



IMPLEMENTATION OF ONLINE TRANSPORTATION DRIVERS' HEALTH COVERAGE RIGHTS IN CITY X DURING THE CORONA VIRUS DISEASE 2019 PANDEMIC

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Abstract

Study this study about implementation right guarantee health driver online transportation in Kediri during the Corona Virus Disease 2019 pandemic. Destination study this is for knowing form protection on right guarantee health for driver online transportation. Study this use method study law empirical. Based on results research conducted in the period July - September 2020 in Kediri, showing that because pattern connection law Among driver online transportation and owner ride sharing app is not fully connection work, they no get right guarantee health like workers in general. Some drivers online transportation later choose register guarantee program health from government namely BPJS and the driver that online transportation alone. Owner ride sharing app as the party who also gets profit from work done by driver _ online transportation no burdened by responsibility answer this in scheme Worker Independent or scheme No Receiver wages . This thing of course just not ideal because not quite enough answer for give right on guarantee health on the government

Keywords: Online Transport, Corona Virus, Covid-2019

INTRODUCTION

Jobs contract period short based technology mature this has Becomes alternative choice for power work (Lipp, 2007) . The gig economy is designation given for profession in field this . Term gig means "project" or "contract while", the term this usually used for profession no stay in the industry entertainment . Because it's slow gradually the more many type profession with use contract temporary or freelance, thing this make the gig economy term newfor mention profession no permanent sort of this. Workers in the regular gig economy called with gig workers, workers independent contract (Friedman, 2014). For example is website designer, copywriter, and online taxi drivers.

Working people in the field this no can categorized as as worker in definition regulation legislation because a number of element in connection work by conventional no fulfilled especially on elements the work assigned and the remuneration. Another thing that causes they no could classified as worker in definition the law , because they working under contract with short time _ or work project by independent (Franklin, 2009). Widespread the symptom of the gig economy is not surprising. Modernization more and more telecommunications growing and utilization source power together (crowd sourcing) make a number of activity economy no need worker still a lot. Companies the as instead more choose hiring worker free or contract for activity production them realized or no law employment in Indonesia yet accommodate kind of industrial relations this (Bellace, 2018).

For a number of type job that requires Skills by professional, gig economy offers freedom in Thing time and place work with more income antalizing (Zhang et al., 2019). For example is consultant on various field, designer graphics, programmers, they could peg alone how many quantity wages or rates charged on Skills professional them. However, the condition different experienced by workers who do not need Skills professional. For example driver online transportation, work sort of this no have level career, growth skills, or give security financially (Wood et al., 2019). Workers in the gig economy type this Becomes susceptible experience exploitation by the company or provider work service.8The presence of the driver online transportation to something commonplace lately this. Form business service online transportation or term other is ride-sharing is draft merge update cooperation. Among company provider application service transport with individual owner vehicle in form partnership (Pangbourne et al., 2020). Application company provide digital service that brings together candidate passengers in need service transportation with owner vehicle. The ride-sharing industry in the era globalization is form shift pattern of owning resources (ownership private) to direction of sharing resources (ownership together) which allows one party in something community for coordinate so that could get , or share access party to the other (Kiesling, 2018).

At the end 2019 is marked with emergence of Corona Virus Disease 2019 (next called Covid-19), i.e kind of disease channel breathing found the first time in Wuhan City, China on December 31, 2019. This disease Becomes issue global health and later by the Worlds Health Organization (hereinafter called WHO) stated as a pandemic (Organization, 2008). Social distancing or restrictions social is one of the policy strategies in handling the Covid-19 pandemic that is implemented almost all over the world. Following other countries, in March 2020, the Government Indonesian too set social distancing policy, which is known with term Scalable Social Restrictions Big (next called PSBB) (Andriani, 2020).

Policy this oblige Public stop temporary variety activity in space public , and encourage they for To do activity the from distance far , or from their respective homes (Németh, 2012). However, no everyone can _ work with safe from house , one of them is driver online transportation . They no can so just work from home, work they require for To do journey

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to a number of location along day, where they relate close with amount big people. Not seldom they do too contact close with many custome, so potency driver online transportation exposed to the virus Becomes more big . Pandemic this make condition driver online transportation is available in difficult conditions and faced with two _ choice , fixed work with risk exposed to Covid-19, or stop work with risk no have income . In situation pandemic like on protection on right health for worker should Becomes priority main for entrepreneur . However in fact , owner ride-sharing app with excuse that connection law Among them and the driver online transportation is as partner , no offer protection health like like entrepreneur . On the other hand, the driver online transportation also tends no have insurance in the field health caused profession this usually have low wages , so have insurance not priority .

Driver online transportation also tends to be very vulnerable by financially, so for get treatment to doctors also become a burden separately (Pal et al., 2019) . Drivers _ This online transportation is also not have right paid leave , so it 's very small possibility for they take paid leave moment sick. Wrong one chapter in Indonesia 's constitution , namely the 1945 Constitution (hereinafter called the 1945 Constitution) which regulates about well-being general is Article 28H paragraph (1) which states : that everyone has the right life prosperous physically and mentally , located stay , and get environment good and healthy life _ as well as entitled get service health . If linked with right guarantee health , then the state should protect and guarantee implementation guarantee health for whole its citizens , including driver online transportation during a pandemic this including group vulnerable .

Based on background behind above , then formula problem that will discussed in article this is how connection law Among driver online transportation and owner ride-sharing app and relation with right guarantee health , as well how implementation protection law on right guarantee health driver online transportation in the city of Kediri. Research that discuss about connection law Among driver online transportation with owner ride-sharing application general enough many has done by researcher past , like Willy Farianto in his book Patterns of Legal Relations of the Giver Work and Worker , Relationship Work Partnerships and Agency in 2019. Research that by Willy Farianto emphasize the pattern connection law Among worker and giver working in Indonesia is one of them discuss about partnership driver online transportation with owner ride-sharing app .

Political law is one element important in a country for create policies in accordance development of the times. Destination from political law alone is for create a system desired law _ good by the government as well as by the community by wide. Wrong one form product political law is rules legislation. There is two form product political law , that is product law conservative that is regulation legislation established by the government in order to create a desired legal system _ government as well as make law as a tool of social engineering; second is product law responsive , material the load based on reality and the changes that occur in society .

Law No. 25 of 2007 concerning Investment is one of the regulation legislation in Indonesia . Law No. 25 of 2007 (hereinafter called as UUPM) regulates about investment or investment , a aspect starting economy develop in Public lately this (No, 25 C.E.). In writing this , author will discuss about political law by general and how UUPM can be categorized as as product political law.

METHODS

Method research used that is with use method descriptive normative that is with describe the data found in the field and analyze it for get true and accurate conclusions. Study this analyze up to the level description, that is analyze along with serve fact by systematic so that could more easy for understood and concluded.

RESULTS AND DISCUSSION

Connection partnership have definition different with connection work . Position as partner work Among driver online transportation and owner ride-sharing app appears from existence connection partnership. Definition partnership alone could found in Article 1 number 13 of the Law Number 20 of 2008 concerning Micro, Small and Medium Enterprises that is partnership is a form cooperation in mutual effort related, fine by direct nor no straight away. The principle that base it is each other requires, believes, reinforces, and benefits that involve perpetrator effort micro, small, and medium with effort big. So that in definition this, can considered that driver online transportation is perpetrator effort micro , small and medium scale , while owner ride-sharing app as businessman big. Relationship partnership this of course just different with connection work . Connection work according to Imam Soepomo is something connection Among a worker and a giver work so that in definition this no possible a worker have connection work with more from one giver work. Whereas beautiful Wijayanti think that what is meant with connection work is connection Among employers and workers based on agreement work. Agreement work this is what then Becomes base creation a Connection work (Bodó et al., 2018).

In a agreement work, according to Asri Wijayanti there is four element main that is work , wages , orders and time . Work means existence work object in accordance with deal Among workers and entrepreneurs. Element wages means existence reward in the form of money paid by the entrepreneur to workers. Element order means businessman as giver work could give the commands that related with work done by workers. Element the time in question is long worker To do the job given by the giver work.

Willy Farianto have different opinion, according to him time not element main from agreement work, the essence element main agreement work only orders, wages and jobs. Opinion this based on law Number 13 of 2003 concerning Employment that only limit time maximum work (eight hours a day for five days work and seven hours a day for six day work) so that not yet

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there is Settings more detail if there is working workers not enough from time above (part time). So that according to him, should time no need made element main agreement work, because if time Becomes element main, those who work not enough from provision time above (part time) can considered no as workers. Still according to Willy Farianto , three element main that is orders , wages and work here 's what 's not fulfilled in connection law Among driver online transportation and owner ride-sharing app.

CONCLUSION

Relationships owned by the driver online transportation and owner ride- sharing app is connection partnership . Partnership alone means a form cooperation in linkages effort , good direct nor no direct , above base principle each other requires , believes , reinforces , and benefits that involve perpetrator effort micro , small , and medium with effort big . So that in definition this , can considered that driver online transportation is perpetrator effort micro , small and medium scale , while owner country ride-sharing app as businessman big . Effect from connection partnership this make driver no get many right like workers in general like guarantee health and employment other. With absence obligation from owner ride- sharing app for Fulfill rights worker to driver online transportation , then obligation that must return to the state.

Country trying presenting system guarantee national through Constitution Number 40 of 2004 concerning System National Social Security (SJSN) which has destination for give certainty protection as well as well-being social for whole people Indonesia. Implementation system the held with the National Health Insurance Program (JKN) conducted by the Organizing Body Social Security (BPJS) which is a established institution _ based on Constitution Number 24 of 2011 concerning BPJS. where this BPJS consist on BPJS Health and BPJS Employment. Country indeed provide facility in the form of BPJS Health and BPJS Employment, however actually right on guarantee health driver online transportation borne by the driver that alone through paid premium by private . Though company provider ride- sharing app get profit from driver, but they no ensure right health the driver.

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