto," is a primary choice for many residents. However, the practice of public transportation in Ambon does not always meet passenger expectations, particularly concerning services that should meet the consumer's need to be transported to their destination. Many passengers complain that some oto drivers often drop them off before reaching their destination, sometimes while still demanding full payment. This practice creates discomfort and is considered a violation of consumer rights in the transportation sector¹.

Transportation law, as part of civil law, regulates the legal relationship between the carrier (in this case, the oto driver or owner) and the transported party, namely the passenger. Transportation law establishes the carrier's obligation to provide a safe,

¹ admin In Nusa Huapono, "Turunkan Penumpang Di Tengah Jalan Ulah Angkot Laha Cukup Meresahkan," *titastory.id*, 2024, https://titastory.id/turunkan-penumpang-di-tengah-jalan-ulah-angkot-laha-cukup-meresahkan/#google_vignette.

comfortable, and mutually agreed-upon service between the two parties. According to Law No. 22 of 2009 on Traffic and Road Transport and other provisions in transportation law, every public transport driver is legally obligated to ensure that passengers receive appropriate service, specifically being transported to their agreed-upon destination.

Consumer Protection in the Context of Public Transportation As consumers, passengers have the right to receive transportation services as promised or agreed upon when boarding the vehicle.² The Consumer Protection Act provides a legal basis for protecting these rights. If oto drivers drop passengers before reaching their destination without valid reasons, this act can be seen as a breach of contract or transportation obligation. Consumer protection, in this case, aims to ensure that passengers are not disadvantaged, physically or financially, as they have paid for a specific service.

Driver Practices of Premature Drop-off In Ambon City, the practice of drivers dropping off passengers before reaching their destination is quite common³. Some oto drivers are known to drop passengers in locations different from the initial request, often for route convenience or to pick up other passengers at a specific point. On the one hand, some drivers still charge the full fare, while on the other, some waive the fare as compensation. However, these inconsistent practices indicate uncertainty in service standards, disadvantaging passengers and diminishing consumer rights protection.

The inconsistent practices among "oto" drivers in Ambon, such as varying responses to premature passenger drop-offs, reveal a significant uncertainty in the standards of service within the local transportation system. This lack of clear, enforced standards creates an environment where passengers are left vulnerable, as they cannot reliably expect to receive a consistent level of service from one driver to the next. For instance, while some drivers may waive fares as compensation when failing to transport passengers to their intended destination, others still charge full fare, leaving passengers to navigate unpredictable service outcomes.

This inconsistency not only places passengers at a disadvantage but also reflects a broader issue of limited consumer rights protection within the public transport sector.⁴ Passengers, as consumers, have the right to a reliable, safe, and fair service, especially when they have paid for a specific destination. Yet, due to the lack of formal standards, passengers may find themselves uncertain about whether their rights will be respected during each trip. This gap in service expectations undermines trust in the system, as passengers face the potential of additional costs, inconvenience, and even safety risks if they are left to find alternative transportation to reach their destination.

The lack of regulatory clarity and enforcement means drivers operate with considerable discretion, often prioritizing personal convenience or financial gain over passenger welfare. For example, by choosing more convenient or profitable routes, drivers may drop off passengers prematurely to reduce driving time or increase their ability to pick up additional passengers. This prioritization of driver objectives, without regard for passengers' rights,

² L. Suryani N. G. A. T. Putra, Desak Gde Dwi Arini, "Perlindungan Hukum Terhadap Konsumen Khusus Jasa Penumpang Angkutan Darat" 2020, <https://doi.org/https://doi.org/10.22225/Juinhum.1.1.2190.83-88>.

³ H. R Husin Wattimena, Arizal Hamizar, Hasan, "Service Quality And Consumer Protection Laws In The Parking Industry: An Implications For Consumer Satisfaction," *International Journal of Business, Law and Political*, 2024, <https://doi.org/https://doi.org/10.61796/ijblps.v1i3.62>.

⁴ Titin Ti G. Ardika, Aline Febryani Loilewen, "Tinjauan Yuridis Perlindungan Hukum Pengguna Jasa Transportasi Umum Khususnya Taksi Menurut Undang-Undang Perlindungan Konsumen No Title," *Ganec Suara*, 2023, <https://doi.org/https://doi.org/10.35327/gara.v17i1.389>.

illustrates a pressing need for clearer, enforceable guidelines that ensure a fair and consistent level of service across all drivers.

METHODS OF THE RESEARCH

This method is written in descriptive and should provide a statement regarding the methodology of the research, include the type of research, research approach, a source of data and analysis method. The author should explain the mechanism to analyze the legal issue. This method as much as possible to give an idea to the reader through the method used, this method is optional, only for an original research article. (For Conceptual Ideas Without Research Method) This research utilizes a normative legal research method (also known as library research), focusing on studying laws, legal documents, and related literature⁵. The primary goal of this method is to analyze legal norms governing the rights and obligations of parties within a particular legal context⁶. This study uses a normative approach to understand the legal obligations of 'oto' public transport drivers in Ambon City and the legal protection given to passengers as consumers entitled to proper service. Approach Types, Statutory Approach: Using Law Number 22 of 2009 on Traffic and Road Transport and Law Number 8 of 1999 on Consumer Protection as the primary legal basis⁷. Conceptual Approach: Analyzing the concepts of rights and obligations in transportation law and consumer protection contexts.

RESULTS AND DISCUSSION

The section in this study highlights the legal responsibilities of public transportation drivers (specifically "oto" drivers in Ambon City) and the implications of consumer rights protection. This analysis is based on relevant Indonesian laws, including the Traffic and Road Transport Law (Law Number 22 of 2009) and the Consumer Protection Law (Law Number 8 of 1999), and focuses on the legal requirements for transporting passengers to their agreed-upon destinations.

A. Legal Obligations of "Oto" Drivers to Complete Passenger Transport Services

Under Indonesian transportation law, drivers of public vehicles such as "oto" are obligated to fulfill services as per the terms of their agreement with passengers, ensuring a journey that is both safe and complete⁸. This obligation is primarily supported by: 1) Certainty of Destination: Drivers are required to deliver passengers to the specific location initially agreed upon. Failure to reach the destination, without legitimate justification, constitutes a breach of contract or "wanprestasi." The Traffic and Road Transport Law mandates that drivers provide services aligned with the initial contract, ensuring passengers are not dropped off prematurely unless specific reasons arise; 2) Passenger Comfort and Safety: Beyond the basic requirement of transportation to a destination, drivers must prioritize passengers' comfort and safety throughout the journey. Early drop-offs compromise these aspects, often leaving passengers to secure alternative transportation,

⁵ Ujang Charda S, "Typology Of Legal Research Methods In Normative And Sociological Thinking," *Fox Justi: Jurnal Ilmu Hukum*, n.d., <https://doi.org/https://doi.org/10.58471/justi.v12i1.769>.

⁶ H. Disemadi, "Methodologies, Lenses of Legal Research: A Descriptive Essay on Legal Research," *Journal of Judicial Review*, 2022, <https://doi.org/https://doi.org/10.37253/jjr.v24i2.7280>.

⁷ Sri Hidayani Zainal Fikri Nasution, Isnaini Isnaini, "Perlindungan Hukum Terhadap Pengguna Jasa Angkutan Umum Pada Dinas Perhubungan Kota Medan," *Jurnal Ilmiah Penegakan Hukum*, 2019, <https://doi.org/https://doi.org/10.31289/JIPH.V4I1.1948>.

⁸ Muzammil, "Analisis Yuridis Terhadap Prilaku Wanprestasi Sopir Angkutan Umum Terhadap Penumpang," *Journal Sains Student Research*, 2023, <https://doi.org/https://doi.org/10.61722/jssr.v1i2.368>.

potentially exposing them to safety risks; 3) Fair Payment for Services Rendered: In instances where drivers fail to reach the agreed destination yet still charge the full fare, this not only disadvantages passengers financially but also breaches consumer rights. Indonesian law mandates that payments correspond to the actual service delivered, ensuring passengers are not financially burdened by unfulfilled services.

The findings from Ambon show a recurring pattern where drivers of “oto” public transportation vehicles prioritize factors like route convenience or the potential to take on additional passengers. This practice typically occurs for reasons such as maximizing profit or saving time, as drivers seek to streamline their routes, sometimes deviating from passengers’ original destinations in favor of a more direct path that allows them to pick up other passengers.

This focus on convenience often comes at the expense of the rights and expectations of the passengers already on board. For instance, passengers who have agreed upon a specific destination may find themselves unexpectedly dropped off at a different location. This not only disrupts their journey but can also lead to additional costs and delays as they are forced to arrange alternative transportation⁹. Moreover, in some cases, passengers are still charged the full fare despite not receiving the complete service they paid for, which becomes a significant financial burden, particularly for those who rely on “oto” services as their primary mode of transport.

This practice raises several concerns: 1) Disruption of Agreed Service: When drivers alter the route or fail to deliver passengers to their intended destination without a legitimate reason, it disrupts the service passengers expected when they boarded. This action violates the implicit contract between the driver and the passenger, where the fare paid is supposed to guarantee transportation to a specific endpoint; 2) Lack of Passenger Consideration: By prioritizing the prospect of additional fares over the needs of current passengers, drivers may inadvertently erode trust in the public transportation system. Passengers are left feeling disregarded, as their time, convenience, and financial commitment appear secondary to the driver’s goals; 3) Safety and Accessibility Issues: Being dropped off early can also create safety concerns, especially if passengers are left in unfamiliar or less secure areas. This unexpected change may put certain groups, such as women or the elderly, at greater risk, as they navigate finding alternative transportation to their final destination; 4) Economic Motivation and Operational Pressures: Some drivers might feel financially pressured to take on as many passengers as possible within a given shift. This pressure can lead to overloading or prioritizing high-traffic areas where they can pick up multiple passengers. While understandable from an economic perspective, this motivation results in inconsistent service quality and potentially unfair practices toward passengers who paid for a complete journey.

Addressing this issue involves a combination of legal enforcement, passenger rights awareness, and incentives for drivers to adhere to agreed routes. Introducing penalties for deviations, combined with rewards for consistent service, could create a balanced approach that upholds passenger rights while considering the economic realities faced by drivers. While some drivers do not charge passengers when they disembark prematurely, this practice is inconsistent and lacks standardization, leaving room for dissatisfaction and legal

⁹ Teuku S Rizky Aulia Fitri, Darmawan Darmawan, “Land Transportation Companies’ Responsibility Towards Passengers’ Aggrievement Due To Delays,” *Kanun: Jurnal Ilmu Hukum*, 2022, <https://doi.org/https://doi.org/10.24815/kanun.v24i2.28166>.

contention. Results should be clear and concise. Discussion should explore the significance of the results of the work, not repeat them. Avoid extensive citations and discussion of published literature.

B. Legal Protection for Consumers Against Premature Passenger Drop-Offs

The Consumer Protection Law in Indonesia establishes a strong legal foundation for ensuring that consumers—here, passengers—receive the services for which they have paid.¹⁰ This includes: 1) Right to Agreed-Upon Services: Under Article 4 of the Consumer Protection Law, passengers have the right to receive services that align with the contract they entered when boarding the vehicle. ¹¹Dropping off passengers prematurely breaches this right, especially when full payment is demanded. Legally, this act is recognized as a service failure or breach of contract, as passengers are denied the entirety of the service they paid for; 2) Right to Transparent Information: Passengers are entitled to clear and accurate information about their journey. In many cases, Ambon's "oto" passengers are not informed that they may be dropped off early, leading to dissatisfaction and a lack of transparency on the drivers' part; 3) Right to Compensation: If passengers are financially or otherwise disadvantaged due to unfulfilled services, they hold the right to seek compensation. Although passengers rarely report such issues officially, they possess a legal basis to demand reimbursement or redress based on the inconveniences they experience.

In some instances, "oto" drivers in Ambon attempt to mitigate the impact of premature drop-offs by waiving the fare for affected passengers. While this gesture can be seen as an act of goodwill, it also highlights a deeper inconsistency in service standards and a lack of uniformity in how consumer rights are upheld within the local transportation system. This variability in response suggests that drivers may be operating without clear, enforced guidelines on the minimum standard of service they are obligated to provide, leading to a fragmented approach in handling passengers' expectations and rights. The practice of waiving fares, though well-intentioned, does not address the core problem of passenger inconvenience and potential safety risks caused by incomplete journeys. Passengers who accept a waived fare may do so out of necessity or as a way to avoid confrontation, rather than as a genuine resolution to their disrupted travel. This inconsistency in service further erodes confidence in the public transportation system, as passengers are left uncertain about whether they will reach their destination or face unexpected changes during their journey.

This pattern reveals a larger issue with the enforcement of transportation standards in Ambon, as it suggests a gap in regulatory oversight that allows drivers to handle service disruptions at their discretion. Without systematic rules or penalties to address these premature drop-offs, drivers are left to determine on their own how to handle these situations, resulting in varying degrees of compensation, fairness, and service quality.

The inconsistent practices among "oto" drivers in Ambon reveal a critical need for regulatory adjustments to address the existing gaps in service standards, training, and consumer protection ¹². When passengers encounter varying service quality or experience premature drop-offs, it points to a systemic issue where the absence of clear, enforced

¹⁰ Fernando Tantar, Teng Berlianty, and Sarah Selfina Kuahaty, "Perlindungan Hukum Pelaku Usaha Lelang Tiktok Shop Atas Tindakan Bid and Run," *PAMALI: Pattimura Magister Law Review* 3, no. 1 (2023): 73, <https://doi.org/10.47268/pamali.v3i1.1382>.

¹¹ Ni Made Puspasutari I. D. G. A. Putra, I. Budiarta, "Perlindungan Hukum Bagi Penumpang Angkutan Umum Trans Serasi Tabanan," 2020, <https://doi.org/https://doi.org/10.22225/AH.2.1.1609.42-46>.

¹² G. Darido, "Regulation of Road-Based Public Transportation and Strategies for the Developing World," 2003, <https://doi.org/https://doi.org/10.3141/1835-09>.

guidelines allows drivers to act largely on their own discretion. This can lead to unpredictability and confusion, as passengers cannot rely on a consistent level of service or know what to expect during each journey.

Establishing clearer standards would set concrete expectations for drivers and provide a basis for holding them accountable. For instance, guidelines could specify that drivers must complete the journey to the passenger's intended destination unless extenuating circumstances arise. Clearer standards could also detail when it is appropriate for a driver to charge a full fare and when fare adjustments are necessary in cases where the trip is incomplete. Such guidelines would remove ambiguity and ensure that passengers know their rights and can confidently expect fair treatment.

Improved driver training is equally important, as it would equip drivers with a better understanding of their responsibilities toward passengers. Training programs could emphasize the importance of consumer rights, customer service, and the legal implications of deviating from agreed-upon services¹³. Additionally, training could address practical skills in handling service disruptions, such as how to communicate with passengers if a route change is necessary. With this knowledge, drivers would be more prepared to uphold service standards consistently, improving the overall passenger experience.

Stronger consumer protection measures are also essential to reinforce these adjustments. These protections could include a system for passengers to report service issues, seek compensation, or receive assistance in the event of unresolved disputes with drivers¹⁴. An oversight body or regulatory authority might also play a role in monitoring compliance, addressing complaints, and enforcing penalties for drivers who fail to meet service obligations. Such protections would empower passengers to hold drivers accountable, further enhancing fairness and reliability in the transportation system.

Ultimately, these regulatory adjustments would help establish a more reliable and equitable public transportation system in Ambon. Passengers would benefit from greater assurance that their rights will be respected, and drivers would have a clearer understanding of the standards they are expected to uphold. By addressing these inconsistencies through comprehensive regulatory improvements, Ambon could foster a public transportation system that better meets the needs of its users, respects consumer rights, and contributes to a more organized and dependable urban mobility framework.

CONCLUSION

This study concludes that the practice of oto drivers in Ambon City dropping off passengers before reaching their agreed destination, whether charging full fare or not, violates consumer rights and transportation law in Indonesia. Based on Law Number 22 of 2009 on Traffic and Road Transport and Law Number 8 of 1999 on Consumer Protection, public transport drivers are obligated to provide a safe, comfortable service in line with the initial agreement. Consistent failure to meet journey agreements, especially when drivers drop passengers at unsuitable locations, can be categorized as a breach of service contract. Improving consumer protection in Ambon's public transport sector requires concrete steps

¹³ G. Douglas, "Price Regulation And Optimal Service Standards," 2016, <https://www.semanticscholar.org/paper/Price-Regulation-And-Optimal-Service-Standards-Douglas/146b89e2c77894689a082746813e1bf5b7596a75>.

¹⁴ Erwin Asmadi, "Stronger Consumer Protection Measures Are Also Essential to Reinforce These Adjustments. These Protections Could Include a System for Passengers to Report Service Issues, Seek Compensation, or Receive Assistance in the Event of Unresolved Disputes with Dr.," 2019, <https://doi.org/https://doi.org/10.30596/DLL.V4I1.3164>.

such as stronger law enforcement, increased consumer rights awareness, and improved service standards for oto drivers.

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