

Analysis of Legal Certainty of Motorcycle Taxi Business Licensing in the National Transportation Business Classification and Regulatory System

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Abstract

This study analyzes the legal certainty of motorcycle taxi business licensing in the KBLI 49424 business classification and its relationship with the national transportation regulatory system. The study uses a normative juridical method with a statutory and conceptual approach, through an analysis of the 1945 Constitution, Law Number 22 of 2009 concerning Road Traffic and Transportation, the Job Creation Law, the Government Regulation on risk-based business licensing, KBLI 49424, Ministerial Regulation of Transportation Number 23 of 2018, Ministerial Regulation of Transportation Number 12 of 2019, and the SPIONAM regulation. The results of the study indicate that motorcycle taxi businesses have been administratively recognized in the OSS-RBA system through KBLI 49424, but this recognition has not been followed by a sectoral operational licensing mechanism in the transportation sector. SPIONAM as a transportation licensing system also does not accommodate motorcycle taxis as a separate operational permit object. This situation creates a lack of synchronization between business legality in the OSS and operational legality in transportation regulations, resulting in a partial normative vacuum that weakens legal certainty, state oversight, consumer protection, and protection for business actors. Therefore, reintegration of regulations between the OSS, SPIONAM, and national transportation regulations is necessary to ensure the legality of motorcycle taxi businesses has a clearer, more coordinated legal basis and guarantees legal certainty from a state administrative law perspective.

Keywords: Motorcycle Taxi; Online Single Submission; SPIONAM; Legal Certainty.

INTRODUCTION

Basically, ideal and total public services for the community must be provided by the government. Public services are all forms of services or legal relationships between the government and citizens to fulfill the rights of the community through legally valid administrative actions in the form of goods, services, or administrative services. This statement is supported by the General Guidelines for the Provision of Services as stated in the Decree of the Minister of PANRB Number 63 of 2003 which states "Public services are provided in order to fulfill the needs of the community as citizens" (1). In terms of public services, there are several types, one of which is business licensing. Business licensing can be understood as one of the main instruments of the state in regulating and

serving the economic activities of the community in an orderly and legal manner. Permits are the realm of public services in accordance with Article 7 paragraph (1) of Government Regulation Number 96 of 2012 concerning Public Services which states "Administrative actions by government agencies are carried out in the form of document provision services in the form of permits and non-permits" (2). Changes in the business licensing system and mechanisms are inextricably linked to the government's efforts to adapt public services to the dynamics of business development and increasingly complex legal requirements. Business licensing serves not only as an administrative instrument for public services but also as a means of state control over business activities. Therefore, in the transportation sector, it must be understood in conjunction with the national transportation legal framework. This aligns with the principle of a state based on the rule of law, which mandates that all government actions must be based on law as the primary foundation for the exercise of power.

Law Number 22 of 2009 concerning Traffic and Road Transportation (hereinafter referred to as the LLAJ Law) is the main legal umbrella that regulates traffic and the implementation of road transportation in Indonesia, including the development, regulation, and supervision of transportation activities. In Article 1 Number 10 of the LLAJ Law, motorcycles are recognized as public motorized vehicles where the vehicle is used for the transportation of goods and/or people with a profit orientation or the aim of getting paid. However, the recognition of motorcycles as public motorized vehicles in these provisions is not automatically followed by specific operational regulations and licensing mechanisms in the road transportation implementation system, thus creating a gap between definitional norms and administrative implementation in the field. The discrepancy between the status of motorcycles in the LLAJ Law and the practice of motorcycle taxis as passenger transport, amidst changes to the risk-based licensing system through OSS-RBA since the Job Creation Law, demands a review of its regulations from both a business licensing perspective and the national transportation legal framework, particularly considering that the transportation licensing system has been integrated electronically through SPIONAM as stipulated in the Minister of Transportation Regulation Number 23 of 2018, which only accommodates permits for the operation of passenger transportation on routes and off routes without explicitly including motorcycles as commercial passenger transportation vehicles. However, in this case, field facts show that many motorcycle taxi drivers do not fully understand the mechanism for electronic-based transportation licensing, while in practice SPIONAM only facilitates licensing for certain types of public motorized vehicles, so that the operation of

motorcycle taxis does not have a clear licensing basis and has the potential to create legal uncertainty in the implementation of transportation.

The development of motorcycle taxi services is inseparable from the socio-economic dynamics of society, where online motorcycle taxis have become an important part of mobility as well as a source of income for many people, as seen from the action of thousands of drivers reported by Kompas, the action aims to voice various problems in the digital transportation ecosystem, including application fare cuts that are considered burdensome. The report stated that around 25,000 online motorcycle taxi and taxi drivers from various regions plan to take action to convey demands regarding working conditions and platform policies (3). This condition shows that the existence of motorcycle taxi services is not only related to transportation innovation, but also concerns regulatory aspects, legal protection, and certainty of business standing in the national transportation legal system.

Motorcycle taxi business activities in Indonesia consist of conventional motorcycle taxis operating through bases and app-based motorcycle taxis that utilize digital platforms as a means of ordering services. Administratively, these activities are classified in KBLI 49424 so they can be included in the business licensing process through the risk-based OSS system. However, the existence of this classification does not fully explain the legal status of motorcycle taxis as a mode of public transportation or their sectoral licensing obligations, thus indicating a regulatory vacuum in the national transportation legal framework. This ambiguity ultimately indicates that the existence of motorcycle taxis, especially motorcycle taxis, is still between public transportation practices and the formal transportation regulatory framework. This condition causes motorcycle taxi activities to develop primarily based on the mobility needs of the community in the field, although not yet fully supported by clear legal regulations. This shows that informal transportation modes, including motorcycle taxis, play a significant role in reaching areas not served by formal public transportation, but are often not integrated into the official transportation system or a clear licensing framework (4). However, there are weaknesses in the operation of motorcycle taxis, which usually depend on certain areas and relationships with local communities, so that services cannot be accessed evenly, potentially creating closed service patterns, and discrimination against users outside certain social circles. In addition, because of their individual nature and not being under an official business entity, motorcycle taxis do not have a clear accountability structure in the event of disputes, accidents, or consumer losses, so that aspects of legality, safety, fare determination, and legal protection for drivers and users

become uncertain. The differences in regulations that apply between motorcycle taxis and digital platform-based service modes also reflect a broader inequality of legal protection, because while online motorcycle taxis have a legal umbrella through certain sector policies, motorcycle taxis are often still seen as part of informal transportation that does not receive proper normative recognition as transportation, so that their position is more vulnerable legally (5). The regulatory imbalance shows that the weak position of motorcycle taxis is influenced by minimal regulatory attention, while application-based motorcycle taxis have already been responded to through the Minister of Transportation Regulation Number 12 of 2019 (hereinafter referred to as Permenhub Number 12/2019) even though they have not been fully recognized as public transportation in the higher regulatory hierarchy.

Regulation of motorcycle taxis through Ministerial Regulation Number 12/2019 and the OSS licensing mechanism in practice is still oriented towards app-based motorcycle taxis, while conventional motorcycle taxis operating through bases are generally not integrated into the risk-based licensing system, thus creating a gap in legal protection, even though KBLI 49424 normatively covers all motorcycle taxi business activities. Within the transportation legal framework, certainty of business status and operational permits should be determined through clear sectoral administrative decisions, because the existence of OSS alone is not enough to guarantee operational legality without the support of technical licensing in the transportation sector. In this case, the Multimodal Transport Online Licensing System (SPIONAM) plays a role as a sectoral verification mechanism to ensure the legality of transportation operations, so its integration with OSS is important to prevent regulatory gaps for transportation businesses such as motorcycle taxis.

Based on the background description, generally other studies still discuss motorcycle taxis from the aspects of legal protection for drivers, relationships with digital platform companies, and safety policies through Ministerial Regulation Number 12/2019 which tend to focus on app-based motorcycle taxis. However, studies that examine the regulation of motorcycle taxis comprehensively, both conventional and app-based in relation to the KBLI 49424 business classification, the risk-based licensing system through OSS, and the transportation sectoral licensing mechanism through SPIONAM are still limited. Therefore, this study presents a novelty by analyzing the relationship between KBLI 49424, OSS-RBA, and SPIONAM within the framework of state administrative legal certainty regarding the legality of motorcycle taxi operations. Therefore, this study discusses two

main problems, namely how the legal regulation of motorcycle taxi transportation (KBLI 49424) in the OSS system and its relationship with the sectoral licensing mechanism through SPIONAM. In addition, this study aims to analyze the legal regulations for motorcycle taxi transportation classified in KBLI 49424 in the risk-based OSS system (OSS RBA) and its relationship with the transportation sectoral licensing mechanism through SPIONAM, while also assessing whether the absence of such sectoral permits creates legal uncertainty from the perspective of state administrative law regarding operational legality and regulatory consistency.

METHOD/IDEA

This study uses a normative juridical approach by analyzing motorcycle taxi regulations in KBLI 49424, the OSS RBA system, Minister of Transportation Regulation No. 12/2019, and sectoral regulations through SPIONAM to assess the consistency of these regulations in ensuring legal certainty. This study uses a conceptual approach to examine the theory of legal certainty, licensing theory, and the concept of motorcycle taxis *regulatory gap in* state administrative law, as well as a legislative approach by examining the 1945 Constitution, Law Number 22/2009 concerning LLAJ, the Job Creation Law, Government Regulation Number 24/2018 concerning Electronically Integrated Business Licensing Services, PP Number 28/2025 concerning Implementation of Risk-Based Business Licensing, KBLI 49424, Minister of Transportation Regulation Number 23/2018 concerning Online Transportation Licensing Services at the Directorate General of Land Transportation, Minister of Transportation Regulation Number 12/2019 concerning Safety Protection for Motorcycle Users Used for Public Interest, as well as provisions regarding SPIONAM. This study uses a descriptive analytical method that examines the classification of motorcycle taxi businesses in KBLI 49424 and their licensing mechanisms through OSS and SPIONAM to assess the level of legal certainty from a state administrative law perspective. The research data is sourced from primary legal materials (the 1945 Constitution, Law Number 22/2009 concerning LLAJ, Law Number 6/2023 concerning Determination of Government Regulation in Lieu of Law (Perpu) Number 2/2022 concerning Job Creation into Law, PP Number 28/2025 concerning Risk-Based Licensing, Minister of Transportation Regulation Number 23/2018 concerning Online Transportation Licensing Services at the Directorate General of Land Transportation, Minister of Transportation Regulation Number 12/2019 concerning Safety Protection for Motorcycle Users Used for Public Interest, KBLI 49424, and SPIONAM regulations, secondary legal materials in the form of books, journals, and previous research, as well as tertiary legal materials such as legal dictionaries, KBBI, and official documents.

Data collection was conducted through a literature study of laws and regulations, scientific literature, and official documents related to OSS RBA and SPIONAM. The legal materials were then classified based on the hierarchy of norms and analyzed qualitatively through legal interpretation to assess the suitability of the regulations between KBLI 49424, OSS RBA, and sectoral regulations. The results of the analysis were then linked to the theory of legal certainty and the principles of state administrative law to assess the potential for gaps or unclear norms in motorcycle taxi regulations.

RESULTS AND DISCUSSION

A. Regulation of Motorcycle Taxi Transportation in OSS and SPIONAM

1. KBLI 49424 Position in the OSS-RBA System

The Indonesian Standard Classification of Business Fields (KBLI) is a system for grouping economic activities used to identify business types. Regulation of Motorcycle Taxi Transportation in OSS and SPIONAM. In licensing practice, business actors are required to select the appropriate KBLI code when registering their business activities. Therefore, in the system OSS-RBA, The KBLI code is the initial basis for determining the legality of a business that can be obtained by business actors. To simplify and streamline the business licensing process, the government has implemented a system Online Single Submission (OSS) as an integrated licensing service mechanism. This system is designed to increase efficiency while making it easier for businesses to obtain business permits. The OSS system has been implemented through Government Regulation Number 24/2018 as an effort to reform the implementation of licensing. Through the use of information and communication technology, this system enables business actors to process permits more quickly, practically, and at a more efficient cost (6). In this system OSS-RBA, Business activity classification is used as the basis for determining the licensing procedures and requirements that must be met by business actors. The determination of these permits is based on the risk level of the business activity, which is categorized as low, medium, and high risk, each with varying administrative consequences.

Motorcycle taxi activities are classified under KBLI 49424, which falls under the non-bus land transportation category and encompasses both conventional and app-based motorcycle taxis. Normatively, this classification does not differentiate between operational models, as both are viewed as the same transportation business activity. Businesses can include KBLI 49424 when registering their businesses with the OSS (Online Shopping Center), but the system does not provide a

mechanism for issuing specific operational permits for motorcycle taxis. This suggests that KBLI 49424 serves more as a business identification tool than as a basis for issuing operational permits.

From a risk-based licensing perspective, the position of KBLI 49424 in the OSS system raises questions about the legality that motorcycle taxi businesses should possess. Under the OSS, businesses with a KBLI generally only obtain a Business Identification Number (NIB) as their basic legality. This indicates that the existence of the KBLI is not yet accompanied by a mechanism for issuing sectoral operational permits in the transportation sector. In fact, in the transportation sector, operational permits from technical agencies play a crucial role in ensuring safety, service standards, and operational oversight. The absence of such sectoral permits can lead to unclear legal status for motorcycle taxi businesses within the national transportation regulatory system. Therefore, the recognition of KBLI 49424 in the OSS does not fully reflect the implementation of risk-based licensing if it is not accompanied by adequate sectoral regulations (7).

2. Transportation Sectoral Licensing Arrangements through SPIONAM

The Online Transportation and Multimodal Licensing System (SPIONAM) is an electronic-based transportation licensing service under the Ministry of Transportation that processes transportation permit applications in an integrated manner. In its implementation, this licensing system must adhere to legal provisions governing the types and operation of public transportation within the national transportation system. Regulations regarding transportation by public means are regulated in Article 140 of the LLAJ Law Number 22/2009. Based on these provisions, public transportation services are divided into two forms, namely transportation of people by public motorized vehicles on a route And transportation of people by public motorized vehicles not on a route (8). These provisions serve as the normative basis for determining the types of transportation services which are then accommodated in the transportation licensing system managed by the Ministry of Transportation. The legal basis for SPIONAM is outlined in Ministerial Regulation No. 23/2018, which regulates the implementation of electronic business licensing services in the transportation sector. Through this system, the government provides various categories of transportation business permits that transportation businesses can apply for. The types of permits available in the transportation licensing system generally include permits for transporting people on routes, transporting people not on routes, transporting goods, and multimodal transport involving more than one mode of transportation.

Although SPIONAM provides various types of transportation permits, the system does not offer a specific operational permit option for motorcycle taxi businesses. Furthermore, transportation law states that motorcycles are not categorized as public motorized vehicles within the Indonesian transportation legal framework. This situation results in passenger transportation using motorcycles not being subject to transportation permits like other modes of public transportation. Several studies also show that app-based transportation services using cars can still obtain permits for non-route passenger transportation, while online motorcycle taxis do not yet have an equivalent licensing mechanism. This difference demonstrates a regulatory gap between app-based transportation modes. Therefore, the exclusion of motorcycle taxis from SPIONAM is more due to the construction of transportation law that does not yet recognize motorcycles as a mode of public transportation that requires its own operational permit.

3. Normative Synchronization between OSS, SPIONAM, and Ministerial Regulation Number 12/2019

Ministerial Regulation Number 12 of 2019 was issued in response to the growing use of motorcycles for public benefit, particularly in app-based transportation services. This regulation places user safety and protection as the primary focus of the regulation. Research on transportation law explains that the existence of online motorcycle taxis emerged as a technology-based transportation innovation that provides fast and relatively affordable mobility services for the public (9). Therefore, Ministerial Regulation Number 12/2019 focuses more on regulating driving safety standards, mandatory use of safety attributes, and the responsibilities of app providers to service users. However, this raises questions because this regulation does not directly address the business licensing mechanism for motorcycle taxi operators. Several studies also confirm that motorcycle taxi regulations in Indonesian transportation regulations focus more on operational aspects and user protection, while business legality aspects have not been comprehensively regulated (10).

When analyzed within the framework of the transportation legal system, the relationship between the LLAJ Law, OSS, SPIONAM, and Ministerial Regulation Number 12/2019 indicates a division of regulatory functions that is not yet fully integrated. The LLAJ Law serves as the primary legal basis governing the classification and operation of public transportation in Indonesia. The OSS system acts as an administrative mechanism for issuing business legality through a Business Identification Number based on business activity classification. Meanwhile, SPIONAM is a sectoral licensing

system used by the Ministry of Transportation to process transportation operational permits. In addition, several studies on the digital economy show that the development of application-based transportation such as online motorcycle taxis is often not accompanied by clear legal status certainty within the existing regulatory framework (11). This condition indicates a potential vacuum in licensing norms because motorcycle taxis are only regulated from a safety aspect without a clear operational licensing mechanism. Thus, the regulatory relationship between OSS, SPIONAM, and Ministerial Regulation Number 12/2019 indicates that existing regulations are not yet fully integrated and remain separate within the national transportation legal system.

B. Analysis of Legal Certainty Due to the Absence of Motorcycle Taxi Permits

1. The Concept of Legal Certainty in State Administrative Law

According to Gustav Radbruch, legal certainty can be understood in two main models, namely certainty generated through law and certainty contained within the law itself. A legal system is considered beneficial if it is able to provide fair guarantees for social life without ignoring other legal objectives. Certainty derived from law positions law as a functional and fair regulatory tool. Meanwhile, certainty derived from within the law is achieved when legal norms are formulated clearly and systematically in statutory regulations. In his framework, legal certainty is seen as a product of law, especially from applicable statutory regulations. Therefore, positive law that regulates individual interests in society must in principle be obeyed, even though under certain conditions the law may be perceived as not fully reflecting a sense of justice (12).

The concept of legal certainty is an important element in the implementation of a state based on the rule of law, which requires that every government action has a clear legal basis. This aims to ensure that government administration operates within an orderly and accountable legal framework. Research on state administration also confirms that the application of the principle of legal certainty aims to maintain legal stability and protect citizens' rights arising from administrative decisions (13). In the practice of state administrative law, one of the instruments used by the government to exercise its control over community activities is the licensing mechanism. A permit is an administrative decision issued by an authorized official to allow someone to carry out an activity that is essentially restricted by law. From an administrative law perspective, a permit is also categorized as a State Administrative Decree (KTUN) because it is concrete, individual, and has legal consequences for the party receiving the decision. Several studies on administrative law state that the existence of state

administrative decisions is an important means of ensuring legal certainty because it provides a clear basis for the community to obtain legal protection (14). With a permit, the state can monitor certain activities while ensuring that these activities comply with applicable legal provisions. On the other hand, business actors or the community receive assurance that their activities have been administratively recognized by the state.

2. Analysis of the Absence of Permits as a Potential Normative Void

In the study of state administrative law, the absence of norms (*legal vacuum*) refers to a situation where social activities or phenomena develop rapidly, but are not yet followed by clear and adequate legal regulations. This condition often arises when technological developments and people's economic activities move faster than the ability of regulations to adapt. Several studies on online transportation regulations show that the emergence of application-based motorcycle taxi services gives rise to legal issues because their operations do not fully fulfill the public transportation category as regulated in the LLAJ Law (15). This situation differs from policy discretion, which is the authority of administrative officials to make decisions in certain circumstances when regulations do not regulate in detail. Meanwhile, deregulation is a government policy to reduce or simplify regulations in order to increase efficiency in economic activities. In the context of transportation regulations in Indonesia, the failure to issue special operational permits for business activities classified in KBLI 49424 raises the question of whether this is a normative vacuum or a deliberate regulatory policy by the government.

From a state administrative law perspective, permits serve as an instrument of government control over certain activities within society through state administrative decisions (KTUN). The absence of permits for motorcycle taxi businesses means there are no administrative decisions explicitly legitimizing these business activities within the transportation licensing system. This situation results in an unclear basis for state oversight of the provision of these transportation services. Other research also shows that unclear regulations result in weak legal protection for drivers and users of app-based transportation services (16). As a result, business legality, state oversight mechanisms, and consumer protection are not fully guaranteed within a clear legal framework. Therefore, the lack of operational permits for motorcycle taxis can be understood as an indication of a normative vacuum in the transportation licensing system, potentially contradicting the principles of the rule of law by failing to provide legal certainty for both business operators and the public.

Further confirmation can be seen in the Minister of Transportation Regulation Number 23 of 2018 concerning Online Transportation Licensing Services at the Directorate General of Land Transportation, which basically only regulates the licensing service mechanism through the Online Transportation and Multimodal Licensing Information System (SPIONAM). In Article 1 paragraph (3) of the regulation, the scope of SPIONAM services is limited to various types of transportation permits such as passenger transportation on routes, off routes, special goods transportation, and multimodal transportation. However, there is no permit category explicitly intended for motorcycle taxi businesses as commercial passenger transportation. This shows that although legal norms regarding transportation licensing are available and institutionalized in the electronic system, the scope of the regulation does not yet cover motorcycle taxis. Thus, the regulation remains a valid legal norm, but has limitations in covering the motorcycle taxi phenomenon in practice. This condition emphasizes the gap between the administrative recognition of motorcycle taxi businesses in KBLI 49424 in OSS-RBA and the absence of operational permit instruments in the transportation sectoral licensing system.

Therefore, it can be concluded that the lack of operational permits for motorcycle taxis should not be understood as an absolute lack of norms, but rather as a partial lack of norms in the transportation licensing system. Legal norms regarding licensing essentially exist, both within the OSS-RBA framework and sectoral transportation regulations, but they have not fully accommodated the existence of motorcycle taxis as a growing form of transportation service in society. Consequently, there is a lack of synchronization between the administrative recognition of businesses and the operational licensing mechanisms that should regulate these activities. This lack of synchronization has resulted in weak legal certainty for both business actors, drivers, and service users. Furthermore, this condition also makes it difficult for the state to carry out its supervisory and control functions effectively. Therefore, this problem emphasizes the need for regulatory improvements through a more integrated approach to the transportation licensing system.

3. Legal Implications for Business Actors and the State

The development of both app-based and conventional motorcycle taxi services shows that in practice these activities have functioned as part of the transportation system that facilitates public mobility and the distribution of goods. However, legally, the legal status of motorcycle taxis as a transportation business is still in an unclear position because conventional transportation regulations

have not fully accommodated the characteristics of app-based services. Several studies have shown that the transformation of the digital economy has given rise to new forms of work in the gig economy ecosystem, including online motorcycle taxi drivers, who until now have not had a clear legal status in the national legal system (17). This condition has resulted in business activities operating as public transportation services not always obtaining adequate administrative legitimacy within the transportation regulatory framework. As a result, a gap has emerged that requires an answer regarding whether these activities are fully subject to the transportation legal regime or are actually only within the scope of digital platform-based services. In the context of risk-based licensing, the unclear status has the potential to cause problems in determining the risk category and the form of licensing that should be applied to motorcycle taxi business activities.

Furthermore, for online motorcycle taxi operations, the issue of legal certainty also relates to the app company's position as a digital platform connecting drivers and service users. In practice, app companies position drivers as independent partners, so the legal relationship they form doesn't fully resemble a conventional employment relationship. Legal studies of the digital platform industry show that app companies tend to classify drivers as partners, even though in practice there are forms of algorithmic control that resemble traditional employment relationships (18). This situation creates a complex legal relationship between drivers, platforms, and consumers in the app-based transportation service ecosystem. When there is no clear licensing framework for these business activities, administrative oversight mechanisms are also difficult for the government to consistently implement. As a result, regulatory responsibilities between the state and platform companies are not fully defined. This problem of legal certainty is essentially also felt by conventional motorcycle taxis that operate outside the digital application system. The absence of a licensing framework that specifically regulates the provision of motorcycle taxi services leaves both app-based and conventional motorcycle taxis in the same position, namely carrying out transportation activities without a clearly formulated operational legal basis in the national transportation law system.

Another implication that arises is the potential for multiple interpretations in the implementation of policies at the regional level, especially when national regulations do not provide a sufficiently clear regulatory basis. In such situations, local governments can develop different policy interpretations regarding the status and operational regulations of motorcycle taxis. Several studies have shown that unclear regulations regarding the legal status of motorcycle taxi drivers can lead to

unequal legal protection and uncertainty in regulatory practices (19). In addition to impacting business actors and drivers, this condition can also affect the consistency of the implementation of the risk-based licensing system within the OSS framework. The unclear regulatory framework can trigger various new legal issues in the provision of motorcycle taxi services, both online and conventional, as well as related to employment relationships and platform responsibilities. Thus, the absence of a clear licensing scheme not only creates uncertainty at the operational level but also has the potential to create systemic legal uncertainty in the governance of application-based transportation in Indonesia.

4. Alternative Reintegration Settings

The unclear licensing scheme for motorcycle taxi business activities classified in KBLI 49424 indicates a gap between the OSS-based licensing system and sectoral regulations in the transportation sector. This reflects that the development of transportation in Indonesia has not been fully accompanied by comprehensive harmonization of legal regulations, thus creating uncertainty in its implementation practices (20). Therefore, a more appropriate approach is not reconstruction, but rather reintegration of existing regulations by optimizing the link between KBLI 49424 in the OSS system and sectoral licensing mechanisms such as SPIONAM so that these business activities obtain clearer administrative legitimacy. This reintegration model allows for alignment between the OSS system as a general licensing gateway with sectoral transportation regulations so that there is no normative vacuum in the licensing process. Research on the legal status of online motorcycle taxis also shows that the existence of application-based transportation services requires firmer recognition within the transportation legal framework to provide protection and certainty for both business actors and service users. In addition to this reintegration approach, the government can also consider implementing a special standard certificate for application-based motorcycle taxi businesses as a form of administrative control that is more adaptive to the characteristics of digital businesses. More broadly, these regulatory issues also impact conventional motorcycle taxis, which currently operate through bases without a specific regulatory framework. This situation demonstrates the need for clearer regulations not only for app-based services but also for conventional motorcycle taxis, ensuring their existence is more structurally recognized within the national transportation system.

On the other hand, a regulatory reintegration approach can also be directed toward a regulatory model that accommodates the role of digital platforms as key intermediaries in the app-based transportation service ecosystem. Studies on the gig economy indicate that the relationship between drivers, platform companies, and service users gives rise to new legal consequences that cannot be fully explained by conventional transportation regulatory frameworks. Therefore, digital platform-based regulations can be part of this reintegration effort by positioning app companies as technology-based transportation system operators responsible for operational standards and service oversight. This approach also needs to be accompanied by harmonization of transportation sectoral regulations with the OSS licensing system to avoid overlapping norms between business licensing policies and transportation regulations. Therefore, the regulatory model that best ensures legal certainty is one that emphasizes the reintegration of the OSS licensing system, transportation sectoral regulations, and oversight mechanisms for digital platforms within a single, coordinated policy framework.

CLOSING

The legal regulation of motorcycle taxis within the licensing system attempts to address the lack of synchronization between business classification and sectoral licensing mechanisms. Within the risk-based OSS system, motorcycle taxi business activities have been accommodated through KBLI 49424 as a form of administrative recognition of these business activities. However, this recognition is not followed by regulations in transportation licensing, because the sectoral system operationalized through Ministerial Regulation No. 23/2018 only regulates licensing services for certain types of public motorized vehicles without covering motorcycles as commercial passenger transport. Consequently, there is no operational licensing scheme accessible to motorcycle taxi businesses within the national transportation legal framework. This indicates that the existing regulations have not been systematically integrated between OSS as a general licensing instrument and sectoral transportation regulations as the operational basis. Thus, the current regulation of motorcycle taxis remains in a condition where regulations are unable to provide complete legal certainty.

The lack of operational permits for motorcycle taxis cannot be classified as an absolute normative vacuum, but rather as a partial normative vacuum in the transportation licensing system. This is because legal norms regarding licensing are essentially available, both in the OSS system and

transportation sectoral regulations, but do not yet cover motorcycle taxis as an object of regulation. This condition results in the absence of a state administrative decree that explicitly provides operational legitimacy for motorcycle taxi business activities. Consequently, the mechanisms for supervision, legal protection, and administrative control over these activities are not functioning optimally. Furthermore, the lack of integration between administrative business recognition and the lack of sectoral operational permits creates systemic legal uncertainty. Therefore, regulatory restructuring is needed through a reintegration approach so that the business licensing system and transportation sectoral regulations can be interconnected and provide more comprehensive legal certainty.

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