



## PT Gojek's Responsibility Towards Gocar Drivers Who Experience Work Accidents Based on Law Number 24 of 2011 Concerning the Employment Social Security Administration Agency

Peter Joshua Lumban Raja<sup>1</sup>, Besty Habeahan<sup>2\*</sup>, Sovia Febrina Tamaulina Simamora<sup>3</sup>

Fakultas Hukum, Universitas HKBP Nommensen Medan

**Corresponding Author:** Besty Habeahan [besty.habeahan@uhn.ac.id](mailto:besty.habeahan@uhn.ac.id)

### ARTICLE INFO

*Keywords:* Responsibility, Gocar Driver, Work Accidents

*Received :* 01 January 2025

*Revised :* 20 January 2025

*Accepted:* 24 February 2025

©2025 Raja, Habeahan, Simamora:

This is an open-access article distributed under the terms of the [Creative Commons Atribusi 4.0 Internasional](https://creativecommons.org/licenses/by/4.0/).



### ABSTRACT

The Social Security Organizing Body for Employment is a public program that provides protection for workers to address certain socio-economic risks, and its implementation uses a social insurance mechanism. The purpose of this research is to understand the responsibility of PT Gojek towards Gocar drivers who experience work-related accidents based on Law Number 24 of 2011 concerning the Social Security Organizing Body for Employment. Furthermore, this study aims to examine the mechanism used to file a BPJS Ketenagakerjaan (Social Security for Employment) claim for Gocar drivers who experience work accidents. The research method used in this study is juridical-normative legal research. The data collection method applied in this study involves library research, which includes gathering data from available legal materials in legal literature, regulations, legal journals, books, articles, scholarly opinions, legal cases, jurisprudence, dictionaries, bibliographies, theses, and other materials relevant to the research problem, within the scope of monodisciplinary research. The responsibility of PT Gojek towards Gocar drivers who experience work-related accidents is closely linked to the partnership relationship between Gojek and its drivers, which is not considered an employment relationship due to the absence of the elements of wages and orders.

## **INTRODUCTION**

Technology has advanced rapidly and become increasingly complex along with the changing times. The majority of people have benefited greatly from technological advances, especially with the introduction of the internet in the 1990s which has made life more comfortable and easier. Now there are many applications available to support people's activities, such as online transportation services, namely Gojek.

Because ordering is done through an application that is simply downloaded by smartphone users, the Gojek transportation phenomenon is currently being widely discussed. In order to answer the various needs of the community in the service sector, online transportation services such as Gojek are quickly loved by the public because of the ease of ordering through the application and the variety of alternative services available.

Gocar is one of the mainstay service services in the Gojek application that makes it easy for users to order private car-based vehicles through the Gojek application. The existence of Gocar aims to provide a quieter and safer transportation alternative compared to conventional public transportation, such as taxis or buses. Through the Gojek application, users can easily order Gocar, choosing the type of car according to their needs.

The legal relationship that occurs between Gojek Drivers and Gocar Drivers occurs when Gocar Drivers register on the Gojek application which is done using an online system. Partners understand that Gojek may ask partners to provide further documents or goods that have been stored by Gojek, based on its own policy. Partners must meet certain requirements during the validity of this agreement or a longer period determined by Gojek. These requirements include being an Indonesian citizen, being at least 18 years old and a maximum of 65 years old, checking the physical condition of the vehicle and its documents, having a Driving License (SIM) A, proof of the owner of the motor vehicle having a Police Record Certificate (SKCK), and asking the driver to pay a down payment (Top Up Balance) and save the deposit amount in the partner's registered account at a bank designated by Gojek. In practice, Gocar Drivers are part of the workforce and have the same partners as service providers who serve service users with Gocar. As a Partner, Gocar Driver Workers and the Gojek Company are not the same as the relationship between Workers and the Company. This is because the Gocar Driver Worker Relationship does not receive wages from the Gojek Company directly but rather receives costs/service fees from service users who use the Gojek application.

The relationship between the Gojek Company and Gocar drivers as partners. Service providers in terms of efforts to reduce the risk of accidents faced by Gocar drivers while driving, the Gojek company is required to provide convenience for drivers to register with insurance companies, such as BPJS Ketenagakerjaan. BPJS Ketenagakerjaan is prepared to develop and facilitate the registration of Gocar driver membership and payment of BPJS Ketenagakerjaan contributions.

Economic development that affects all national activities, especially the national economy in terms of increasing welfare and productivity, is highly

dependent on the workforce. The main force behind economic activity is the abundant workforce, which is a widely accessible resource. The workforce is defined as anyone who is able to work to produce goods and/or services to meet their personal and community needs, in accordance with Law Number 13 of 2003 which has been revised into Law Number 6 of 2023 concerning Job Creation. The government is very concerned about work safety and protection in terms of employment. In this case, the government wants to maintain and prioritize worker safety, as well as the protection of weak workers in general.

To ensure that workers' rights and obligations are properly fulfilled, the government requires companies to register their workers with BPJS Ketenagakerjaan for social security. This is in line with Law Number 24 of 2011 Article 5 Paragraph 1 concerning the Social Security Administering Body which expressly states that both workers and employers must register with BPJS Ketenagakerjaan. According to Government Regulation (PP) Number 86 of 2013, employers and workers who do not immediately register with BPJS Ketenagakerjaan will be subject to administrative sanctions. Written warnings, fines, and refusal of public services are examples of sanctions that can be applied. Based on Law Number 24 of 2011 concerning the Social Security Administering Body (BPJS) Ketenagakerjaan, BPJS Ketenagakerjaan is responsible for managing five types of programs: pension insurance, job loss insurance, old age insurance, death insurance, and work accident insurance programs. The Social Security Administering Body for Employment and the Social Security Administering Body for Health are two parts of the Social Security Administering Body Law. BPJS Kesehatan is a state-owned enterprise program that is directly tasked by the government to organize health care insurance for all Indonesian people, especially for civil servants, pension recipients of State Civil Apparatus (ASN) and TNI/POLRI, Veterans, Independence Pioneers and their families and other business entities or ordinary people.

The Employment Social Security Agency is a public government program that uses a social insurance system to protect workers from certain socio-economic hazards. The purpose of employment social security is to protect workers from socio-economic hazards that arise when they do their jobs, such as work accidents, illness, old age, or death. Article 87 of the Employment Law paragraph (1) contains additional regulations related to occupational safety and health. "Every company is required to implement an occupational safety and health management system that is integrated with the company's management system".

The occurrence of work accidents to Gocar driver workers is a problem for the continuity of a company, and the continuity of the Driver himself. Work accidents often occur in the work environment and are one of the problems often experienced by Gocar Driver workers, factors that cause work accidents can come from the behavior of the driver worker or the conditions of the work environment. Work accidents can be interpreted as incidents related to work activities, including diseases that arise due to work relations, even when working outside working hours, work accidents are a risk that must be faced by Gocar Online Driver workers in doing their jobs.

Gocar drivers have the right and are required to participate in the Work Accident Insurance and Death Insurance programs. The benefits provided by BPJS Ketenagakerjaan include medical care costs, disability benefits and death benefits for heirs. The welfare of Gocar drivers related to insurance and work accident insurance, both of which have not been met, is a current issue. If this can be met, it will clearly improve the welfare of the community and Gocar drivers. Because of this, health insurance and insurance for Gocar drivers are more guaranteed and there is a Gojek Company Responsibility to Gocar Driver partners. Based on the background above, it is important to discuss further how PT Gojek's Responsibility to Gocar Drivers Who Experience Work Accidents Based on Law Number 24 of 2011 concerning the Employment Social Security Administration Agency and the Mechanism for submitting BPJS Ketenagakerjaan claims for work accidents to Gocar Drivers Who Experience Work Accidents.

## **LITERATURE REVIEW**

### **General Overview**

#### **1. General Overview of Responsibility**

According to the Great Dictionary of the Indonesian Language, responsibility is a state of being obliged to bear everything. Therefore, responsibility is the obligation to accept responsibility, bear everything, and be obliged to accept the consequences.

According to Gary Dessler, responsibility is a concept that refers to the obligation of an individual or group to carry out certain actions and be accountable for the results of those actions. Responsibility includes moral, social, and legal aspects, where individuals are expected to fulfill the obligations that have been set and are ready to accept the consequences of the actions taken.

Meanwhile, according to Pinto, liability refers to the consequences that arise due to failure to meet certain standards, where the form of responsibility is in the form of compensation and transfer arising from damage or loss that occurs. Thus, responsibility in the meaning of liability is legal responsibility. It can be concluded that Responsibility is an individual's actions or behavior, whether intentional or unintentional, so that it will raise awareness in individuals to be aware of their obligations.

#### **2. Overview of Drivers and Gocar Drivers**

A driver in English is a driver or commonly called a driver is an individual or person who operates or drives a vehicle to deliver passengers or goods. According to the Big Indonesian Dictionary (KBBI), a driver is a person who operates a motorized vehicle, either two-wheeled or four-wheeled. In carrying out their duties, a driver must have good driving skills, knowledge of routes, and the ability to communicate with passengers professionally. In addition, they also need to keep the vehicle in good condition and always comply with applicable traffic regulations. To become a driver, there are some mandatory requirements, one of which is having a SIM or Driving License.

One type of driver profession that is growing rapidly in Indonesia is the Gocar driver, which is an application-based transportation service provided by

Gojek. Gocar is a car transportation service that can be ordered through the Gojek application which is different from other Gojek services, such as GoRide which uses two-wheeled vehicles, where users can use cars at more affordable prices than traditional and flexible transportation. Since its launch, Gocar has attracted a lot of attention because of its convenience, as well as the opportunity for anyone to become a driver with certain terms and conditions. To become a Gocar driver, a person must meet several criteria determined by the company, such as having a vehicle of a certain age, as well as having a valid driver's license and meeting safety requirements. In addition, Gocar drivers must also take training organized by Gojek related to service standards, driving ethics, and basic knowledge of the Gojek application itself. To become a Gocar driver, a person must meet several terms and qualifications, including:

- 1) Aged 18 - 65 years
- 2) Have an active/valid E-KTP or KTP receipt from Disdukcapil
- 3) Have an active SIM A, B1, D2, or A Umum
- 4) Have a passenger car with a minimum capacity of 1000 cc and a minimum vehicle year of 2010
- 5) Have an active/valid STNK, with a maximum year of manufacture of 8 years, and active vehicle tax
- 6) Have a Police Record Certificate (SKCK)
- 7) Have an Android smartphone
- 8) Have an e-mail with the Gmail domain

### **3. General Overview of Work Accidents**

In Government Regulation Number 44 of 2011 concerning the Implementation of the Accident Insurance Program, Work Accidents are defined as an accident that occurs in an employment relationship including illness due to employment relationships, as well as work accidents that occur on the way to work from home to the workplace and back from via the usual road or route that is usually taken. Based on this understanding, it can be seen that a work accident is defined as an event that occurs in the workplace that causes someone to experience physical injury, either minor or serious, or even death, so that it is considered a work accident.

There are 3 (three) categories of work accidents, namely:

- a) The first category, which has a limited definition of work accidents, only includes accidents that occur in the company environment.
- b) The second category, which means accidents that do not only occur in the company, but also include diseases that arise due to work interactions in the company where you work.
- c) The third category, which provides a broad and comprehensive definition of work accidents, namely the types of accidents that include the first and second categories as well as accidents (traffic) that occur when going to and from work, via the usual route.

## **METHODOLOGY**

The type of research method used is Normative Juridical Law research. The data collection method used in this study is data collection carried out through library research, namely data collection from legal materials available in legal literature, laws and regulations, legal journals, books, articles, legal journals, opinions of scholars, legal cases, jurisprudence, dictionaries, bibliographies, legal theses, and those related to research problems, in the deepest scope of monodisciplinary research. In this study, the type of data needed is secondary data. Secondary data is legal material that provides an explanation of primary legal materials such as Manuscripts, Academics, Draft Laws, research results of legal experts and so on. Secondary data comes from, among others, primary legal sources, secondary legal sources, tertiary legal sources. The data analysis used in this study is qualitative data analysis by conducting observations of the data obtained and connecting each data obtained with the provisions and legal principles related to the problems studied with inductive logic, namely thinking from specific things to more general things. By using normative methods, namely including legal construction and interpretation and then analyzed using qualitative so that conclusions can be drawn with deductive methods that produce general conclusions regarding the problems and objectives of the study.

## **RESEARCH RESULT**

### **PT Gojek's Responsibility for Gocar Drivers Who Experience Work Accidents Based on Law Number 24 of 2011 Concerning the Social Security Administration for Employment**

According to the Law, responsibility is a result of the consequences of a person's freedom regarding actions related to ethics and morals in carrying out an action. In the Civil Code, responsibility is in the form of a person's responsibility for unlawful actions. Unlawful acts have a more comprehensive scope compared to criminal acts. The provisions of the law on unlawful acts aim to protect and provide compensation to those who are harmed. Based on civil law, the basis of responsibility is divided into two (2) types, namely fault and risk, thus known as liability based on fault (habilyty without based on fault) and liability without known fault (habilyty without fault) which is known as risk liability or absolute liability (strict liability). Based on the basic principle of fault, it means that a person must bear the responsibility that causes harm to others. While the principle of risk responsibility is that the plaintiff's customers are no longer required but the defendant producer is directly responsible as a result of his business. In the Civil Code, responsibility is related to a person's behavior towards unlawful acts. Unlawful acts have a wider scope than criminal acts. The provisions of the law on unlawful acts aim to provide protection and provide compensation to those who are harmed.

Every obligation is a responsibility for every company in supporting and fulfilling every right of its workers. One of them is a very important responsibility, namely the company's responsibility for every work accident of its workers that occurs while working which will have a bad impact not only on its workers but also on the company. This responsibility is not only related to losses due to work accidents but also pays attention to the work safety of a

company's workers if a work accident occurs that can result in disability or even death, therefore the company's responsibility must be confirmed by providing social security.

PT Gojek's Responsibility for Gocar Drivers Who Experience Work Accidents is inseparable from the relationship between the Gojek company and its Drivers who have a partnership relationship because the elements in the employment relationship are not fulfilled because there are no elements of wages and orders so that the provisions of the Relationship between Gojek Drivers and Gojek are based on a partnership relationship or agreement, referring to the cooperation established between the two parties to support each other and achieve mutually beneficial common goals. In the Job Creation Law Number 11 of 2020 in Article 56 Paragraph (1) it states that: "Employment agreements are made for a certain period of time or for an indefinite period of time." This is not included in the employment agreement for a certain period of time or for an indefinite period of time, this is because ojol does not have a time period in carrying out their work. Gocar drivers are free to carry out their work at any time, even though they have worked for more than 5 years, this is because the work done by the driver is not an element of orders, but a business partner that is mutually beneficial to both parties. Unlike employees where employees have a certain time limit in doing their work. Therefore, the Job Creation Law Number 11 of 2020 concerning Job Creation does not apply to partners.

Which partnership relationship is a legal arrangement based on a partnership agreement where the parties have an equal or comparable position, this is also stated in Article 1 number 13 of Law Number 20 of 2008 concerning Micro, Small, and Medium Enterprises stating "Partnership is cooperation in business relations, either directly or indirectly, based on the principle of mutual need, trust, strengthening, and benefit involving Micro, Small, and Medium Enterprises with Large Enterprises" Partnership participants have the same legal standing in addition to being based on the concept of mutual need, trust, strengthening, and benefit that has been mentioned previously.

Although the Gojek company with Gocar drivers is only a partnership relationship, the Gojek company has a form of Responsibility to drivers (partners) by providing an alternative in the form of insurance. The Gojek company provides responsibility to its partners by means of the Gojek company collaborating with several insurance companies such as the Employment Social Security Administration Agency, PT Asuransi Allianz Utama Indonesia (Allianz Utama), and PasarPolis.

Gojek Company has been collaborating with BPJS Ketenagakerjaan since November 17, 2017. This collaboration aims to provide social security protection against the impact/consequences of work accidents and death with low contributions for Gocar Drivers as their work partners. Through the Work Accident and Death Insurance program, Gocar drivers are given the convenience of registering and paying BPJS Ketenagakerjaan social security contributions. Payment of these contributions can be made through Bank Mandiri, Mandiri Online services, SMS Banking and Go-Pay, or these contributions can also be paid by debiting the deposit balance in the Gocar Driver account. Gocar drivers are

required to pay contributions of sixteen thousand eight hundred rupiah (Rp16,800,-) per month to BPJS Ketenagakerjaan. The contribution consists of ten thousand rupiah (Rp10,000,-) per month for the work accident insurance program and six thousand eight hundred rupiah (Rp6,800,-) for the death insurance program. Gocar Drivers in BPJS are classified as Non-Wage Recipient Workers (BPU), namely independent workers. This is because the relationship is limited to partnerships, unlike formal workers. BPJS Ketenagakerjaan, there are four different categories of membership, including Non-Wage Recipients (BPU). This term refers to individuals who independently run a business or carry out economic activities to earn income.

When a Gocar driver has an accident while driving as a driver, the driver is entitled to receive health insurance and/or treatment based on a doctor's assessment of his/her medical needs. In addition, if the Gocar driver becomes permanently disabled, the driver will also receive assistance in the form of:

- a. cash worth 56 times (56x) wages; and
- b. temporary disability benefits of 100% of wages for the first 12 months, then 50% of wages in the 13th month until recovered.

If a participant dies due to a work accident or illness caused by the work environment, the participant's heirs will receive/receive cash according to the following details:

- a) death benefit of 48x (48 times) wages; and
- b) maximum scholarship benefits of IDR 174 million for two children.
- c) Death Benefit

Complete Benefits of Work Accident Insurance as follows:

#### 1. Health Services

Health Services are provided according to medical needs which include:

- a. Basic examination and supporting examination;
- b. First and advanced level care;
- c. Class I hospitalization in government hospitals, regional government hospitals, or equivalent private hospitals;
- d. Intensive care;
- e. Diagnostic support;
- f. Handling, including comorbidities and complications related to work accidents and work-related diseases;
- g. Special services;
- h. Medical devices and implants;
- i. Doctor or medical personnel services;
- j. Surgery;
- k. Blood transfusion services;
- l. Medical rehabilitation;
- m. Home care is provided with the following provisions:
  - 1) Given to participants who cannot continue treatment at the hospital due to physical limitations and/or geographical conditions;
  - 2) Based on a doctor's recommendation;



- 3) Implemented by health facilities in collaboration with BPJS Ketenagakerjaan;
  - 4) Maximum given 1 (one) year with a maximum cost limit of Rp. 20,000,000.00 (twenty million rupiah).
- n. Diagnostic examination in resolving cases of occupational diseases.
2. Compensation in the form of money includes:
- a. Reimbursement of transportation costs with details:
    - 1) Land, river or lake transportation maximum of Rp. 5,000,000.00 (five million rupiah);
    - 2) Sea transportation maximum of Rp. 2,000,000.00 (two million rupiah);
    - 3) Air transportation maximum of Rp. 10,000,000.00; and
    - 4) If using more than 1 (one) transportation so that they are entitled to the most costs from each transportation used.
  - b. The following is information related to Temporary Disability Compensation (STMB):
    - 1) In the first six (6) months, 100% (one hundred percent) of wages is given;
    - 2) In the second six (6) months, 100% (one hundred percent) of wages is given;
    - 3) In the third six (6) months and so on, 50% (fifty percent) of wages is given.
  - c. Compensation for the disabled, including:
    - 1) Partial anatomical disability based on disability table x 80 x monthly wages;
    - 2) Partial functional disability, reduced function based on disability table x 80 x monthly wages;
    - 3) Permanent disability of 70% x 80 x monthly wages.
  - d. The amount of death benefit is 60% x 80 x monthly wages, with a minimum amount according to the JKM death benefit.
  - e. Burial/funeral costs of Rp. 10,000,000.00.
  - f. If a participant dies or becomes permanently disabled due to illness or a work accident, they will receive periodic benefits; the total amount given in one go is twelve million rupiah (Rp. 12,000,000,-).
  - g. Rehabilitation includes assistive devices (orthoses) and/or replacement devices (protheses) for participants whose limbs are lost or not functioning due to a Work Accident for each case with a price benchmark set by the Government General Hospital Rehabilitation Center plus forty percent (40%) of the price and medical rehabilitation costs.
  - h. Replacement of dentures costs of a maximum of five million rupiah (Rp. 5,000,000.00).
  - i. Hearing aid replacement of maximum two million five hundred thousand rupiah (Rp. 2,500,000.00).
  - j. Replacement for eyeglass costs of maximum one million rupiah (Rp. 1,000,000.00).

Death Benefit (JKM) is a protection program that provides money to heirs if the participant dies without being involved in a work accident. The total value of benefits to be received consists of Rp. 42 million paid once for 24 months in the form of periodic compensation, funeral costs, and death benefits. In addition, scholarships for heirs of BPU program participants are provided for a maximum of Rp. 174 million for two children.

If the participant dies during the active participation period, JKM benefits will be provided which include:

- a) Death compensation of twenty million rupiah (Rp. 20,000,000.00);
- b) Periodic compensation paid at once of twelve million rupiah (Rp. 12,000,000.00);
- c) Funeral costs of ten million rupiah (Rp. 10,000,000.00); and
- d) Scholarships for a maximum of 2 (two) children of participants and are given if the participant has had a minimum contribution period of 3 (three) years and dies not due to a work accident or illness due to the following provisions:
  1. Given periodically every year according to the child's education level with the following details:
    - 1) For Kindergarten Education (TK) of Rp. 1,500,000.00 per person per year, with a maximum limit of two (2) years;
    - 2) For Elementary School Education (SD) or equivalent of Rp. 1,500,000.00 per person per year, with a maximum limit of six (6) years;
    - 3) For Junior High School Education (SMP) or equivalent of Rp. 2,000,000.00 per person per year, maximum three (3) years;
    - 4) For Senior High School (SMA) or equivalent education, Rp. 3,000,000.00 per person per year, maximum three (3) years;
    - 5) For higher education, a maximum of Strata 1 (S1) or training, Rp. 12,000,000.00/person/year, maximum 5 (five) years.
  2. Every year, scholarship claims are submitted.
  3. If a participant dies or suffers from total permanent disability, the scholarship is awarded to the participant's child who has not reached elementary school age.
  4. The scholarship ends when the participant's child is twenty-three (23) years old, married or working.

Gojek Company has Collaborated with Allianz (supported by Pasar Polis). Gojek has collaborated with Allianz Indonesia since October 7, 2020. This collaboration is carried out through PasarPolis to provide health insurance whose premiums can be paid using GoPay. Gopay is a service available on the GoJek application in the form of a payment tool from Gojek Credit. Gopay is the new name for Gojek credit. From here, Gojek users can use the credit they have to make payments. Several banks including Permata Bank, Bank Central Asia (BCA), Mandiri, Bank Negara Indonesia (BNI), Permata Bank, CIMB Niaga, Danamon, Bank Panin, Bank BTN, and Bank BRI can now top up using the Gopay service. Other top up options can also use minimarkets such as Indomaret. In addition, PT Asuransi Allianz Utama Indonesia (Allianz Utama) also collaborates

with PasarPolis which provides easy insurance options through the Gojek application.

This collaboration provides HP/mobile phone screen insurance products and Car Protection on the GoSure service in the Gojek application. Product premium payments are made easier with GoPay. Total loss and comprehensive protection are offered by car protection solutions, and options to expand protection can be customized to meet customer demand in terms of maintaining their vehicles. Regarding mobile phone screen insurance, the increasing use of these devices in today's digital age requires a more comprehensive level of protection. For six or twelve months, with premiums starting at IDR 20,000, mobile phone screen insurance offers protection of up to IDR 10 million against damage to the mobile phone screen. Through this partnership, GoSure in the Gojek ecosystem, together with Allianz Utama and PasarPolis, can also answer the needs of customers who want more security on their chosen mobile devices.

For Gocar drivers, PT Asuransi Allianz Life Indonesia has provided health and life insurance policies. A policy of IDR 2,300 per day per individual is available from Allianz Life. This premium includes death benefits, ICU room facilities, inpatient and outpatient care, and death benefits. The health insurance coverage available to Gojek drivers varies from IDR 2.4 million for outpatient and dental care related to accidents to IDR 200,000 for inpatient care. While each person gets a death benefit of IDR 3 million. The claim submission process is GOJEK Company will verify the chronology of events as part of the claim submission process. To conduct a post-mortem and make a police report, GOJEK works with the Task Force. Furthermore, GOJEK will contact you by phone or email to provide details about the requirements and documents needed for the compensation claim procedure. Monday, Wednesday, and Thursday are three (three) times a week the compensation claim procedure will be planned. Within seven working days after the party receives the documents, the compensation will be deposited into your account.

PasarPolis has been working with Gojek since 2017 to present Asuransi PerjalananAman+, Asuransi PerjalananAman+ is insurance provided by Gojek to protect its partners, one of which is GoCar drivers. This insurance is valid from the time the driver partner picks up the customer until the delivery is complete. The scope of protection is to provide protection for driver partners and during the trip using the Gocar service. This protection covers accidents that can result in injury, permanent disability, or death. Details of the benefits and amount of coverage received are as follows:

- 1) Medical expenses related to accidents The Aman Travel Guarantee+ will cover medical expenses if the insured is injured during the trip and requires hospitalization or medical treatment; the insurance party will pay insurance benefits of IDR 35,000,000 for each incident.
- 2) Permanent Disability As a Aman Travel Guarantee+ is given if the driver has an accident that results in the loss of a part of his body which has been permanently disabled by medical personnel and cannot be used again. The maximum insurance value is IDR 350,000,000.

- 3) Death due to accident. The insurance company will pay insurance payments of IDR 350,000,000 for each incident if the insured has an accident during the trip that results in instant death.
- 4) Theft or robbery resulting in the loss of personal belongings. If the insured loses his/her personal belongings while traveling due to robbery or theft, the insurance company will pay insurance benefits of IDR 1,000,000.
- 5) Funeral payment costs, If a traffic accident occurs during the trip that causes the insured to die immediately, the insurance company will replace the funeral costs of the heirs by paying insurance benefits of IDR 1,000,000.
- 6) Hospitalization benefits (IDR 100,000 per 5 days), The insurer will pay IDR 100,000 per day, up to IDR 500,000 for 5 (five) consecutive days, if the insured is hospitalized during the trip according to the doctor's advice due to an accident.

Claim submission can be done by filling out the claim submission form on the online form via the link <https://policies.pasarpolis.io/> and by completing complete documents or supporting evidence for each incident that you need to prepare before submitting an insurance claim:

1. Death due to Accident:
  - a) Identity Card or KTP
  - b) Death certificate from the authorized agency
  - c) KTP or heir's identity
  - d) Family Card
  - e) Police Report (BAP) if the incident was caused by an accident
  - f) Death certificate from the hospital (if died in hospital)
  - g) Supporting medical documents - X-Ray, MRI, Lab Results (if any)
2. Permanent Disability:
  - a) Resident Identity Card (KTP) or Identity Card
  - b) Resume/medical record
  - c) Police Report (BAP) if the incident was caused by an accident
  - d) Supporting health documents - X-Ray, MRI, Lab Results (if any)
3. Medical Expenses:
  - a) Resident Identity Card (KTP) or Identity Card
  - b) Record or medical records
  - c) Details of hospital or alternative treatment costs/receipts
  - d) Supporting medical documents - X-Ray, MRI, Lab Results (if any)
  - e) Traditional Medicine Certification
4. Loss of Personal Items due to Theft/Robbery:
  - a) Identity Card or KTP
  - b) Evidence of Police Report
  - c) Photo evidence of physical violence
5. Hospitalization Benefits:
  - a. Resident Identity Card (KTP) or Identity Card
  - b. Resume or Medical Records
  - c. Letter of discharge from the hospital stating the number of days of hospitalization

Safe Travel+ claim requests regarding accidents must be reported a maximum of 30 days after the accident. Documents required for claims must be completed within a maximum of 45 days after the claim is first submitted. Gojek continues to strive to provide training and assistance for driver partners. For more information, you can contact the available PasaPolis contacts (Monday-Friday, 08.00 - 21.00 WIB), Whatsapp: +62 818-343494, Email: cs@ppibroker.com.

Mechanisms used to file BPJS Employment claims for work accidents against Gocar Drivers who Experience Work Accidents

Gocar drivers have the right to claim BPJS Employment as their own protection. Gocar drivers can find out the mechanisms used to claim BPJS Employment starting from registering themselves or by coming directly to the BPJS Employment branch office. You can register through the official link resulting from the collaboration between BPJS Ketenagakerjaan and Gojek Company, namely <https://www.bpjsketenagakerjaan.go.id/bpu/gojek> with the following registration steps:

1. Click I Agree after reading the BPU Registration Terms & Conditions and selecting the type of Non-Wage Recipient (BPU) participation.
2. Complete personal information according to the existing columns: Full name NIK, Date of Birth, Address according to KTP and Postal Code, then press Next.
3. Select the Program (click JKM, JKK, and JHT), the minimum amount of monthly contributions, the period of contribution payments (according to the individual), and the branch office according to domicile. Then, click next.
4. Next, complete information about work; starting from the place of work, type of gocar partner work (the first), and other types of work (if any). Then, press the next button.
5. Enter the Email address connected to Gojek
6. Click Next after entering the cellphone number (linked to Gojek).
7. Enter the OTP code sent to your mobile number in the column provided, then click Next.
8. Review all the personal information that has been filled in, then pay the contribution according to the nominal amount listed. Payment can be made at a bank teller or ATM, Indomaret or Alfa group store, and Tokopedia.

Then Gocar drivers can find out the mechanism for submitting BPJS Employment claims for Work Accident Insurance and Death Insurance, namely that Work Accident Insurance has the following requirements:

- a. Form 3 (Stage I accident report)
- b. Form 3 a (Stage II accident report)
- c. Form 3 b (Stage III accident report)
- d. BPJS Employment Card
- e. E-KTP
- f. Series of accident events + Photocopy of e-KTP 2 witnesses
- g. Police report if an accident

- h. Proof of Treatment and Care
- i. Letter of outside duty or overtime (if the incident occurs outside working hours)
- j. Photocopy/copy of attendance (if the accident case occurs during working hours)
- k. Savings Book

Work Accident Insurance Claim Documents, namely BPJAMSOSTEK participant card, Electronic Identity Card (E-KTP), Chronology of Work Accident Events, Attendance of participants who experience work accidents, Stage I Form (submitted to the branch office or PLKK a maximum of 2x24 hours), Stage II Form, Certificate the treating doctor (Form 3b KK3), as well as proof/receipt of the costs ordered at the time of the accident, Payment of medical expenses and/or maintenance of the health service facilities employed has not yet collaborated.

The following is a detailed explanation of the Work Accident Insurance claim mechanism in the event of a work accident, participants must fill out the BPJS Employment F3 form (JKK Phase I) and submit it to BPJS Employment within 2x24 hours after the accident occurs. JKK Phase I can be notified by telephone, email with news of the accident chronology or form F.3 (KK.1), or by coming directly to the Company/Agency/Participant's local representative office. Officers must submit all required documents within a maximum of 7 (seven) working days after the incident occurs. BPJS Employment F3 form (KK 1), copy or photocopy of participant card (KPJ) and KTP, and accident chronology that has been signed by witnesses and approved by the local government are administrative completeness. The participant's name, participant number, location of the accident, time and date of the accident, and chronology of the accident must be included in the incident report. Participants must fill out Form F3a (stage II accident report) and submit it to BPJS Ketenagakerjaan along with other administrative documents no later than 2X24 hours after the treating doctor determines that the worker has recovered or died. In addition, the rights of workers or heirs to work accident compensation will be calculated and paid by BPJS Ketenagakerjaan.

Submission for payment of guarantees (JKK Stage II) must be accompanied by various administrations, as follows: BPJS Ketenagakerjaan Form F3a (KK 2), a certificate from the treating doctor in the form of BPJS Ketenagakerjaan Form F3b or F3c, Original proof of payment for medical and treatment costs and details, a certificate of rest from the doctor; and, Other receipts such as order costs.

In the case of workers who die due to work accidents, heirs are required to complete the required supporting documents: Original BPJS Ketenagakerjaan Participant Card, Visum et repertum from the authorized agency (Hospital), Original death certificate from the authorized agency, Certificate of heirs from the local area, photocopy of family card, photocopy of heir's ID card, photocopy of marriage certificate if married or marriage certificate, photocopy of birth certificate if not married. For verification, all valid files must be shown. Accidents at work must be reported to BPJS Ketenagakerjaan within two times 24 hours,

including the time of the incident. Work accidents can be reported on the next working day if the deadline falls on a national holiday or working day. . Officers from the company or agency or participants fill in all JKK Phase II files if the participant's condition has recovered without disability, recovered with disability, or died. Participants must be able to continue their activities after completing medical therapy and other treatments, and victims of work accidents must no longer feel pain in order to be considered cured. The time span of less than six months to two years after completion of healing can be used to calculate the proportion of anatomical errors in the orthopedic field. For a maximum of 6 months to 2 years until the wound heals and all existing therapies, until medical rehabilitation has been completed, then the percentage of functional disability in the orthopedic field can be calculated. If all documents are complete and meet the related criteria and provisions, BPJS Ketenagakerjaan will complete the JKK payment process. If the participant does not complete the JKK I process and the accident is not related to a work accident, BPJS Ketenagakerjaan will reject the JKK II claim.

The mechanism for submitting a Death Benefit Claim is as follows:

- a) BPJS Employment participant card
- b) Identity documents such as Passport, KTP, or other proof of identity of Prospective Indonesian Migrant Workers or Indonesian Migrant Workers, resident card or other proof of identity of the heirs
- c) KTP or other identity documents of the heirs
- d) death certificate issued by an authorized agency or official
- e) death certificate issued by the Representative of the Republic of Indonesia or KDEI, or a lost certificate from the Representative of the Republic of Indonesia/KDEI
- f) certificate of official heir from an authorized official
- g) registered savings account containing the name of the legitimate heir

Death Documents as follows:

- a. BPJS Employment participant card
- b. copy/photocopy of e-KTP of the worker and heirs
- c. death letter/certificate
- d. photocopy of family card
- e. certificate of heir from an authorized official
- f. marriage certificate (if the heir is the participant's legal wife/husband)
- g. other supporting documents if necessary.

## **CONCLUSIONS AND RECOMMENDATIONS**

Due to the unfulfilled elements of the employment relationship due to the absence of elements of wages and order, the provisions of the relationship between Gojek drivers and Gojek are automatically based on a partnership or agreement, namely cooperation established between the two parties to support each other and achieve mutually beneficial common goals. As a result, PT Gojek's responsibility towards Gocar drivers who experience work accidents cannot be separated from the relationship between the Gojek company and its drivers who

have a partnership relationship. GoCar drivers can understand how to file a BPJS Employment claim for Work Accident Insurance and Death Insurance, where for Work Accident Insurance there are provisions, namely

- a. form 3 (Phase I Accident Report)
- b. form 3 a (Phase II Accident Report)
- c. form 3 b (Phase III Accident Report)
- d. BPJS Employment card
- e. e-KTP
- f. accident event + Photocopy of e-KTP 2 witnesses
- g. police report if an accident
- h. proof of Treatment and Care
- i. overtime or outside work order letter (if the incident occurs outside working hours)
- j. copy/photocopy of attendance (if the accident case occurs during working hours)
- k. Savings book

Documents to claim work accident insurance include BPJAMSOSTEK participant card, Electronic Identity Card (E-KTP), Chronology of Work Accident Events, Attendance list of participants who experienced work accidents, Stage I Form (submitted to the branch office or PLKK a maximum of 2x24 hours), Stage II Form, Letter statement from the examining or treating doctor and/or advisory doctor (Form 3b KK3), Receipt for costs incurred at the time of the accident, and receipt for medical and/or treatment costs if the health service facility used does not yet have a partnership.

### **ADVANCED RESEARCH**

In writing this journal, the author realizes that there are still many shortcomings in terms of writing, language, and form of presentation considering the limitations of the author's own knowledge and abilities. Therefore, for the sake of the perfection of this writing, the author expects constructive criticism and suggestions from various parties, and the Gojek company should expand the additional insurance program with wider coverage and a simpler claim process. Socialization regarding the rights and mechanisms of BPJS Ketenagakerjaan claims also needs to be strengthened so that GoCar drivers understand the procedures that must be carried out if they experience a work accident.



## REFERENCES

Albi Anggito dan Johan Setiawan, S.pd, *Metodelogi Penelitian Kualitatif*, Jawa Barat, CV Jejak, 2018, hal 9.

Ashar Maulana Religia, *Permasalahan Hukum Tanggung Jawab Sosial Perusahaan (Corporate Social Responsibility) di Indonesia*, University of Bengkulu Law Journal, Vol. 4 No. 2, oktober 2019, hal 134

Aufima, Zidna. "*Jaminan Keselamatan Kerja Bagi Pengemudi Go-Jek Di Surabaya.*" *Yurispruden: Jurnal Fakultas Hukum Universitas Islam Malang* 2.1 (2019): 1-15.

Burhan Ashofa, *Metode Penelitian Hukum*, (Jakarta: PT Rineka Cipta, 1996), hal 20-22

Febiola, S., & Sitabuana, T. H. *Analisis Perlindungan Hukum Ketenagakerjaan Terhadap Pekerja / Buruh di Indonesia. Serina IV UNTAR* 2022, 535-542.

Gary Dessler. "*Manajemen Sumber Daya Manusia.*" Edisi terbaru. Jakarta: Salemba Empat, 2016, hal 5

Gojek, *Perjanjian Kemitraan, Pasal 7, Dokumen Perjanjian Kemitraan 1 Mei 2023*

<https://disnakertrans.ntbprov.go.id/hak-hak-perusahaan-dan-karyawan-dalam-undang-undang-ketenagakerjaan/>

<https://keuangan.kontan.co.id/news/driver-gojek-ternyata-sudah-dilindungi-asuransi-allianz>

<https://sdm.unmuhbabel.ac.id/wp-content/uploads/2022/12/FORM-JKK-LENGKAP.pdf>

<https://www.allianz.co.id/tentang-kami/berita-perusahaan/rilis-media/2020/2020-agustus/bekerja-sama-dengan-pasarpolis-allianz-indonesia-permudah-akses-perlindungan-asuransi-melalui-aplikasi-gojek.html>

<https://www.bpjsketenagakerjaan.go.id/artikel/17374/artikel-manfaat-perlindungan-bpjs-ketenagakerjaan-untuk-mitra-ojol.bpjs>

<https://www.bpjsketenagakerjaan.go.id/bukan-penerima-upah.html>

<https://www.bpjsketenagakerjaan.go.id/cara-klaim.html>

<https://www.gojek.com/blog/gocar/cara-daftar-go-car>

<https://www.gojek.com/blog/gojek/go-jek-dan-bpjs-ketenagakerjaan-manado>

<https://www.gojek.com/id-id/help/gocar/asuransi-perjalananaman-goride-dan-gocar>

<https://www.gojek.com/id-id/help/gocar/cara-klaim-perjalanan-aman>

Juanda, Hukum Pemerintahan Daerah: Pasang Surut Hubungan Antara DPRD dan Kepala Daerah, Bandung: Alumni, 2004, hlm. 105-106.

Komariah, *Edisi Revisi Hukum Perdata* (Penerbit, UMM Press (Universitas Muhammadiyah Malang), 2001, hal 12

Nathalia, H. B., & Irwansyah. *Aplikasi Transportasi Online GO-JEK Bentuk dari Konstruksi Sosial Teknologi dalam Media Baru. Media Tor*, 2018, Hal.227-235.

Nur Romadhon, "*Dampak Ojek Online Terhadap Kesejahteraan Sosial (Studi Kasus Pada Komunitas Independen Grab Di Yogyakarta)*" , Fakultas Dakwah dan Komunikasi, UIN Sunan Kalijaga, 2018, Yogyakarta.

Rahayu Devi, *Hukum Ketenagakerjaan*, Scopindo Media Pustaka: Jakarta, 2020, Hal. 67

Sandu Siyoto dan M. Ali Sodik, *Dasar Metodologi Penelitian*, (Yogyakarta: Literasi Media Publishing, 2015), hal.68

Soekidjo Notoatmojo, *Etika dan Hukum Kesehatan*. (Penerbit, Ghalia Indonesi, Jakarta), 2010, hal 38

tim Visi Yustisia, *Memperoleh Jaminan Sosial Dari BPJS*, cet. 1, (Jakarta: Transmedia Pustaka, 2014), hal. 8.

Undang-Undang Cipta Kerja Nomor 11 Tahun 2020

Undang-Undang No. 24 Tahun 2011 Tentang Badan Penyelenggara Jaminan Sosial Ketenagakerjaan

Undang-Undang Nomor 20 Tahun 2008 tentang Usaha Mikro, Kecil, dan Menengah