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PERLINDUNGAN HUKUM BAGI KONSUMEN ATAS TEMUAN SORGUM SEBAGAI BAHAN PANGAN ALTERNATIF PENGGANTI BERAS

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Abstrak

Tujuan penelitian ini adalah untuk memahami perlindungan hukum atas temuan sorgum sebagai bahan pangan alternatif bagi konsumen. Penelitian ini menggunakan metode normatif deskriptif dengan menganalisis permasalahan yang ada dengan Undang-undang dan literature yang terkait. Hasil penelitian menunjukkan bahwa konsumen sorgum mendapat perlindungan hukum sesuai dengan pasal 4 butir a dari undang-undang nomer 8 tahun 1999 tentang Perlindungan Konsumen, bahwa konsumen mendapatkan Hak atas kenyamanan, keamanan, dan keselamatan dalam mengkonsumsi barang dan/ atau jasa, artinya Perlindungan hukum bagi konsumen atas temuan sorgum sebagai bahan pangan alternatif pengganti beras sudah terpenuhi, karena sorgum memiliki segala potensi sumber makanan yang kaya akan anti oksidan, magnesium dan bermanfaat untuk mengontrol kadar gula darah, sehingga bisa dijadikan sebagai alternatif pangan untuk menggantikan beras (nasi), sorgum juga aman dan layak dikonsumsi oleh konsumen serta bisa memenuhi kebutuhan konsumen untuk dijadikan sebagai bahan pangan alternatif pengganti beras sekaligus mengurangi jumlah permintaan beras (padi) yang semakin meningkat berada diposisi aman tanpa perlu impor beras lagi.

Kata kunci: Perlindungan hukum, Undang-undang perlindungan konsumen, Sorgum pangan alternatif, Konsumen

1. Pendahuluan

Latar Belakang dan Masalah

Perlindungan konsumen merupakan hal yang masih relatif baru di Indonesia, tetapi masih banyak kasus konsumen yang dirugikan tetapi konsumen merasa kesulitan untuk menuntut ganti rugi, bahkan konsumen terkesan sangat lemah kedudukannya di hadapan pelaku usaha, karena yang menjadi kebiasaan di Indonesia adalah asas "*take it or leave it*", selama ini konsumen di Indonesia hanya dijadikan objek aktivitas bisnis oleh para pelaku usaha (Suyadi, 2010)

Pentingnya perlindungan hukum bagi konsumen sebagai pemakai akhir dari sebuah produk pangan, sesuai dengan penjelasan umum undang-undang Nomor 8 tahun 1999 Tentang Perlindungan Konsumen (UUPK) pada tanggal 20 April 1999, merupakan salah satu upaya dalam menjamin kepastian hukum untuk memberi perlindungan kepada konsumen atas produk pangan yang dikonsumsi, diperlukan perlindungan konsumen karena kebutuhan akan pangan merupakan kebutuhan dasar bagi manusia.

Faktor yang mendukung dan terpenting dalam mencapai ketahanan pangan adalah tersedianya dan terdistribusinya pangan yang terjangkau harga dan tentunya aman untuk

dikonsumsi oleh masyarakat untuk mencukupi kebutuhan energi dalam aktifitas sehari-hari (Saliem et al, 2002), sedangkan definisi pangan menurut Peraturan Pemerintah Republik Indonesia Nomor 68 tahun 2002 tentang Ketahanan Pangan (Setneg, 2002) adalah segala sesuatu yang berasal dari sumber hayati dan air, baik yang diolah maupun tidak diolah yang diperuntukkan sebagai makanan atau minuman bagi konsumsi manusia, termasuk bahan tambahan pangan, bahan baku pangan, dan bahan lain yang digunakan dalam proses penyiapan, pengolahan, dan/atau pembuatan makanan ataupun minuman.

Di Indonesia kebiasaan masyarakat menggunakan beras (padi) yang diolah menjadi nasi sebagai bahan dasar kebutuhan pangan sehari-hari menjadikan kebutuhan dan permintaan beras meningkat, peningkatan jumlah lahan tanam merupakan upaya untuk memenuhi peningkatan jumlah permintaan, tetapi terkadang upaya meningkatkan jumlah lahan tanam terhambat dengan terbatasnya jumlah bibit tanam dan juga pupuk yang tersedia, terutama perubahan iklim/ kondisi alam yang tidak menentu sehingga sering menjadikan padi gagal panen.

Lembaga Ilmu Pengetahuan Indonesia (LIPI) sudah melakukan uji coba terhadap benih sorgum di Cibinong (Jawa Barat), Lampung, Surabaya (Jawa Timur), Sulawesi dan Yogyakarta, Kendari (Sulawesi Tenggara) dan Sumba NTT, adapun di Purwakarta (Jawa Barat) dan Pasuruan (Jawa Timur) juga sudah dilakukan dalam skala terbatas, menjadikan sorgum sebagai bahan pangan alternatif pengganti beras, dengan tingkat produksi panen tinggi lebih dari tanaman padi, disamping itu biaya yang murah akan sangat berpengaruh dalam perolehan keuntungan.

Sorgum (cantal) termasuk keluarga serelia seperti Jagung dan Gandum tanaman sorgum dapat tumbuh ditanah-tanah kering. Sorgum memiliki manfaat antara lain kaya akan antioksidan serta bebas gluten (Gluten Free). Kandungan gula rendah membantu mengatasi penyakit Diabetes, Kandungan serat tinggi membantu diet, Vitamin-vitamin seperti niacin, riboflavin, dan thiamin, serta mineral-mineral penting seperti magnesium, zat besi, tembaga, kalsium fosfor, dan kalium, (Noerhartati dan Rizal, 2019). Sorgum memiliki fungsi sebagai pangan alternatif pengganti beras yang memiliki banyak keunggulan (Rizal dkk., 2018). pertanian sorgum dan diversifikasi produk olahannya saat ini mengalami perkembangan yang sangat pesat, hal ini dikarenakan karena sorgum dapat di olah dari akar hingga bijinya. Perkembangan lainnya diantaranya adalah pada tingkat pemasaran (Noerhartati et al., 2019).

Berdasarkan hal diatas, konsumen mempunyai hak yang lebih ditujukan untuk memenuhi hak konsumen berupa hak untuk memilih barang atau produk pangan yang akan dikonsumsi, yang dalam hal ini merupakan bagian dari perlindungan hukum bagi konsumen, karena pangan berkaitan langsung dengan keamanan dan keselamatan jiwa dan kesehatan manusia (Evianto, 1986). Dari uraian latar belakang tersebut maka artikel ini akan membahas perlindungan hukum bagi konsumen atas temuan sorgum sebagai bahan pangan alternatif pengganti beras sehingga terpenuhinya hak-hak layak dan aman untuk dikonsumsi.

2. Pembahasan

Bentuk perlindungan hukum

Perlindungan konsumen adalah segala upaya yang menjamin adanya kepastian hukum untuk memberi perlindungan kepada konsumen. Konsumen adalah setiap orang pemakai dan/atau jasa yang tersedia dalam masyarakat, baik bagi kepentingan diri sendiri, keluarga, orang lain, maupun makhluk hidup lain dan tidak untuk diperdagangkan, (Republik Indonesia, Undang-undang Perlindungan Konsumen, 2003). jenis pendekatan yang digunakan dalam penelitian ini "*Statue Approach*" berdasarkan pada ketentuan hukum positif yang berlaku di Indonesia yang terkait dengan isu hukum yang terjadi, (Peter Mahmud Marzuki, 2010). pangan merupakan kebutuhan dasar bagi manusia, pangan dan pengolahan pangan merupakan tanggungjawab yang besar dan berat sehingga pelaku usaha harus bisa menjamin keamanan produknya dan karena ini berkaitan erat dengan kesehatan, keselamatan serta kesejahteraan manusia yang

mengkonsumsinya. Pada hakekatnya, terdapat dua instrument hukum penting yang menjadi landasan kebijakan perlindungan konsumen di Indonesia, yakni: **Pertama**, Undang-undang Dasar 1945, sebagai sumber dari segala sumber hukum di Indonesia, **Kedua**, Menurut Undang-undang nomer 8 tahun 1999 tentang Perlindungan Konsumen (UUPK). Lahirnya Undang-undang ini memberikan harapan bagi masyarakat Indonesia, untuk memperoleh perlindungan atas kerugian yang diderita atas transaksi suatu barang dan jasa. UUPK menjamin adanya kepastian hukum bagi konsumen.

Menurut Shidarta (2000) menyatakan: "*Perlindungan konsumen pada dasarnya merupakan bagian dari hukum konsumen yang memuat asas-asas atau kaidah-kaidah yang bersifat mengatur dan juga mempunyai sifat melindungi konsumen besertahak-haknya*".

Salah satu bentuk upaya tersebut yaitu dikeluarkannya peraturan yang memuat persyaratan yang harus dipenuhi oleh pelaku usaha dalam melakukan kegiatan produksi sehingga barang atau jasa yang dihasilkannya menjadi aman untuk dikonsumsi. Pemenuhan syarat-syarat oleh pelaku usaha adalah wajib, sehingga jika pelaku usaha tidak melaksanakan kewajibannya tersebut atau hanya melaksanakan sebagiannya saja berarti dianggap telah melakukan pelanggaran, dan juga resiko yang akan timbul yaitu barang atau jasa menjadi tidak aman untuk dikonsumsi karena tidak tercapainya baku mutu yang telah ditetapkan. Persyaratan-persyaratan yang wajib dipenuhi oleh pelaku usaha dalam memproduksi dari tahap praproduksi sampai tahap pasca produksi secara umum telah mencakup seluruh bentuk perlindungan terhadap konsumen. Dalam bidang pengolahan pangan seluruh hak konsumen yang disebutkan dalam Pasal 4 Undang-Undang Nomor 8 Tahun 1999 tentang Perlindungan Konsumen telah tercakup, tetapi hal ini tidak hanya berlaku pada bidang pengolahan pangan karena secara umum perlindungan terhadap konsumen mencakup seluruh bidang produksi. Perlindungan konsumen dimaksudkan sebagai perlindungan terhadap hak-hak konsumen.

Hak-hak konsumen yang perlu dilindungi menurut Pasal 4 Undang-undang Nomor 8 Tahun 1999 tentang Perlindungan Konsumen meliputi:

- a. Hak atas kenyamanan, keamanan, dan keselamatan dalam mengkonsumsi barang dan/ atau jasa;
- b. Hak untuk memilih barang dan/atau jasa serta mendapatkan barang dan/atau jasa tersebut sesuai dengan nilai tukar dan kondisi serta jaminan yang dijanjikan.
- c. Hak atas informasi yang benar, jelas, dan jujur mengenai kondisi dan jaminan barang dan/atau jasa;
- d. Hak untuk didengar pendapat dan keluhannya atas barang dan/atau jasa yang digunakan.
- e. Hak untuk mendapatkan advokasi, perlindungan, dan upaya penyelesaian sengketa perlindungan konsumen secara patut.
- f. Hak untuk mendapat pembinaan dan pendidikan konsumen
- g. Hak untuk diperlakukan atau dilayani secara benar dan jujur serta tidak diskriminatif.
- h. Hak untuk mendapatkan kompensasi, ganti rugi dan/atau penggantian, apabila barang dan/atau jasa yang diterima tidak sesuai dengan perjanjian atau tidak sebagaimana mestinya
- i. Hak-hak yang diatur dalam ketentuan perundang-undangan.

Sedangkan hak-hak konsumen menurut John F. Kennedy terdiri dari:

- a. Hak memperoleh keamanan (the right to safety);
- b. Hak memilih (the right to choose).
- c. Hak mendapat informasi (the right to be informed)
- d. Hak untuk didengar (the right to be heard).⁵ Dari penjabaran hak-hak konsumen menurut UUPK serta menurut John F. Kennedy hak konsumen yang paling penting untuk mendapat perlindungannya itu hak mendapatkan keamanan dan keselamatan.

3. Kesimpulan

Berdasarkan hasil analisis pustaka dapat disimpulkan bahwa mengonsumsi sorgum sebagai temuan bahan pangan alternatif pengganti beras terpenuhi dan layak dikonsumsi karena Sorgum memiliki manfaat antara lain kaya akan antioksidan serta bebas gluten (Gluten Free). Kandungan gula rendah membantu mengatasi penyakit Diabetes, Kandungan serat tinggi membantu diet, Vitamin-vitamin Seperti niacin, riboflavin, dan thiamin, serta mineral-mineral penting seperti magnesium, zat besi, tembaga, kalsium fosfor, dan kalium. sorgum memiliki fungsi sebagai pangan alternatif pengganti beras yang memiliki banyak keunggulan dan sorgum dapat di olah dari akar hingga bijinya. Konsumen oleh hukum melalui pasal 4 butir a dari undang-undang nomer 8 tahun 1999 tentang perlindungan konsumen, bahwa konsumen mendapatkan Hak atas kenyamanan, keamanan, dan keselamatan dalam mengonsumsi barang dan/ atau jasa.

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Role of Law and Social Stratification for *Online* Taxibike Consumer According to The Republic of Indonesia Law Number 8 1999 Considering Consumer Protection

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ABSTRACT

Purpose: The role of law and social stratification for online taxi bike consumers regarding implementation Law No. 8 of 1999, using normative descriptive methods. The Law uncurtained concerning taxi bike position as a transportation mode. And since motorbike is likely uncommonly used public transportation. Not only for the taxi bike driver in general, but this issue is also addressed to Gojek driver since the main service of Gojek is using a motorbike as made of transportation

Design/methodology/approach: Regarding the after-mentioned issue, according to article 11 of Law No. 8 of 1999 on Consumer Protection (BFL) on 20 April 1999 (Indonesia, 1999) it is obvious that the relation of online taxi bike system is so relevant, observe by social stratification approach since it is hierarchically structured.

Findings: Thus causing a relationship between law and social stratification as are chain reactive it is stated within by the law. There is existing discrimination in public caused by social discrimination that can be legally overcome, and law guarantees equality for all

Practical implications: Further research can add samples and variable

Originality/value: This paper is original

Paper type: Research paper

Keyword: Consumer protection laws, Laws, Regulations minister of transport, Social stratification

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I. INTRODUCTION

Transportation is one important part of life in society because, besides useful to facilitate everyday activities, transport also has an effect on economic growth and infrastructure in the region. Today more rapid advancement of science and technology also has an impact on the development of methods of service in the world of transport, one of which is the emergence of service-based taxi bikes online, or more known as a taxi bike online. This needs to be discussed how the role of law in a carriage on a motorcycle online, both in terms of safety for passengers and freight services online taxi bike, taxi bike fee arrangements online.

This is where the role of law in the government has issued two regulations related to online taxi bike namely the Minister of Transportation Regulation No. 12 of 2019 (Permenhub 12/2019) about User Safety Protection Used Motorcycles For Social Interests and Transportation Minister Decree No. 348 2019 (Kepmenhub 348/2019) Guidelines for Use of Services Cost Calculations Used Motorcycles for the Benefit Society Guide to the Application.

Permenhub No. 12 of 2019 aims to provide safety and security to be met by a driver and enterprise applications. As in article 2 which reads regulation is intended to provide safety protection for the use of motorcycles are used for the benefit of society made by and information technology-based applications without the application of information technology-based.

Included in the scope of regulation on Article 4 concerning the fulfillment of the safety aspects include the obligation for the driver to have a license to drive (SIM), driver in a healthy state, Driver does not carry passengers above one person and the driver has a driver's license and riding motorcycles should Letter Vehicle number (vehicle registration) Motorized valid.

While there is an obligation for enterprise applications as Article 5, paragraph 2, among others include the identity of the driver and passenger in the application, including a phone number of service complaints in the application, as well as completing the application features an emergency button (panic button).

Meanwhile, regarding the setting of guidelines for service fee-based online motorcycle itself is set in the Transportation Minister Decree No. 348 2019 (Kepmenhub 348/2019). The regulation specifies the cost of services the lower limit, upper limit, and minimal service costs. The restriction is done through the zoning system, there is a zone I, Zone II and Zone III.

For Zone, I cover an area of Sumatra and Java and the surroundings besides Jakarta, Bogor, Depok, Tangerang and Bekasi, and covers Bali. In the first zone of the cost of services, the lower limit is set at Rp 1,850 / km and a service fee upper limit of 2,300 / km. While minimal service fee is in the range of Rp 7,000 to Rp 10,000.

Zone II includes Jakarta, Bogor, Depok, Tangerang, and Bekasi. In zone II, the cost of services the lower limit is set at Rp 2,000 / km and a service fee upper limit of 2,500 / km. While the cost of services is in the range of at least US \$ 8000.00 up to USD 10,000.00.

Zone III covers an area of Kalimantan and Sulawesi and surrounding islands and surrounding Nusa Tenggara, Maluku Islands and surrounding, Papua and its surroundings. Ie, with the cost of services the lower limit is set at Rp 2,100 / km and a service fee upper limit of 2,600 / km. While the cost of services is in the range of at least US \$ 7000.00 up to USD 10,000.00.

So in both these regulations that Permenhub No. 12 of 2019 and No. 348 Kepmenhub 2019 have represented Ojek drivers online and consumers, in terms of legal certainty aspects, safety and regulates the standardization of online taxi bike driver to drive as well as the applicable rates. The focus is four, namely safety, service charges, suspend (sanction temporary cessation of operations), and partnerships.

Wendra Hardi, Ratna Syamsiar, and Siti Nurhasanah research with entitled *Perlindungan Hukum Terhadap Penumpang Jasa Angkutan Ojek Online Di Bandar Lampung* (Journal, 2018), The research found that the legal protection against online taxi bike passengers can be seen from the Go-jek the Company's efforts to give direction to the driver to bring the vehicle safely. If it still events that cause harm passengers the online taxi bike driver can be responsible for the loss, with this responsibility, the online taxi bike driver can recover its state law on the original.

While more intensive search by the title *Tanggung Jawab Perusahaan Transportasi Online Terhadap Penumpang Akibat Adanya Praktik Peralihan Akun Driver* (Fillaili, 2019). The research concluded legal protection for online transport passengers harmed by the practice of drivers account transition, the provision of insurance cover by the provider of transportation applications online to a passengers during the journey using the transport line.

Legal protection for passengers is also given through the Consumer Protection Act, to protect and fulfill the rights of consumers. The responsibility of the provider of transportation applications online to passengers harmed by the practice of transitioning accounts with their sanctioning driver gets dismissal (suspend) or disabling an account on driver who involved in the practice of driver's account transition. Efforts law dispute resolution for users of transport services online that impaired, can be done by suing for damages or criminally prosecute the account owner-driver online and/or on fake driver which has directly resulted in a loss to the consumer.

A. Issues

Based From the description of this background, this article will discuss:

What are the role of law and social stratification for consumers Online taxi bikes by the Consumer Protection Act No. 8 of 1999?

B. Literature review

The law may protect the rights and obligations of each individual in very real reality, with strong legal protection will manifest purpose of the law in general: order, security, tranquility, prosperity, peace, truth, and justice (Soedjadi, 1997) (Soedjadi, 1997). The meaning of the law is extremely diverse, depending on which angle they see it. Dutch law J. Van Kan defines the law as a whole provision of coercive life, which protects the

interests of people in the community. Law by (Notohamidjojo, 1975) argues that the law is the overall rules of the written and unwritten usually forced to human society and between countries, which is oriented to the two principles of justice and efficiency, for the sake of order and peace in society.

Law is the source of power in the form of power and authority in the practice of power is negative for inducing power do exceed the limit, exceeding authority. Law without power is a chimera, power without the law is cruel. Legal closely linked to social and cultural values. A good law is a law that reflects the values that live in the community, the community change is inevitable and change itself into question the values of which are used (Kusumohamidjojo, 2007), In the change, there must be obstacles, among others: (a) the value that will be changed is still relevant to national identity, (b) the nature of heterogeneity in religions and faiths, (c) the attitude of people who do not accept the change and does not practice changes which exist.

Here is some understanding of the law according to legal experts from within the country, among others:

1. Legal sense according to Soerojo Wignjodipoero
the law is the set of rules of life that contains a command and prohibition or permission to do or not do something, the law is coercive and to set the order in social life.
2. JCT Simorangkir, SH & Woerjono Sastroparnoto
Rule of law is coercive and determine human behavior in a community environment created by official bodies authorities where such violations of rules will lead to certain penalties.
3. BC. Amin, SH
Law is a collection of rules and norms that consists of overcome legal sanctions
4. MH Tirtaatmidjaja, SH
The law is the norm all the rules that must be followed in the conduct of actions in the association must live with the threat indemnify if it violates the rules taken endanger yourself or treasure
5. Wirjono prodjodikoro
Law is a series of rules regarding the behavior of people as members of a particular community
6. Prof. Achmad Ali
A set of rules or the rules that are arranged in a system, which determines what is allowed and what is not can be by humans as citizens in public life, which comes from the community itself and from other sources, which recognized the enactment by the highest authority in the community, as well as was right things to do by the community (as a whole) in life and if the rules are violated will give authority to the supreme authority to impose external sanctions.
7. Prof. Soedikno Mertokusumo
Overall collection of rules or principles in life together, the overall behavior of the regulations that apply in a life together, which can be forced to implement sanctions
8. Mochtar Kusumaatmadja
Definition of adequate law should not only look at the law as a set of rules and principles which arrange human life in society but should also include institutions (institutions) and the necessary processes in the fact that the legal can manifest that
9. Abdulkadir Muhammad, SH
All written and unwritten rules that have strict sanctions on violators
10. R. Soeroso SH
The set of rules made by the authorities to arrange the social life that has the feature commanding and forbidding as well as have the nature of force to impose penal sanctions for those who violate

II. DISCUSSION

A. The role of the legal and social stratification for consumers Online Motorcycle taxi by the Consumer Protection Act No. 8 of 1999

Agency theory states that management and owners have different interest (Jensen and Meckling, 1976). Business that separate management and ownership functions will be vulnerable to agency conflict (Compton, 2001). In the agency model, a system constructs both parties. Consequently, working agreement is required between the owner (principal) and management (agent). The agreement is expected to maximize the utility of principals, be able to satisfy and guarantee agents to receive rewards from the business management activities. The difference in importance between the owner and management lies in maximizing the benefits (utility) of the owner (principal) with the constraints (utility) benefits (utility) and incentives that will be received by management (agent). In this case, different interests often arise conflicts of interest between shareholder (Soedjadi, 1997)s / owners (principal) and management (agent) Trucks and generally include land, water, and air transport where these three plays a very important and interrelated in performing the function as the

conveyance of people and goods. The activities of the transport are to move goods (commodity of goods) and passengers from one place (origin or port of call) to another (port of destination), thereby transporting produce transport services or production services to the people who need to transfer or delivery of goods. Transportation has the function of place and time is very important because the goods have more value in the destination than to be in place early people or goods are transported,

Nowadays people often use the services of transport in performing daily activities primarily on ground transportation. This can be seen with many types of public transportation in the region. One type of land transport is often used by the public is a taxi bike. Taxi bike is a means of land transport using two-wheeled vehicles to transport passengers from one place to the place and then get the paid.

According to the Dictionary of Indonesian taxi, the bike is a motorcycle used to carrying passengers who rent this vehicle. Taxi bike has become an alternative transport for most people because it is flexible in its activities, to reach the right of transit of public transport such as public transportation, bus or another type of four-wheeled public transport Others. A taxi bike is a public transport that is recognized in the community. The government never banned juridical existence although never specifically regulated on article reserved.

Law serves as the protection of human interests, law enforcement should pay attention 4 unsur:

1. Legal certainty (rechtssicherheit)
2. Legal Use (zweckmassigkeit)
3. Legal justice (gerechtigkei)
4. Legal guarantees (doelmatigkei)

Law enforcement and justice should use the proper line of thinking with the evidence and the evidence for realizing justice or legal content must be determined by ethical convictions, whether or not a case is fair. Legal issues become apparent if the legal tools perform well and meet, keeping the rules that have been standardized so that no misuse of rules and laws that have been done systematically, meaning that it uses codification and unification of the law to achieve legal certainty and legal justice.

Law, as defined in the Act of 1945 on the system of government Indonesia, explained that Indonesia based on the law in the sense rechtstaat (Indonesia is a state based on law). The characteristics of rechtstaat concepts include:

1. The protection of Human Rights (HAM)
2. The separation and division of powers in state institutions to ensure the protection of Human Rights
3. Government by regulation
4. The existence of judicial administration

Law is a system of rules of human behavior, so the law does not refer to one single rule, but it could be called the unity rules that make up a system.

Legal Function outline is as set out below:

1. As a means of social control (a tool of social control).
2. As a means to change society (a tool of social engineering).
3. As a means of order and community settings.
4. As a means to achieve social justice and unseen.
5. As a means of propulsion development.
6. As a critical function within the law.
7. As shelter functions.
8. As a political tool

Law is a series of rules regarding the behavior of people as members of society. (Isnantiana, 2019).

Social stratification is a distinction or grouping of community members Vertically (stratified) social. Stratification can mean the structure, composition or shape. The arrangement can be Vertical or Horizontal

Social structures that function

1. Identity function, as a confirmation of identity which is owned by a group or as a differentiator from other groups.
2. Control functions, as the controller in themselves for not disobeying the norms, values, or other regulations in force in the community.
3. Learning function, as a learner to be able to interact in society starting from the attitudes, habits, beliefs, and discipline.

Social stratification is a phenomenon, group, community group or hierarchically. Social hierarchy is another name for the study of social stratification sociology of the social stratification connotes social inequality, inequality and unequal distribution of existing resources

Social stratification has always shaped hierarchy, some people occupy top positions, while others occupy a position under this condition is also called social hierarchy.

According to Melvin Tumin (Tumin, 1988) is a community group settings into the system hierarchy or rank unequal about property ownership power, social evaluation, and gratuities.

Social stratification is composed of two:

1. The ruling class, have power over the production factor
2. The working class, sell energy

Stratification approach:

- a. Approach to the conflict, and
- b. functional approach

Size or prominent or dominant criteria as the basis for the establishment of social stratification is as follows:

1. The Level of Wealthy (material or material)
Used as benchmarks for placement of members of the public into the social layers that exist, can be seen from the shelter, objects owned tertiary, way of dress, as well as in shopping habits, as well as the ability to share with sesame
2. The Level of Power and authority
Someone has the power authority and wealth can take the first place on the stratification layer. Most people have authority and wealth can dominate other community especially people with poverty.
3. The Level of Dignity
The level of the dignity of someone can describe how their level of wealthiness. Some of people in that situation took the high level of stratification layer on society.
4. The Level of Knowledge
The level of knowledge is often used by members of the public who appreciate science. A person who had the most knowledge will occupy the higher layers in the system of social stratification. Mastership of this education level is usually found in academic degrees (bachelor) or profession carried by a person, for example, a doctor or professional titles such as Professor.

Type of social stratification:

1. Slavery (Slaves were layer on the bottom, do not have freedom because of her status owned)
2. Feudalism consists of 3 layers
 - a. The highest layer is the nobility
 - b. The second layer is a religion/clergy
 - c. The lowest layer is the rabble
3. Caste is a system of stratification that are closed
4. Class is a system of social stratification that is open (Individuals can occupy the highest layer which succeeded in raising the social status)

The development of transport and communications can not be separated from innovation science and technology. It can be seen from the development of innovation, the more advanced and sophisticated modes of transport and communication also in society. One example of the latest innovations in the field of road transport is the emergence of online motorcycle types of Go-jek. Guided on the official website Go-jek, said Go-jek is defined as the word social spirit that led the industrial revolution Go-jek Ojek.2 transportation is a taxi bike booking services online via the Go-jek applications that can be downloaded via Android or iPhone.

Not only online taxi bikes, services provided Go-jek also includes Go-car, Go-food, Go-mart, and others. The presence of online motorcycle applying appropriate communication technologies in society due to the incorporation of the transport service with the sophistication of Internet technology so people can easy to deliver their order, rule of map, transportation costs, the destination location and the driver information that is a form of innovations in the world of shipping business.

Against the background of the above problems, making the legal uncertainty associated with the position of the taxi bike as transport of people because motorcycles are not included in the criteria of vehicles that can be used for public vehicles. Not only on a taxi bike driver in general, but this problem is also faced by the driver of the Go-jek for a major service to the Go-jek is the use of motorcycles as conveyance.

the relationship with the Law of Social Stratification Ojeks Chain Online:

- a. The Company is the top layer of the model because it has control of, access to, and Performance driver
- b. Passengers were the second layer of self-determination for the rating driver
- c. The driver is on the bottom layer.

evidently that the relations in the system are very relevant Online Ojeks seen with Social Stratification approach for structured hierarchically. whereas by a general explanation of the law No. 8 of 1999 on Consumer Protection (BFL) on April 20, 1999(Indonesia, 1999) :

Mentioned in Article 1:

1. Consumer protection is all the effort that guarantees the legal certainty to protect consumers.

2. Consumers are everyone user of goods and / or services available in the community, for the benefit of themselves, their families, other people, as well as other living beings and not for sale.
3. A business actor is any individual or entity, whether a legal entity and not a legal entity established and domiciled or conducting activities within the jurisdiction of the Republic of Indonesia, either individually or jointly by agreement for business activities in various economic fields.
4. Goods are any objects either tangible or intangible, whether movable or immovable, can be spent and cannot be spent, which can be traded, used, used, or used by consumers.
5. Services are any services that form of work or achievement provided for the public to be used by consumers.
6. Promotion is the introduction or dissemination activities of goods and/or services to attract consumers to buy the goods and / or services to be and is being traded.
7. Imports of goods activities to supply goods into the customs area.
8. Imports of services are the provision of foreign services to be used in the territory of the Republic of Indonesia.
9. Governmental Consumer Protection Agency is a non-governmental organization registered and recognized by the Government which has activities addressing consumer protection.
10. Clause Baku is any rules or the terms and conditions that have been prepared and determined in advance unilaterally by businesses outlined in a document and/or agreement that is binding and must be met by consumers.
11. Consumer Dispute Settlement Board is the body responsible for handling and resolving disputes between businesses and consumers.
12. National Consumer Protection Agency is a body set up to assist the development of consumer protection.
13. Minister is the minister whose scope of duties and responsibilities include the field of trade.

The rights of consumers need to be protected under Article 4 of Law No. 8 of 1999 on Consumer Protection includes:

1. the right to comfort, security, and safety in the consumption of goods and/or services;
2. the right to choose the goods and/or services and obtain goods and / or services under the exchange rate and conditions and guarantees promised;
3. the right to correct information, clear and honest about the condition and guarantee of the goods and / or services;
4. right to be heard opinions and complaints on the goods and / or services used;
5. right to advocacy, protection and dispute resolution efforts should consumer protection;
6. right to receive guidance and consumer education;
7. right to be treated or serviced properly and honestly and not discriminatory;
8. right to obtain compensation, compensation and/or reimbursement, if the goods and / or services received are not by the agreement or not as it should be;
9. the rights set out in the provisions of other legislation.

A principle in Article 2 of the Consumer Protection Act No. 8 of 1999: Consumer Protection Berasaskan consumer protection benefits, justice, equity, security and safety of consumers, as well as legal certainty.

III. CONCLUSION

Based on the description that has been stated above, it can be concluded that the role of law and stratification social for consumers Online taxi bike has been by the Law on Consumer Protection No. 8 of 1999, seen from the common goal of safety protection for users of motorcycles between Permenhub number 12 in 2019 with Artikel Consumer Protection Act.

As for the stratification that the law promises equality before the law. One of the legal principles is equality before the law which means it is the position of everyone is equal before the law. the law does not distinguish status, rank, caste and social class. All equal before the law but stratification persists.

Therefore, between law and social reality, there was a gap commonly called the legal gap. There is a difference between what is supposed to happen according to the law with what is happening in society. During the public there is something that is appreciated, is by itself stratification will occur, measure or criterion prominent or dominant as the basis for the establishment of social stratification is a measure of wealth, power, and authority, honor and science, as well as relations in the system Online taxi bike very relevant views with Social Stratification approach for structured hierarchically.

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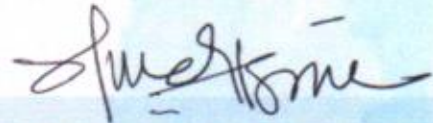
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