

Analisis Pemenuhan Hak Konsumen oleh Beam Mobility: Perbandingan Regulasi Skuter dan Sepeda Listrik serta Perlindungan Konsumen Indonesia dan Australia = Analysis of Consumer Rights Fulfillment by Beam Mobility: Comparison of Electric Scooter and Electric Bicycle Regulations and Consumer Protection Policies in Indonesia and Australia

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Abstrak

Eksistensi skuter listrik dan sepeda listrik diminati tinggi oleh publik sehingga hal tersebut memunculkan suatu peluang bisnis. Penyediaan layanan jasa sewa skuter listrik dan sepeda listrik memiliki tantangan tersendiri untuk memastikan pemenuhan hak konsumennya terpenuhi karena risiko terjadi suatu celaka tinggi. Selain inisiatif pelaku usaha, hal tersebut juga dipengaruhi oleh peraturan terkait yang berlaku. Tulisan ini menganalisis terkait pemenuhan hak konsumen Beam Mobility di Indonesia ditinjau berdasarkan perbandingan regulasi skuter listrik dan sepeda listrik serta kebijakan perlindungan konsumen di Indonesia dan Australia. Penelitian ini memanfaatkan pendekatan peraturan perundang-undangan dan pendekatan perbandingan dengan negara Australia. Data yang dipakai dalam penelitian ini adalah bahan hukum primer yang meliputi UU PK, UU No. 22/2009, Permenhub No. PM 45, Australian Road Rules 2009, dan Competition and Consumer Act 2010. Serta, data sekunder berupa hasil wawancara dengan konsumen Beam Mobility di Indonesia. Hasil penelitian menemukan bahwa regulasi skuter listrik dan sepeda listrik di Indonesia belum dapat memberikan pengawasan yang maksimal kepada konsumen karena peraturan terkait perangkat yang aman dan standar keselamatan di setiap daerah dan/kota belum sepenuhnya diterapkan. Sedangkan, Australia telah menerapkan regulasi yang rinci dan ketat di setiap wilayahnya. Akibat hal tersebut, implementasi kebijakan keselamatan Beam Mobility di Indonesia tidak dapat memberikan tingkat perlindungan yang sama dengan Beam Mobility Australia sehingga risiko terjadinya kecelakaan lebih tinggi di Indonesia. Selain itu, Beam Mobility menetapkan klausula baku pengalihan tanggung jawab kepada penggunanya. Hal ini dapat merugikan konsumen karena implementasi kebijakan operasional Beam Mobility di Indonesia belum cukup baik akibat minimnya regulasi yang mengatur tentang skuter listrik dan sepeda listrik. Dengan demikian, pemenuhan hak konsumen Beam Mobility di Indonesia, khususnya hak atas layanan yang aman dan dapat diandalkan, tidak dapat terpenuhi.

.....The existence of electric scooters and electric bicycles is in high demand by the public so that it creates a business opportunity. The provision of electric scooter and electric bicycle rental services has its own challenges to ensure the fulfillment of consumer rights is fulfilled because the risk of an accident is high. In addition to the initiative of business actors, this is also influenced by the relevant applicable regulations. This paper analyzes the fulfillment of Beam Mobility in Indonesia's consumer rights based on a comparison of electric scooter and electric bicycle regulations and consumer protection policies in Indonesia and Australia. This research utilizes a legislative approach and a comparative approach with Australia. The data used in this research are primary legal materials which include the Consumer Protection Law, Law No. 22/2009, Minister of Transportation Regulation No. PM 45, Australian Road Rules 2009, and Competition and Consumer Act 2010. As well as, secondary data in the form of interviews with Beam Mobility

consumers in Indonesia. The results found that the regulation of electric scooters and electric bicycles in Indonesia has not been able to provide maximum supervision to consumers because regulations related to safe devices and safety standards in each region and city have not been fully implemented. Meanwhile, Australia has implemented detailed and strict regulations in each region. As a result, Beam Mobility in Indonesia's implementation of safety policies cannot provide the same level of protection as Beam Mobility in Australia, resulting in a higher risk of accidents in Indonesia. In addition, Beam Mobility stipulates a default clause of liability transfer to its users. This can be detrimental to consumers because the implementation of Beam Mobility in Indonesia's operational policies is not good enough due to the lack of regulations governing electric scooters and electric bicycles. Thus, the fulfillment of Beam Mobility in Indonesia's consumer rights, particularly the right to a safe and reliable service, cannot be fulfilled.