

LEGAL PROTECTION FOR ODONG-ODONG TRANSPORTATION USERS UNDER LAW NUMBER 8 OF 1999 CONCERNING CONSUMER PROTECTION

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Abstract

Odong-odong transportation is a widely used form of entertainment, especially in tourist areas. However, in practice, *odong-odong* operations often do not meet eligibility and legal permit requirements under applicable laws. This can potentially endanger users of transportation services, resulting in material and immaterial losses. This study aims to analyse the legal protections for consumers and the responsibilities of business actors in providing guarantees of consumer security and safety under Law Number 8 of 1999 concerning Consumer Protection. The research method used is juridical-empirical, applying normative legal provisions to events occurring in society, and is supported by interview results as primary data and related literature as secondary data. The results of the study indicate the importance of fulfilling the rights of *odong-odong* transportation users. Therefore, in addition to enforcing laws and regulations, the government needs to play a supervisory role to ensure optimal consumer protection.

Keywords: Consumer protection, Positive law, *odong-odong*, Traditional Culture

Abstrak

Transportasi *odong-odong* merupakan salah satu sarana hiburan yang banyak digunakan masyarakat, khususnya di area tempat wisata. Namun, dalam praktiknya, pengoperasian *odong-odong* sering kali tidak memenuhi standar kelayakan dan perizinan yang sah sesuai dengan undang-undang yang berlaku. Hal ini berpotensi membahayakan pengguna jasa transportasi sehingga mengakibatkan kerugian materiil maupun immateriil. Penelitian ini bertujuan untuk menganalisis bentuk perlindungan hukum bagi konsumen serta upaya tanggung jawab pelaku usaha dalam memberikan jaminan keamanan dan keselamatan konsumen berdasarkan Undang-Undang Nomor

8 Tahun 1999 tentang Perlindungan Konsumen. Metode penelitian yang digunakan adalah yuridis-empiris dengan mengimplementasikan ketentuan hukum normatif terhadap peristiwa yang terjadi di masyarakat serta didukung oleh hasil wawancara sebagai data primer dan literatur terkait sebagai data sekunder. Hasil penelitian menunjukkan pentingnya pemenuhan hak-hak pengguna transportasi odong-odong. Oleh karena itu, selain penegakan peraturan perundang-undangan, perlu adanya peran pemerintah dalam melakukan pengawasan agar perlindungan hukum bagi konsumen menjadi lebih optimal.

Kata Kunci: Perlindungan konsumen, hukum positif, odong-odong

INTRODUCTION

Science and technology in Indonesia have advanced rapidly. These technological advancements greatly assist the community in various aspects of life, including economics, education, science, technology, culture, and politics. In its development, transportation has become an essential element of public life. Modern transportation technology helps people carry out daily activities, such as traveling to specific places to perform specific tasks or sending goods to other locations, easily, efficiently, and without delay.¹

According to the law, transportation means must always prioritize the values of safety, orderliness, efficiency, and sustainability within the transportation system. A good means of transportation provides consumers and others with a sense of security and comfort. As explained in the traffic law, every means of transportation on public roads must comply with applicable traffic regulations, which aim to ensure safety, order, and smooth flow for all users and others.²

In Indonesia, traffic regulations are governed by Law Number 22 of 2009 concerning Traffic and Road Transportation. This article serves as a fundamental guideline for the public to comply with regulations and as a source of law for police officers when taking enforcement action against traffic violations. Public legal awareness of traffic regulations is an important factor

¹ Nyoman Gede Fajar Septiawan Putra, Desak Gede Dwi Arini, and Luh Putu Suryani, "Legal Protection for Special Consumers of Land Transportation Passenger Services," *Journal of Legal Interpretation* 1, no. 1 (2020): 83–88, <https://doi.org/10.22225/juinhum.1.1.2190.83-88>.

² Edi Setiawan, "Law on the Modified Operational Licensing Mechanism for 'Becak Cinta' Tourist Vehicles," *Al-Balad: Journal of Constitutional Law* 1, no. 1 (2026): 1–15.

in enforcing traffic rules, thereby fostering a shared sense of responsibility for traffic safety and security.³

Motor vehicles are vital transportation tools for an individual's mobility. Every motor vehicle operating on public roads must fulfill several technical and administrative requirements and pass a roadworthiness test. Section 65 of Law Number 22 of 2009 concerning Traffic and Road Transportation explains the registration and identification of motor vehicles operating on public roads. A vehicle can be declared to have fulfilled administrative requirements if it is equipped with a motorized vehicle ownership book (BPKB), a motorized vehicle registration certificate (STNK), and a motorized vehicle license plate.

However, today it is common to find modified vehicles operating on public roads, either to carry passengers or goods, that are not equipped with license plates and vehicle documents. One such example is the *odong-odong*. In the Banyumas region, *odong-odong* vehicles are public vehicles highly sought after by all segments of society, from children to adults. Generally, *odong-odong* are built illegally rather than manufactured by an official automotive company with high-quality standards and strict supervision systems.

Operating *odong-odong* vehicles on public roads can increase the risk of accidents. According to data released by the Banyumas Polresta (City Police), several traffic accident cases involving *odong-odong* vehicles have been recorded. Among them, an accident occurred in Bogangin Village, Tambak District, on January 4, 2024, when an *odong-odong* experienced a single-vehicle accident after a transmission failure while traversing a winding incline; the vehicle subsequently rolled backward and plunged into the front yard of a resident's house. This incident resulted in 10 people suffering minor injuries.

In addition, another *odong-odong* accident occurred in the Purwojati area in October 2025. One unit of an *odong-odong*, carrying 20 passengers and returning from a celebration, overturned and plunged into a 3-meter-deep ravine. Several people were injured, and 7 individuals had to be treated at the Ajibarang Regional General Hospital (RSUD). According to police statements, the accident was caused by overloading, which left the vehicle without sufficient power to negotiate an uphill stretch of road.⁴

³ Ni Putu Krisna Dewi, Ni Putu Rai Yulianti, and Komang Febrinayanti Dantes, "IMPLEMENTATION OF LAW NUMBER 22 OF 2009 CONCERNING TRAFFIC AND ROAD TRANSPORTATION AGAINST LAW ENFORCEMENT OF ILLEGAL RACING PERPETRATORS IN JEMBRANA REGENCY," *E-Journal of Judicial Communication Ganesha University of Education* 5, no. 2 (2022): 383–93.

⁴ Rama Prasetyo Winoto, *Odong-odong Plunged into a Ravine in Banyumas, A Number of Injured Passengers*, <https://jateng.pikiran-rakyat.com/jawa-tengah/pr->

Given the incidents mentioned above, clarity is required regarding the guarantee of the fulfilment of consumer rights, such as medical expenses and compensation claims for the victims involved in these *odong-odong* accidents. Theoretically, legal protection is a legal measure that safeguards the public from arbitrary actions by authorities or other parties that do not comply with applicable legal provisions and aims to create order, security, and a comfortable environment. Legal protection is divided into two types: preventive and repressive. Preventive legal protection aims to prevent the occurrence of an unlawful act.

Meanwhile, repressive legal protection is the government's protection provided to citizens after a violation or legal issue has occurred, aimed at punishing the perpetrator and imposing sanctions in accordance with applicable laws, as decided by a judge in court. Consumers play a vital role in economic activities. Thus, business actors and the government are required to actively draft, revise, and oversee the implementation of applicable regulations to protect consumers, as regulated by Law Number 8 of 1999 concerning Consumer Protection. This law specifically regulates consumer protection and is expected to educate and protect the Indonesian public, thereby increasing their awareness of their rights and obligations.⁵

An *odong-odong* is a modified vehicle widely used by the public. *Odong-odong* are frequently used to transport people or goods from one place to another. Functionally, *odong-odong* vehicles should be used only within tourist attractions. However, today many people use them for other purposes, such as visiting relatives, attending weddings, or even simply touring the city as a means of children's entertainment.⁶

According to the law governing road transportation, namely Law Number 22 of 2009 concerning Traffic and Road Transportation, the operation of *odong-odong* vehicles on public highways is strongly discouraged and may be prohibited. Conversely, vehicles permitted for use on public roads must pass a series of vehicle roadworthiness tests and fulfil several technical and administrative requirements.

3739709714/odong-odong-terperosok-ke-jurang-di-banyumas-sejumlah-penumpang-luka-luka?page=all, accessed on June 17, 2026.

⁵ Dwi Juwita Runjani, "Protection of Consumer Rights in Perspective, Amanda Tikha Santriati Nahdhlatul Ulama Islamic Religious College, and Nahdhlatul Ulama Islamic Religious College," *Newspaper Opinion* 2, no. 2 (2022): 32-51.

⁶ Riyo Muhamad Rido, "ENTREPRENEURIAL ODONG-ODONG PERSPECTIVE OF ISLAMIC LAW" (Ponorogo State Islamic Religious Institute, 2025).

The government plays a crucial role in regulating modified vehicles intended for public use, including issuing specific provisions and supervising their implementation in the field. Additionally, increasing public awareness about choosing safe vehicles also assists the government in its efforts to discipline public vehicles on highways.

DATA AND METHODS

This research is a qualitative case study conducted to investigate a specific case or phenomenon in depth and to understand its background, impact, and societal context. This study employs a juridical-empirical method, which approaches the problem by examining the form of consumer protection under all applicable statutory regulations in Indonesia, particularly those governing the protection of users of *odong-odong* transportation.

Data collection in this study was conducted through observation, interviews, and a literature review. Observation was conducted by directly observing *odong-odong* businesses operating in Banyumas Regency. Meanwhile, interviews were conducted with *odong-odong* vehicle owners and the Jatilawang Sector Police institution regarding the operation of *odong-odong* vehicles on public roads and the legal protections available to consumers. Furthermore, this research is supported by a literature review on the relevant problems. The data used consists of primary data obtained through interviews and secondary data from the literature and statutory regulations.

The technique for checking data validity uses triangulation. This method involves collecting several relevant data points while simultaneously testing their credibility; data obtained from interviews are cross-reviewed with observations and the statutory regulations applicable in Indonesia.

RESULTS AND DISCUSSION

A. Legal Regulation of *Odong-odong* Transportation Operations Based on Positive Law in Indonesia

Transportation is an important element in public life. The existence of transportation must be accompanied by clear regulations to guarantee security, safety, order, and legal certainty. *Odong-odong* transportation is a phenomenon that is currently widely used by certain segments of society as both entertainment and transportation. *Odong-odong* are generally motor

vehicle modifications designed to pull carriages with a fairly large passenger capacity and are often used in residential areas and on public roads.⁷

However, the existence of *odong-odong* can lead to legal issues due to the lack of laws specifically regulating their operation as public vehicles on public roads. According to applicable positive law, the regulation of public transportation operating on public roads is governed by Law Number 22 of 2009 concerning Traffic and Road Transportation. As stated in Article 52, paragraph (1), in conjunction with Article 65 of Law Number 22 of 2009 concerning Road Transportation, every public vehicle must meet requirements related to registration, motor vehicle ownership identification, and other administrative conditions.⁸

Odong-odong vehicles operating on public highways often do not comply with the legal requirements governing public vehicles under the LLAJ Law. Because the modification process for *odong-odong* frequently violates motor vehicle technical terms and conditions, the vehicles are rendered unfit for use on public roads. Furthermore, *odong-odong* vehicles lack adequate safety features, including seat belts, stable vehicle structures, sufficient passenger capacity, and protection against impacts in accidents.⁹

From a licensing perspective, *odong-odong* are considered unofficial public vehicles, meaning they lack a clear operational licensing basis. Functionally, *odong-odong* are tourist vehicles that should be used only in designated places, such as within tourist areas, rather than on public roads. However, in practice, *odong-odong* are still misused by operating on public highways. Their existence persists due to several factors, including being a cheap source of entertainment, a source of income for MSMEs, and an alternative mode of transport given the limitations of other transport options. Therefore, handling this issue must not only involve a legal approach but must also consider the socio-economic aspects of the community.

As stated by one of the interviewees, the Police Chief of Jatilawang, IPTU Teguh Pambudi:

⁷ Hilma Nadira, "LAND TRANSPORTATION SERVICES WITHOUT TICKETS (Study at PT Harapan Indah Transport)", University of Medan Area, 2025, 6.

⁸ Andika Dwi Yuliardi and Puti Priyana, "LAW ENFORCEMENT AGAINST CAR DRIVERS FOR NOT FULFILLING THE OBLIGATION OF TYPE TESTING BASED ON INDONESIAN POSITIVE LAW," *Hermeneutics* 5, no. 2 (2021), <https://doi.org/http://dx.doi.org/10.33603/hermeneutika.v3i2>.
Setiawan, "The Law of the Modified Operational Licensing Mechanism for 'Becak Cinta' Tourist Vehicles." doi.org/10.33603/hermeneutika.v3i2.

⁹ Setiawan, "The Law of the Modified Operational Licensing Mechanism for 'Becak Cinta' Tourist Vehicles." *Al-Balad: Journal of Constitutional Law* 1, no.1 (2026) 1-15.

“Every vehicle that does not comply with the provisions of the traffic and road transportation law is not permitted on public roads. This includes *odong-odong* vehicles that carry excessive loads, which are feared to endanger their passengers. Conversely, *odong-odong* should only be used within tourist attractions to increase visitor appeal, and must follow the paths specifically provided by the tourist site management.”

He also added that, in efforts to discipline *odong-odong* vehicles operating on public roads, the initial action taken is to issue firm warnings and reprimands to the drivers. If they commit the same violation again or are proven to have caused an accident resulting in casualties, fines and criminal sanctions will be imposed.

Given the complexity of these issues, further government action is required to resolve operational problems involving *odong-odong* vehicles. Although laws currently exist that strictly regulate public vehicles and road transport on public roads, executing these policies in the field still faces several obstacles. Consequently, law enforcement against *odong-odong* operations is often inconsistent. In some cases, police officers enforce discipline by impounding vehicles and issuing warnings to drivers; however, in other instances, such actions are omitted due to socio-economic considerations for the community.

This indicates a mismatch between the law that ought to be enforced and the realities occurring in society. The government needs to pursue specific regulations regarding *odong-odong*. Several policy alternatives to consider include standardizing *odong-odong* vehicle modifications, routine roadworthiness inspections, establishing special legality policies with stricter oversight, restricting operational areas, or imposing a total ban on public roads. Furthermore, raising public awareness of transportation safety is vital to minimizing accident risks and providing legal protection for all road users.

B. Implementation of Law Number 22 of 2009 as a Form of Legal Protection for *Odong-odong* Users

Legal protection for consumers is regulated under Law Number 8 of 1999. As explained in Article 1, number 1 of the Consumer Protection Law (UUPK): “Consumer Protection represents any effort that guarantees legal certainty to provide protection to consumers.” The existence of consumer protection laws is expected to raise public awareness of consumers' rights and

obligations. Moreover, it can protect certain parties that cause losses to the public. Article 4 letters a and c of the Consumer Protection Law state that every consumer has the right to comfort, security, and safety when consuming goods and/or services.¹⁰

According to Johannes Gunawan, a legal expert, legal protection for consumers can be implemented in two ways: before a transaction occurs (no conflict/pre-purchase) and after a transaction occurs (conflict/post-purchase). Legal protection conducted before a transaction takes place can be done via:

- 1) Legislation: Utilizing enacted statutory regulations so that consumers can obtain legal protection before transactions.
- 2) Voluntary Self-Regulation: Legal protection carried out just before a transaction occurs. Through this method, each business actor is expected to create and implement self-imposed rules to be more cautious in running their business.¹¹

Meanwhile, legal protection for consumers after a transaction occurs can be pursued through judicial channels (courts) or out-of-court via the Consumer Dispute Settlement Agency (BPSK). The purpose of establishing BPSK is to protect both consumers and business actors by creating a consumer protection system that guarantees legal certainty and information transparency. After issuing statutory regulations on consumer protection, the government also needs to supervise their implementation so that the positions of consumers and business actors remain balanced under the law.

Within consumer protection law, several principles aim to safeguard consumers through robust provisions. Article 2 of the UUPK explains that consumer protection is carried out based on 5 (five) principles.¹²

- 1) The Principle of Benefit: Intended so that consumer protection provides the maximum benefit for the interests of both consumers and business actors.

¹⁰ Kriswanduru Althea Serafim, *Consumer Protection Law* (Semarang: Prima Agus Teknik Foundation, 2024).

¹¹ Luqman Juhad, "SAFETY PROTECTION OF LIGHT TRAIN PASSENGERS IN THE PERSPECTIVE OF LAW NUMBER 8 OF 1999 CONCERNING CONSUMER PROTECTION" (Walisongo State Islamic University, Semarang, 2021).

¹² Mulia Rahman Hakim and Gunawan Djajaputra, "LEGAL PROTECTION FOR CONSUMERS AS PASSENGERS WHO SUFFER MATERIAL AND IMMATERIAL LOSSES DUE TO AIRLINES CANCELING FLIGHT SCHEDULES," *Indonesian Scientific Journal* 9, no. 1 (2024), <http://dx.doi.org/10.36418/syntax-literate.v9i1>.

- 2) The Principle of Justice: Intended so that the implementation of consumer protection regulations can allocate rights and obligations fairly to consumers and business actors.
- 3) The Principle of Balance: Aimed at providing a balance between the rights and obligations of consumers, business actors, and governmental interests.
- 4) The Principle of Consumer Security and Safety: Used to provide security and safety guarantees to consumers regarding the goods and/or services used.
- 5) The Principle of Legal Certainty: Intended so that business actors and consumers can obey applicable laws and obtain justice guarantees in administering statutory regulations.

In an effort to protect consumer rights, business actors are required to fulfill several obligations when operating their businesses. As regulated in Article 7 of Law Number 8 of 1999 concerning Consumer Protection, these include:¹³

- 1) Acting in good faith when conducting business activities.
- 2) Providing true, clear, and honest information regarding the condition of goods and/or services.
- 3) Serving consumers correctly, honestly, and non-discriminatorily.
- 4) Guaranteeing the quality of traded goods and/or services based on applicable quality standard provisions.
- 5) Providing compensation or restitution for losses resulting from the use or consumption of traded goods and/or services.

Furthermore, to implement legal protection for *odong-odong* users in the event of a loss or accident, business actors are responsible for bearing all risks. The liability of business actors is regulated in Article 19 of Law No. 8 of 1999 concerning Consumer Protection, explained as follows:

- 1) Business actors are responsible for providing compensation for damage and/or consumer losses caused by using traded goods and/or services.

¹³ Asrul Aswar and Resdianto Willem, "IMPLEMENTATION OF CONSUMER PROTECTION LAW FAIR LEGAL PROTECTION FOR CONSUMERS," *Alaudin Law Development Journal (ALDEV)* 5, no. 1 (2023): 11-23.

- 2) The compensation referred to in paragraph (1) can be in the form of refunds, replacing goods/services of equal value, or providing health stipends in accordance with applicable statutory provisions.
- 3) Compensation must be granted within a maximum of 7 (seven) days after the transaction date.
- 4) The provision of compensation does not rule out the possibility of further criminal prosecution based on evidence if negligence by the business actor is found.
- 5) The provisions referred to in paragraph (1) and paragraph (2) do not apply if the business actor can prove that the consumer themselves caused the error.¹⁴

Based on the points above, the liability efforts of business actors constitute legal obligations. In law, all liability is based on fault and the risks that transpire in every legal event. When negligence results in a loss, the public can file compensation claims against business actors based on breach of contract (*wanprestasi*) or tort (*perbuatan melawan hukum*). Thus, when one party commits a tort that results in a loss to another person, they are obligated to compensate for that loss.¹⁵

The government holds an important role in implementing consumer protection against *odong-odong* business actors. This can be achieved through vehicle operational oversight, disciplining non-roadworthy vehicles, promoting transportation safety, and establishing more specific rules and regulations for *odong-odong* operations to ensure public safety and security. This way, the protection of consumer rights can be more effectively ensured.

To develop consumer protection efforts, the government has established a legal protection institution: the National Consumer Protection Agency (BPKN). This agency provides advice and consideration to the government on developing consumer protection in Indonesia. In carrying out this function, the BPKN has several tasks, including:¹⁶

¹⁴ Alfina Maharani and Adnand Darya Dzikra, "The Function of Consumer Protection and the Role of Consumer Protection Institutions in Indonesia: Protection, Consumers and Business Actors (Literature Review)," *Journal of Information Systems Management Economics* 2, no. 6 (2021): 659–66, <https://doi.org/10.31933/jemsi.v2i6.607>.

¹⁵ Mira Amelia, Nurwati Nurwati, and Mulyadi Mulyadi, "Consumer Protection of Female Online Transportation Users in the Perspective of Indonesian Positive Law (Case Study of Grab Users in Jakarta)," *Karimah Tauhid* 3, no. 12 (2024): 13622–37.

¹⁶ Rivaldo Fransiskus Kuntag, Flora Pricilla Kalalo, and Anna S Wahongan, "THE LIABILITY OF BUSINESS ACTORS TO CONSUMERS WHO ARE HARMED BY

- 1) Providing advice and recommendations to the government regarding policy formulation in the field of consumer protection;
- 2) Conducting research and assessments of statutory regulations applicable to consumer protection;
- 3) Conducting research on goods and/or services concerning consumer safety;
- 4) Encouraging the development of non-governmental consumer protection institutions (LPKSM);
- 5) Disseminating information regarding consumer protection and popularizing consumer advocacy attitudes through social media platforms;
- 6) Receiving reports on consumer protection from the public, non-governmental consumer protection institutions, or business actors;
- 7) Conducting surveys concerning consumer needs.

In addition to forming the National Consumer Protection Agency, the government established the Consumer Dispute Settlement Agency (BPSK), a government effort to resolve legal disputes in consumer protection cases out of court. This assists consumers in resolving their problems easily, quickly, and cost-effectively, as any expenses incurred will be charged to the respective Regency/City Regional Budget (APBD), in accordance with the mandate of Law Number 8 of 1999 concerning Consumer Protection.

Based on this description, it can be concluded that the implementation of Law Number 8 of 1999 concerning Consumer Protection for *odong-odong* users aims to guarantee consumer security, comfort, and safety. In practice, this requires cooperation among the government, law enforcement officials, and the public. The government's role involves establishing specific vehicle regulations, while the public also needs to increase awareness and knowledge about safe transportation. Accordingly, legal protection for *odong-odong* users can be optimally realized.

CONCLUSION

A good means of transportation provides consumers and others with a sense of security and comfort. In Indonesian positive law, traffic provisions and public transportation facilities are regulated by Law Number 22 of 2009 concerning Traffic and Road Transportation, which requires that every vehicle undergo feasibility tests, obtain an operational license and complete vehicle administrative requirements.

Functionally, *odong-odong* are tourist vehicles that should be used only within tourist attraction areas, not on public roads. However, several factors still contribute to the operation of *odong-odong* vehicles on public roads, including their status as a cheap source of entertainment, a source of income for MSMEs, and an alternative to other transport options due to the limitations of those options. Legal protection for consumers is regulated by Law Number 8 of 1999, as explained in Article 1, number 1, of the UUPK. Efforts to protect consumers can be carried out in two ways: first, before a transaction occurs (no-conflict/pre-purchase) through legislation and voluntary self-regulation. Second, when a transaction occurs (conflict/post-purchase), use court paths or out-of-court efforts through the Consumer Dispute Settlement Agency (BPSK).

In disciplining *odong-odong*, in addition to statutory laws, it is important to consider the socio-economic elements of the community affected by *odong-odong* transportation operations. The government needs to establish specific regulations on *odong-odong* and supervise their implementation. Additionally, increasing public self-awareness when choosing to operate vehicles safely improves the success of protecting consumer rights, enabling government regulations to be implemented more effectively.

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