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# Objective Liability and Consumer Protection in Land Public Transport

Sarnida Sepriani<sup>1\*</sup> & Amad Sudiro<sup>2</sup>

<sup>1,2</sup>Universitas Tarumanagara,  
Jakarta, Indonesia

## Correspondence

Sarnida Sepriani, Universitas  
Tarumanagara, Jakarta, Indonesia,  
Jl. Letjen S. Parman No.1,  
RT.6/RW.16, Tomang, Kec.  
Grogol petamburan, Kota Jakarta  
Barat, Daerah Khusus Ibukota  
Jakarta 11440, e-mail:  
sarnida.205210176@stu.untar.ac.id

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*Original Article*

## Abstract

The loss of passenger luggage stored in cabin compartments during land transportation raises significant questions regarding the legal responsibility of public transportation companies. This study analyzes the legal liability of PT. Rosalia Indah Transport for passenger losses, examines the available compensation mechanisms under Law No. 22 of 2009 on Road Traffic and Transportation and Law No. 8 of 1999 on Consumer Protection, and offers normative recommendations for enhancing consumer protection in this sector. Utilizing a normative legal research approach, this study is based on statutory analysis and case studies. The findings demonstrate that transportation operators bear objective liability for passenger belongings under their supervision, and that compensation may be pursued through both non-litigation and litigation channels. The study concludes that the current system of legal responsibility and dispute resolution remains inadequate and requires procedural reforms to ensure fairness, transparency, legal certainty, and effective consumer protection in public transportation services.

**Keywords:** *Legal Responsibility, Consumer Protection, Lost Luggage, Land Transportation*

## Abstrak

Kehilangan barang bawaan penumpang di bagasi kabin selama perjalanan darat menimbulkan persoalan tanggung jawab hukum perusahaan angkutan umum. Penelitian ini bertujuan untuk menganalisis tanggung jawab hukum PT. Rosalia Indah Transport terhadap penumpang yang dirugikan, mengkaji mekanisme penyelesaian ganti kerugian berdasarkan Undang-Undang Nomor 22 Tahun 2009 dan Undang-Undang Nomor 8 Tahun 1999, serta memberikan rekomendasi normatif untuk peningkatan perlindungan konsumen. Metodologi yang digunakan adalah pendekatan yuridis normatif dengan analisis peraturan perundang-undangan dan studi kasus. Hasil penelitian menunjukkan bahwa penyelenggara angkutan bertanggung jawab secara objektif atas barang dalam penguasaannya, dan ganti rugi dapat dilakukan melalui jalur non-litigasi maupun litigasi. Penelitian ini menyimpulkan bahwa sistem tanggung jawab dan mekanisme penyelesaian sengketa masih perlu diperkuat dengan standar prosedur yang adil dan transparan guna menjamin kepastian hukum dan perlindungan efektif bagi konsumen jasa transportasi.

**Kata kunci:** *Tanggung Jawab Hukum, Perlindungan Konsumen, Barang Hilang, Transportasi Darat*

## 1. INTRODUCTION

Land transportation plays a crucial role in facilitating community mobility and the distribution of goods, particularly in an archipelagic country such as Indonesia. Given its geography—comprising thousands of islands and intensive inter-island activity—land transportation modes, particularly intercity and interprovincial buses, remain a primary choice for public travel. The availability of such transportation services not only indicates the progress of national infrastructure but also reflects the level of societal advancement in responding to growing mobility demands. In tandem with technological advancements and service system improvements, land transportation has undergone significant transformation in terms of comfort, efficiency, and service coverage. However, these developments have also given rise to serious legal challenges, particularly concerning consumer protection—especially for passengers who suffer losses due to negligence by service providers.

A critical issue that remains under-addressed is the loss of passenger luggage during transportation, as exemplified by cases involving PT. Rosalia Indah Transport. In one reported incident, a passenger lost a laptop that was later deceitfully replaced with two books resembling the size and shape of the device. Similar cases have affected other passengers, yet the company's accountability mechanisms and procedures for compensating losses remain ambiguous and often disadvantageous to consumers. These cases underscore the weak bargaining position of passengers as service users, particularly when losses arise from negligence or criminal acts during transit.

Legally, the responsibilities of transportation providers are outlined in Articles 188 and 193 of Law No. 22 of 2009 on Traffic and Road Transportation, which require operators to ensure passenger safety and to compensate for damage or loss of luggage. Furthermore, under Law No. 8 of 1999 on Consumer Protection, passengers are entitled to key rights—including the right to safety, the right to be heard, the right to information, and the right to receive compensation. The evident gap between these legal norms and their implementation in practice highlights the need for comprehensive legal research. Such research is essential to critically examine the legal responsibilities of bus transportation companies in cases of lost passenger belongings and to formulate equitable and effective mechanisms for compensation. This inquiry is not only pertinent within the scope of consumer protection but also contributes to the development of a more accountable and legally sound land transportation system grounded in justice and legal certainty.

Several previous studies have explored the legal liability of transportation companies toward passengers, particularly concerning the loss of luggage during transit. Digiyan and Susilowati underscore the importance of legal protections for the safety of passengers and their belongings, emphasizing that, under Articles 188 and 193 of Law

No. 22 of 2009, transportation companies are legally responsible for such losses.<sup>1</sup> Halomoan H.S.B elaborates on carrier liability from a civil law perspective, grounded in the principles of negligence, presumption of fault, and strict liability.<sup>2</sup> Septiawan et al. highlight the vulnerability of intercity bus transport systems due to weak security infrastructure and emphasize the urgent need for technological integration to prevent luggage theft or loss.<sup>3</sup> Meanwhile, studies by Kusuma et al. and Pasaribu & Wirasawasta focus more broadly on legal protection in the context of air transportation and the state's role in ensuring systematic public transportation governance.<sup>4</sup>

However, these studies do not specifically address the legal responsibilities of land-based public transportation providers concerning the loss of passenger items stored in cabin baggage—particularly in concrete cases such as those involving PT. Rosalia Indah Transport. To date, no research has empirically and normatively examined how compensation or restitution mechanisms are implemented by companies, nor the extent to which consumer protection and passenger rights are effectively upheld within the framework of Law No. 22 of 2009 and Law No. 8 of 1999 on Consumer Protection.

Therefore, the novelty of this study lies in its focused analysis of the legal responsibility of bus transportation companies for the loss of cabin baggage items through a normative legal framework supported by real-world case studies—an area largely overlooked in prior research. This study also contributes to a deeper empirical understanding of the legal standing of consumers, who are often passive and vulnerable in asserting their rights within the public transportation sector. Based on the above, this study aims to:

- 1) Analyze the legal responsibility of land-based public transportation providers, particularly PT. Rosalia Indah Transport, in cases involving the loss of passenger belongings stored in cabin baggage;

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<sup>1</sup> Sadar Digiyan and Indri Fogar Susilowati, “Tanggung Jawab Hukum Terhadap Barang Bawaan Penumpang Yang Hilang Dalam Bagasi Bus: Studi Kasus Di PT. Abizar Wisata Tour & Travel Malang,” *Novum: Jurnal Hukum* 11, no. 1 (2024): 96–109, <https://doi.org/10.2674/novum.v3i3.56262>.

<sup>2</sup> Putra Halomoan H.S.B, “Pertanggungjawaban Hukum Pengangkutan Terhadap Penumpang Dan Barang Angkutan Disebabkan Kelalaian,” *Al-Ihkam: Jurnal Hukum Keluarga Jurusan Ahwal Al-Syakhsyiah Fakultas Syariah IAIN Mataram* 13, no. 2 (2021): 151–172, <https://doi.org/10.20414/alihkam.v9i01.1159>.

<sup>3</sup> Fattalah Cahya Septiawan et al., “Tanggung Jawab Pelaku Bisnis Angkutan Umum Bus Lintas Kota Lintas Provinsi Terhadap Barang Bawaan Penumpang,” *Nusantara: Jurnal Ilmu Pengetahuan Sosial* 10, no. 11 (2023): 5008–19, <http://dx.doi.org/10.31604/jips.v10i11.2023.5008-5019>.

<sup>4</sup> Ida Bagus Ananta Kusuma, I Nyoman Sukandia, and I Nyoman Sutama, “Perlindungan Hukum Terhadap Penumpang Angkutan Umum Ditinjau Dari Undang-Undang Nomor 22 Tahun 2009 Tentang Lalu Lintas Dan Angkutan Jalan,” *Jurnal Analogi Hukum* 6, no. 1 (2024): 79–86, <https://doi.org/10.22225/jah.6.1.2024.79-86>; Mangara Pasaribu and Wirasawasta Wirasawasta, “Perlindungan Hukum Terhadap Penumpang Dan Barang Milik Penumpangdalam Jasa Pengangkutan Udara,” *Mercatoria* 9, no. 1 (2016): 35–53, <https://doi.org/10.31289/mercatoria.v9i1.350>.

- 2) Examine the compensation mechanisms available to consumers in such incidents, with reference to Law No. 22 of 2009 on Road Traffic and Transportation and the consumer protection principles established in Law No. 8 of 1999;
- 3) Offer normative recommendations for strengthening the framework of corporate accountability and consumer protection in the public transportation sector, based on the principles of legal certainty and justice for affected passengers.

## **2. RESEARCH METHODOLOGY**

This study employs a normative legal research approach, which is a method of legal inquiry grounded in the analysis of existing positive legal norms, including statutory regulations, legal doctrines, principles, and judicial decisions. This approach is utilized to examine the legal responsibility of land-based public transportation companies—in this case, PT. Rosalia Indah—for losses incurred by passengers due to missing cabin baggage, with reference to the provisions of Law No. 22 of 2009 on Road Traffic and Transportation and Law No. 8 of 1999 on Consumer Protection. The study focuses on the interpretation and evaluation of these legal norms to address the extent of transportation companies' obligations in such cases and how accountability mechanisms should be implemented in a fair and proportionate manner.

To complement the normative framework, a case study method is also employed, centered on an incident involving the loss of a passenger's laptop on a PT. Rosalia Indah bus, where the stolen item was deceptively replaced with two ledger books. This case is analyzed from a legal perspective to assess the alignment between transportation service practices and the applicable legal framework. Primary data for the case study were gathered from publicly available sources, including media reports, victim testimonies, and official company responses (when accessible), with the aim of identifying violations of consumer rights and evaluating the effectiveness of the compensation mechanisms provided by the company. The data sources used in this study consist of primary legal materials such as laws, ministerial regulations, and implementing provisions relevant to transportation and consumer protection. Additionally, secondary legal materials—including scholarly literature, legal journals, and court rulings on comparable cases—were used to enrich the normative analysis. Data analysis was conducted qualitatively through a systematic interpretation of legal norms and their practical application to the case study under investigation.

## **3. RESEARCH RESULT AND DISCUSSION**

### **3.1. Legal Responsibility of Land-Based Public Transportation Companies Toward Passengers Experiencing Losses Due to Lost Luggage**

This study seeks to analyze the legal responsibility of land-based public transportation providers, particularly PT. Rosalia Indah Transport, toward passengers who suffer losses due to the disappearance of luggage stored in cabin baggage during transit. This objective is driven by the growing number of consumer complaints concerning lost personal belongings in land transportation services, which are often inadequately addressed by service providers. The study further evaluates whether current practices align with existing legal frameworks.

Data derived from case studies, legal documents, and interviews with affected passengers indicate that PT. Rosalia Indah Transport continues to rely on an internal policy framework that places full responsibility for personal belongings on passengers. This is evident in the inclusion of exoneration clauses printed on tickets and terms of service. In practice, cabin luggage is not marked with official identification, nor is it protected by a dedicated security system (such as CCTV or tagging), thereby increasing the risk of loss and complicating the process of item recovery.

Interviews with victims who reported the loss of laptops and jewelry revealed that these incidents typically occurred while passengers were asleep, without any supervision by the bus crew to monitor movements within the cabin. Evidence suggests that the losses were the result of deliberate acts by fellow passengers who replaced valuable items with objects of similar size but of no value. Documentation indicates that at least 30 passengers have reported similar incidents over the past two years.

Although the company has claimed to assist in locating lost items, it has not committed to providing compensation. Legally, this contradicts Article 141(1) of Law No. 22 of 2009, which mandates that public transportation operators must ensure the safety of both passengers and their belongings throughout the duration of the journey. Furthermore, the absence of active monitoring in the cabin reflects negligence, as addressed under Articles 138(1) and 138(2) of the same law.

The findings demonstrate that PT. Rosalia Indah Transport has not fulfilled its legal obligations regarding the safety of passenger belongings stored in cabin baggage. The company's approach fails to align with the principles of consumer protection enshrined in Law No. 8 of 1999, and with the civil and commercial law doctrines concerning carrier liability. The continued use of exoneration clauses and the absence of preventive internal security mechanisms indicate an imbalance in the contractual relationship between the company and passengers. From a civil law perspective, this failure may constitute a breach of contract due to the company's inability to meet its obligation to ensure the safe carriage of goods (Articles 1233 and 1320 of the Indonesian Civil Code). Under the Consumer Protection Law, the company may also be in violation of Article 19(1) for failing to provide compensation for losses caused by the use of its services.

These findings are consistent with the study by Digiyan and Susilowati, which emphasizes the limited legal protection available to consumers in land transportation and highlights the inequitable nature of exoneration clauses. Their study concludes that such unilateral terms in transportation contracts risk violating the principle of fairness and good faith.<sup>5</sup> This research also complements the work of Arifin & Larissa and Margaretha & Sudiro, who examined more robust accountability mechanisms in air transportation, where goods are systematically labeled and monitored, thereby offering stronger legal protections to consumers.<sup>6</sup> This comparison reveals that, in terms of consumer protection, land transportation continues to lag behind other modes of public transport.

From a normative perspective, the responsibility of public transportation companies encompasses not only the safety of passengers but also the security of their belongings while under the company's care. Although cabin baggage is physically situated near the passengers, it remains legally within the domain of the carrier's supervision as part of the vehicle. Pursuant to Article 1367 of the Indonesian Civil Code and Article 468 of the Commercial Code, transportation providers are liable for the actions of their employees, including negligence in maintaining the safety of the cabin area. A lack of adequate supervision in practice may thus constitute actionable negligence on the part of the carrier.

The application of the strict liability principle—where liability is imposed without the need to prove fault or intent—is especially relevant in this context. This is due to the inherent difficulty in proving malicious intent by third parties (e.g., theft by fellow passengers), as well as the unequal bargaining power between companies and consumers when service terms are unilaterally imposed.<sup>7</sup> This principle aligns with the core tenets of consumer protection law, which emphasize that the burden of safeguarding consumers lies with business actors, not with the consumers themselves.<sup>8</sup> Findings from this study affirm that PT. Rosalia Indah Transport's current system of legal responsibility fails to uphold essential principles of consumer protection and contractual fairness. The inclusion of a unilateral exoneration clause on tickets cannot serve as a

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<sup>5</sup> Digiyan and Susilowati, "Tanggung Jawab Hukum Terhadap Barang Bawaan Penumpang Yang Hilang Dalam Bagasi Bus: Studi Kasus Di PT. Abizar Wisata Tour & Travel Malang."

<sup>6</sup> Sitti Ma'rifah Nisrina Arifin and Dea Larissa, "Pertanggungjawaban Hilang Atau Rusaknya Barang Bagasi Pesawat Di Bandara Sultan Hasanuddin Makassar," *Siyasatuna: Jurnal Ilmiah Mahasiswa Siyasah Syar'iyah* 1, no. 2 (2020): 318–28, <https://journal.uin-alauddin.ac.id/index.php/siyasatuna/article/view/18745>; Irene Patricia Margaretha and Amad Sudiro, "Evaluasi Tanggung Jawab Pelaku Usaha Terhadap Perlindungan Konsumen Dilihat Dari Perspektif Hukum Pembatalan Penerbangan," *Unes Law Review* 6, no. 2 (2023): 6039–50, <https://doi.org/10.31933/unesrev.v6i2.1441>.

<sup>7</sup> Mohammed Bedjaoui, "Responsibility of States: Fault and Strict Liability," in *Encyclopedia of Disputes Installment* 10, ed. Rudolf L. Bindschedler et al. (Amsterdam: Elsevier Ltd, 1987), 358–62.

<sup>8</sup> Muhammad Ainurraiyid Al Fikri, "Implementation of Strict Liability by Companies in Cases of Environmental Damage in Indonesia: An Overview of State Administrative Law in Indonesia," *Indonesian State Law Review* 5, no. 2 (2022): 41–52, <https://doi.org/10.15294/islrev.v5i2.47460>.

legitimate basis for evading liability in cases of proven negligence or failure to implement a reasonable security system.

These findings underscore the urgent need for policy reform within land transportation companies, particularly in the following areas:

- 1) Enhancing cabin security through the installation of surveillance systems (e.g., CCTV), improved identification procedures for passenger belongings, and comprehensive crew training on in-transit monitoring;
- 2) Implementing a standardized luggage documentation system, including ticketed baggage tags for valuable items;
- 3) Drafting fair standard contracts that limit liability clauses to reasonable terms and include mechanisms for consumer dispute resolution;
- 4) Strengthening government oversight through institutions such as the Ministry of Transportation and the National Consumer Protection Agency (BPKN) to ensure legal compliance by transportation providers.

Accordingly, legal protection for passengers must be more than a formal commitment; it should be realized through an integrated regulatory, administrative, and operational framework. Companies like PT. Rosalia Indah Transport are expected to serve as models in developing a secure, equitable, and accountable land transportation system, consistent with the mandates of national law.

### **3.2. Compensation Mechanism for Consumers in Cases of Lost Passenger Luggage: A Legal Perspective Based on Law No. 22 of 2009 and Law No. 8 of 1999**

This study aims to comprehensively examine the compensation mechanisms available to consumers, particularly passengers of land-based public transportation, in cases involving the loss of luggage during transit. The focus is directed toward analyzing the legal responsibilities of transportation providers under Law No. 22 of 2009 on Road Traffic and Transportation and the protective measures afforded to consumers under Law No. 8 of 1999 on Consumer Protection. The study further evaluates the effectiveness of both litigation and non-litigation dispute resolution mechanisms and provides normative recommendations to promote legal certainty and fairness for affected consumers.

Field data reveal that many land transportation operators still lack adequate systems for monitoring passenger baggage. Case study findings from PT. Rosalia Indah Transport and consumer complaint records indicate that losses commonly stem from the absence of baggage documentation, lack of acknowledgment receipts from transportation staff, the nonexistence of designated baggage supervisors or labeling

systems, and crew negligence during passenger boarding and disembarkation at terminals or rest areas.

Interviews with affected consumers show that most were unaware of their right to claim compensation and perceived the loss as a personal risk. Conversely, company representatives claimed responsibility only for items officially recorded and stored in the main luggage compartment. However, Articles 166 and 167 of Law No. 22 of 2009 clearly state that transportation operators are obligated to compensate passengers for damage or loss of belongings while those items are under their custody. This obligation is grounded in strict liability, unless there is clear evidence of negligence on the part of the passenger.

The study highlights a significant gap between the normative legal framework and the actual implementation of consumer protection in the transportation sector. While direct negotiation remains the most common non-litigation mechanism, it often fails due to the absence of standardized loss assessment procedures and limited legal awareness among consumers. Litigation is rarely pursued due to its complexity, cost, and time constraints, further weakening the consumers' bargaining power.

This research supports the findings of Nurfebriati and Purnama, who noted the absence of transparent, written baggage responsibility policies in most Indonesian transportation companies.<sup>9</sup> It also aligns with Khan and Efthymiou, who emphasized the importance of integrating digital surveillance systems—such as CCTV and barcode tracking—to mitigate losses.<sup>10</sup> However, this study differs by specifically addressing the principle of strict liability and the legal mechanisms for compensation through the combined application of the Road Traffic Law and the Consumer Protection Law. Furthermore, it extends the discourse by examining the role of alternative dispute resolution avenues, including consumer mediation and non-governmental consumer protection bodies (LPKSM).

Regulatorily, the principle of objective responsibility in Law No. 22 of 2009 mandates that transportation companies compensate consumers for losses sustained while goods remain under their supervision. This reflects a commitment to justice and legal assurance in public transportation services. In practice, however, ambiguities in proving responsibility and navigating claim procedures persist. Law No. 8 of 1999 enhances consumer legal standing by guaranteeing the right to safety, the right to be heard, and the right to receive compensation. When read together, these laws imply that

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<sup>9</sup> Nurfebriati Nurfebriati and Yunus Purnama, "Kualitas Pelayanan Bagasi Terhadap Kepuasan Penumpang Maskapai Garuda Indonesia: Studi Kasus Di Bandar Udara Internasional Zainuddin Abdul Madjid Lombok," *Jetbus: Journal of Education Transportation and Business* 1, no. 2 (2024): 254–66, <https://doi.org/10.57235/jetbus.v1i2.3635>.

<sup>10</sup> Nimra Khan and Marina Efthymiou, "The Use of Biometric Technology at Airports: The Case of Customs and Border Protection (CBP)," *International Journal of Information Management Data Insights* 1, no. 2 (2021): 1–14, <https://doi.org/10.1016/j.jjime.2021.100049>.



transportation companies bear administrative, civil, and moral responsibility for the loss of passengers' belongings.

However, the enforcement of consumer rights in the land transportation sector remains significantly weak. Contributing factors include insufficient regulatory oversight by transportation authorities, the suboptimal performance of the National Consumer Protection Agency (BPKN), and widespread consumer unawareness, all of which render passengers vulnerable in asserting their rights. This condition poses a serious risk to the principle of equal access to justice and undermines the doctrine of *pacta sunt servanda* in transportation agreements. This study confirms several key findings:

- a) The liability of transportation operators for the loss of passenger luggage constitutes a form of strict liability, as stipulated in Articles 166–167 of Law No. 22 of 2009, unless exculpatory evidence is provided.
- b) Consumers are entitled to compensation, as mandated under Articles 4 and 19 of Law No. 8 of 1999, and this obligation must not be disregarded by service providers.

Additionally, the available mechanisms for pursuing compensation include:

- 1) Non-litigation avenues, such as direct negotiation or mediation facilitated by the company or institutions like the Consumer Dispute Settlement Agency (BPSK);
- 2) Litigation routes, including civil lawsuits based on breach of contract or tort (Perbuatan Melawan Hukum, PMH) filed in district courts, requiring proof of passenger status, evidence of loss while under the transport provider's control, and substantiation of damages;
- 3) Non-litigation methods are generally preferred due to their efficiency and cost-effectiveness but necessitate standardized operating procedures (SOPs) and enhanced legal literacy among passengers;
- 4) Public transportation providers are obligated to strengthen their baggage monitoring systems and improve risk communication to passengers by implementing transparent SOPs, issuing documentation for passenger belongings, and offering insurance coverage.

### **3.3. Normative Recommendations for Enhancing the System of Liability and Consumer Protection by Public Transportation Companies Based on Legal Certainty and Justice**

This study aims to explore how the system of liability and legal protection for consumers—particularly public transportation passengers—can be strengthened through normative recommendations grounded in the principles of legal certainty and justice. The impetus for this research stems from the growing number of consumer

losses attributed to the negligence of public transportation operators, including incidents of lost belongings, travel delays, and accidents. Within this context, the central objective is to propose an ideal model of transportation operator liability and a consumer protection framework that ensures equitable and effective restitution for losses.

Findings from field research and legal document analysis reveal that the implementation of liability by public transportation companies remains fragmented and inconsistent. Primary data were gathered through interviews with affected passengers and corroborated by statements from transportation company representatives. The analysis highlights several key issues:

- 1) Limited awareness among transportation companies regarding their legal obligations to compensate non-material damages suffered by consumers;
- 2) Low utilization of litigation and alternative dispute resolution mechanisms due to lack of consumer awareness and accessibility;
- 3) Absence of a reliable internal monitoring system to process complaints in a transparent and accountable manner;
- 4) Tendency of companies to attribute losses to consumer negligence without conducting objective investigations.

Despite the provisions in Law No. 22 of 2009 on Road Traffic and Transportation and Law No. 8 of 1999 on Consumer Protection, the practical enforcement of these laws remains limited due to the lack of comprehensive implementing regulations specific to the land transportation sector. This study demonstrates that the current liability framework for public transportation operators in Indonesia is normatively and operationally inadequate. There is no unified model that guarantees legal certainty for passengers, and liability is often narrowly interpreted to apply only to physical injuries, excluding property loss or psychological harm arising from poor service delivery.

Moreover, consumer rights as outlined in Article 4 of the Consumer Protection Law have yet to be internalized within the public transportation sector's service culture. Even when losses are clearly attributable to the operator's negligence, compensation mechanisms often fail to reflect the principles of proportionality and justice.

Previous studies have identified the dominance of standard contracts that disadvantage consumers<sup>11</sup>, while others critique the limited effectiveness of institutions such as the Consumer Dispute Settlement Agency (BPSK) in resolving transportation-

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<sup>11</sup> Wulan Berlianti and Pamungkas Satya Putra, "Tanggung Jawab Perusahaan Penyedia Jasa Transportasi Online Terhadap Keselamatan Penumpang Berdasarkan Undang- Undang Nomor 22 Tahun 2009 Tentang Lalu Lintas Dan Angkutan Jalan Di PT. Gojek Indonesia," *Jurnal Ilmiah Wahana Pendidikan* 9, no. 8 (2023): 481–91, <https://jurnal.peneliti.net/index.php/JIWP/article/view/3634>; Nurzamzam Nurzamzam and Darwis Manurung, "Perlindungan Hukum Bagi Konsumen Pengguna Jasa Kapal Cepat Atas Pencantuman Klausul Baku Dalam Pengangkutan Di Laut," *Borneo Law Review* 7, no. 1 (2023): 71–82, <https://doi.org/10.35334/bolrev.v7i1.4192>.

related disputes.<sup>12</sup> In contrast, this study introduces a new approach by formulating normative recommendations rooted in the principles of distributive justice and legal certainty, emphasizing the harmonization of the Traffic Law and the Consumer Protection Law. The findings also call for a progressive interpretation of transportation operator liability—one that extends beyond material compensation. In a state governed by law that upholds the protection of citizens as public service consumers, the principles of duty of care, transparency, and accountability must be institutionalized within the transportation system.

From a regulatory perspective, Law No. 22 of 2009 mandates transportation operators to ensure passenger safety and comfort, while Law No. 8 of 1999 requires restitution, compensation, and rehabilitation for any violations of consumer rights. Therefore, the recommended model is one of risk-based objective liability, in which transportation companies are held accountable for all losses occurring under their service scope unless consumer negligence is demonstrably proven.<sup>13</sup> This recommendation aligns with the principle of *in dubio pro consumatore*—that in cases of legal ambiguity, interpretations must favor the consumer as the structurally disadvantaged party.<sup>14</sup>

This study underscores several key points:

- 1) The liability framework for public transportation companies must be normatively reconstructed to incorporate elements of objective responsibility and the precautionary principle;
- 2) There is an urgent need to strengthen derivative regulations under Law No. 22 of 2009 that specifically address liability for passenger luggage, delays, and service failures;
- 3) Internal complaint mechanisms within transportation companies should be considered a legal obligation rather than optional services;
- 4) Consumer protection in the public transportation sector must encompass both legal education and access to effective dispute resolution mechanisms;
- 5) The state bears a constitutional duty to ensure that public service providers comply with equitable and just consumer protection standards.

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<sup>12</sup> A. Joko Purwoko, “Optimalisasi Badan Penyelesaian Sengketa Konsumen (BPSK) Sebagai Lembaga Penyelesaian Sengketa Konsumen Di Luar Pengadilan,” in *Prosiding Seminar Nasional Multi Disiplin Ilmu & Call For Papers Unisbank* (Semarang: Universitas Stikubank Semarang, 2016), 413–23, <https://www.unisbank.ac.id/ojs/index.php/sendu/article/view/4224>; Yatini Yatini and Wahyuni Safitri, “Penyelesaian Sengketa Konsumen Di Lembaga Badan Penyelesaian Sengketa Konsumen (BPSK) Kota Samarinda,” *Yuriska: Jurnal Ilmiah Hukum* 7, no. 2 (2015): 63–96, <https://doi.org/10.24903/yrs.v7i2.137>.

<sup>13</sup> Bertuani Casella Simarmata and R.A Supriyono, “Efektivitas Penerapan Risk Based Internal Auditing Dalam Meningkatkan Kualitas Manajemen Risiko: Studi Kasus PT PLN UIKL Kalimantan,” *ABIS: Accounting and Business Information Systems Journal* 11, no. 4 (2023): 466–79, <https://doi.org/10.22146/abis.v11i4.90309>.

<sup>14</sup> Meda Desi Kartikasari, “Menelisik Akar Pemikiran Asas in Dubio Pro Natura Dalam Penegakan Hukum,” *Verstek* 8, no. 3 (2020): 422–29, <https://doi.org/10.20961/jv.v8i3.47063>.

Based on these findings, the author proposes the following normative recommendations:

- 1) First, the government should formulate implementing regulations under Law No. 22 of 2009 that explicitly regulate compensation systems for passengers experiencing non-material or non-physical losses;
- 2) Second, the Land Transportation Regulatory Agency should mandate all public transportation operators to adopt standardized operating procedures (SOPs) covering complaint management, compensation processing, and luggage documentation;
- 3) Third, the Indonesian House of Representatives (DPR) and the Ministry of Transportation should consider a targeted amendment to Law No. 22 of 2009 to incorporate a mandatory insurance clause covering passenger losses or damage to belongings;
- 4) Fourth, integration between consumer protection norms and transportation regulations must be pursued through coordinated policy harmonization among relevant ministries and regulatory bodies;
- 5) Fifth, consumer legal literacy must be promoted through public awareness campaigns, digital education programs, and partnerships with non-governmental organizations in the areas of consumer rights and transportation services.

By implementing these normative recommendations, the legal framework governing consumer responsibility and protection in the public transportation sector can better reflect the principles of the rule of law, ensure equal access to justice, and enhance public trust in transportation services that are fair, secure, and legally accountable.

#### **4. CONCLUSION**

This study aims to analyze the legal responsibility of land-based public transportation companies, with a particular focus on PT. Rosalia Indah Transport, in relation to passengers who suffer losses due to lost cabin baggage during travel. It also examines the compensation settlement mechanisms available to consumers under the provisions of Law No. 22 of 2009 on Road Traffic and Transportation and the consumer protection principles enshrined in Law No. 8 of 1999. Additionally, the study provides normative recommendations to support the development of a fair and legally certain system of responsibility and consumer protection within the public transportation sector. The findings reveal that the liability of transportation operators is objective in nature, provided that the passenger's belongings remain under their control. PT. Rosalia Indah Transport is legally obligated to compensate passengers for lost cabin baggage where negligence in supervision or baggage management can be established. Compensation may be pursued through non-litigation mechanisms such as negotiation

or mediation, or through litigation based on civil claims for breach of contract or unlawful acts. These legal avenues align with Articles 166 and 167 of Law No. 22 of 2009 and Articles 19–25 of Law No. 8 of 1999.

This study underscores the urgency of modernizing baggage control systems, enhancing consumer legal literacy, and establishing standardized complaint and compensation procedures within transportation companies. In practical terms, the study serves as a valuable reference for policymaking and legal advocacy in the field of transportation consumer protection. However, the study is limited by its focus on a single transportation company. Future research should incorporate comparative analyses across multiple companies and regions, and include empirical assessments of regulatory enforcement and the effectiveness of consumer dispute resolution mechanisms.

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