



Policies for Regulating Partnership Relationships in Land Transport Businesses in The Era of The Industrial Revolution 4.0

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Abstract: This study aims to examine how the policy of regulating partnership relationships in land transportation businesses in the Era of the Industrial Revolution 4.0. This research is motivated by the fact that currently in various parts of the world are facing the era of the industrial revolution 4.0. The presence of the industrial revolution 4.0 has been able to cause fundamental changes in various fields of human life, including in the field of labour law. There has been a shift in industrial relations from labour relations to partnership relations. This shift has the impact of causing problems related to the existence of workers such as welfare and legal protection of workers. This research is a descriptive normative juridical research using secondary data and qualitative data analysis. The output of this research is in the form of mandatory output. Mandatory outputs are scientific publications planned to be published in Non-Scopus International Journals and presentation of research results at Refanas. The planned TKT is TKT 1 because in this study the goal to be achieved is to examine how the policy of regulating partnership relations in land transportation businesses in the Era of the Industrial Revolution 4.0. The results of this study indicate that the policy of regulating partnership relations in land transportation businesses in the Era of the Industrial Revolution 4.0 refers to Law Number 20 of 2008 concerning MSMEs. In practice in the field, the partnership relationship policy has not been implemented in a partnership agreement which must actually contain the principle of equality (Article 36 of Law Number 20 of 2008) and the principle of independence (Article 34 Paragraph (3) of Law Number 20 of 2008).

Keywords: Partnership Relationship, Land Transportation, Industrial Revolution 4.0

Introduction

In the era of the Industrial Revolution 4.0, the relationship between workers and employers is no longer in the form of labour relations but partnerships. According to Harijanto, the pattern of labour relations that has developed in the industrial revolution 4.0 era is a partnership. The change in labour relations has an impact on wages. According to Harijanto, stakeholders have anticipated this and a discourse has developed regarding the payment of wages calculated per hour, day, week, and month. (Taryono T, et al : 2019)

The Industrial Revolution 4.0, characterised by the presence and rapid advancement of the internet and information technology, has triggered changes in the mindset, work

patterns, and lifestyle of citizens in various countries. (Jumiati, A : 2022) In other words, the presence of the Industrial Revolution 4.0 has made everything simpler, faster, cheaper, and more accessible. With the Industrial Revolution 4.0, the Government is required to be able to respond to changes, wants and needs of the community. Changes in the concept of industrial relations in the industrial revolution 4.0 are more likely to the concept of industrial relations with a partnership format. The concept of industrial relations that forms a relationship of mutualism in the understanding of mutual empowerment, then between the industrial world, workers and the government is a synergy that supports economic growth.

The industrial revolution has always been the basis for changes in the work system including the employment relationship system as the initial concept of industrial relations is a working relationship, a private relationship between workers/labourers and employers. (Adha, L. A : 2020) The industrial revolution 4.0, which has begun to take place since 2018, is marked by changes in the way people live, work and relate to each other, as well as the phenomenon of changes in the actors of the production process from labour to machines or robots (automation). In addition, changes in work relations also appear in the form of business system developments, for example, online buying and selling, online-based transportation (online motorcycle taxis, and online taxis) and others that greatly facilitate society in general.

Changes in labour relations that occur in the land transportation business in the era of the Digital Industrial Revolution 4.0 as an example is transportation using two-wheeled vehicles (motorbikes) and four-wheeled vehicles (cars) that use applications. The land transport company in its development is dominated by PT Gojek, PT Grab and Maxim. The presence of application-based land transport companies is actually an effort to respond to what the community wants for transport needs that can be accessed easily, cheaply, quickly and safely. (Yuniastuti, E : 2020) In Indonesia, several digital-based land transportation companies whose presence is the result of the Industrial Revolution 4.0 or Digital Revolution are PT Gojek, PT Grab and Maxim.

Transportation can be interpreted as the activity of moving goods and people from one place to another. Transport activities are needed by humans from ancient times until now to meet human needs from all daily activities. Transportation activities are determined by four components, namely the availability of cargo being transported, the existence of vehicles as a means of transport, the existence of roads that can be traversed, and the availability of terminals. Transport is a very important tool in supporting the success of development, especially in supporting the community's economy. In general, most people are very dependent on the existence of public force transportation to meet their daily needs, because the economic level of the community is not the same to own a private vehicle. (Karim H. A, et al : 2023)

The purpose of people using transport is to make it faster and easier to move people or goods from their place of origin to their destination. Transport is very important and can be likened to blood flow for society, especially in urban areas, because special interdependence in urban areas requires the support of a smooth and effective transport system. A transport system will affect the location of activities in the city and vice versa the

transport system is influenced by the location of activities, because each location pattern will form a travel demand that is a response to investment needs and operational services in the transport system. Transportation generally serves as a catalyst in supporting economic growth. In general, transport can be divided into three types, namely (Kadarisman M, et al : 2016) :

1. Air transport, is the latest and fastest means of transport. This transportation uses aircraft as a means of transport and air or space as a path or road;
2. Sea transport, is transport that can be used in water, such as ships, boats, etc.; and
3. Land transportation, is any form of transportation using roads to transport passengers or goods, where humans or goods as transport and roads as infrastructure.

One of the land transports that existed as a result of the birth of the industrial revolution 4.0 is online ojek, which is a service for transporting people and goods whose ordering system is based on smartphone applications. (Azizah A & Adawia P. R : 2018)..This conveyance uses a private vehicle that is connected to an application. The first online transport or also called digital-based transport is Go-jek. Then followed by other online ojek service provider companies such as Grab and Maxim. The presence of online ojek as one of the digital-based land transport modes in Indonesia which is then followed by other transportation is part of technological progress. The presence of digital-based land transport in Indonesia is evenly distributed in almost all capital cities, provinces, districts and cities.

The existence of technology was created with the aim of facilitating various daily human activities. Online ojek is an alternative that is favoured by many people because of its various advantages including: practicality, transparency, trustworthiness, security, promos, and is a new / side job.

- a) In terms of practicality, this online application-based online ojek service is enough to use a smartphone with an internet connection and an online ojek service application in it.
- b) In terms of transparency, online ojek allows consumers to know exactly every information about the driver such as, driver's name, vehicle number, position of the vehicle to be used, travel time, and others.
- c) In terms of trustworthiness, online ojek drivers have been registered with an online transportation company, in the form of complete identity and vehicle equipment in accordance with Indonesian National Standards (SNI), so this can minimise the risk of online ojek service users.
- d) Online ojek is considered as a job for the unemployed or part-time work for those who already have a job, because the flexible working time and ease of registration make many people tempted to join as drivers in online application-based companies.
- e) Promo features, consumers are not only spoiled with cheap rates but also attractive discounts or promos. If consumers routinely take advantage of online ojek promos, the value of cost savings will be felt. Online ojek is the same public transport as online ojek in general, which is used as a means of transport. However, online ojek can be said to be more advanced because it has been integrated with technological advances.

In running this online transportation business, the application-based transportation company cooperates with drivers. This cooperation can be seen from the partnership

agreement between the application-based transportation company and the driver. Basically, an agreement must be agreed upon by the parties, including if there are changes, it must also be agreed upon. (Sopaheluwakan, L : 2021) If one party (digital-based transportation service company) changes the contents of the partnership agreement, then of course there must be agreement from the other party. However, in practice, the principle of this partnership agreement is not well understood, so that many give the impression of an unbalanced relationship between the parties.

A legal relationship is a relationship that occurs between one legal subject and another legal subject and/or between a legal subject and a legal object. In a legal relationship, rights and obligations are attached to the parties in it. Based on its implementation, the legal relationship between the application-based transportation company and the driver as a working partner. Partnership is a relationship that occurs between people who will conduct business in general to obtain a profit. The term partnership is also equated with the term partnership, which is a contractual relationship between a person in a business relationship with the aim of making a profit.

Meanwhile, partnership according to Article 1 number 13 of Law Number 20 of 2008 concerning Micro, Small and Medium Enterprises is cooperation in business linkages, both direct and indirect, on the basis of the principles of mutual need, trust, strengthening, and benefit involving Micro, Small and Medium Enterprises and Large Enterprises.'A partnership relationship arises due to a partnership agreement between an app-based transport company and a driver. In the partnership agreement, it is generally required to fulfil the elements of the legal requirements of the agreement, namely:

First, the agreement of those who bind themselves, namely the digital-based transportation service company and the driver are willing to bind themselves to a partnership agreement agreed upon by both parties. In this case there are rights and obligations listed in the e-contract of digital-based transportation service companies with drivers, as follows. The rights of digital-based transportation provider companies are: a) Accept or reject prospective driver partners; b) Obtain profit sharing on the results of services obtained by driver partners; c) Determine the direction of company policy in determining service operational standards. The rights of the driver as a partner are: a) Receive consumer order notification information in the application managed by the applicator company; b) Accept or reject orders from consumers; c) Get paid the amount set in the application both in cash and in the form of a digital wallet; d) Get a bonus from the applicator company based on the passing grade of the number and operational time set by the Company's Operational Standards.

The obligations of digital-based transportation service providers are: a) To provide clear socialization regarding the operational and service management mechanisms to consumers; b) To use and manage driver partner data accounts correctly according to the agreed-upon agreements; c) To distribute consumer orders to partners through the application media; d) To provide incentives to driver partners according to the passing grade standards set by the application company. The obligations of drivers as partners are: a) Obligated to provide personal data information into the application system accurately; b) Use vehicle specifications based on the requirements set by the company; c) For Two-

Wheeled Drivers, it is mandatory to use jacket and helmet attributes that display the applicator company's logo; d) Deliver and/or serve consumer orders according to the destination and service standards set by the applicator company.

Second, the ability to enter into an agreement. In the partnership agreement made by prospective driver partners with the application company, the element of competence of the parties has been fulfilled. This is demonstrated in the recruitment process for prospective partners, namely: a) Photocopy of ID card, driver's license, vehicle registration, family card; b) Certificate of domicile if the ID card and residence are different; c) Original criminal record certificate of the prospective Grab driver with a wet stamp; d) Possession of a smartphone; e) Bank account; f) Vehicle production year following the vehicle type criteria; g) Attachment of a 3x4 passport photo. Looking at some of these requirements, they are administrative conditions that can only be met by someone who is at least 17 years old and has a reputation free from any criminal actions.

Third, a certain matter. In the process of organizing the Cooperation between the app-based transportation Company and the drivers, the form or pattern of partnership is not included in the Partnership Cooperation Agreement. The form or pattern of partnership between the app-based transportation company and the drivers is another form. This is because, in its implementation, the partnership cooperation agreement between the app-based transportation company and the driver involves profit sharing.

Fourth, a lawful cause. In the partnership agreement for app-based transportation services, both parties benefit equally. The driver partners are assisted by the application used to find consumers and earn income. Meanwhile, the company receives a percentage of the profits from the passenger transport services provided by the driver partners. Normatively, the legal relationship that occurs between the app-based transportation company and the driver partners in the partnership agreement is not classified as an employment contract but rather as a partnership agreement. In a partnership cooperation relationship, there is equality and mutualism between the parties. This is very different from an employment relationship that emphasizes the principle of having an employer and an employee.

In the partnership cooperation between app-based transportation companies and drivers, unilateral termination of cooperation by the company often occurs, which greatly harms the drivers as partners. Basically, the termination carried out is an act, so the creditor cannot do anything about a negligence from the debtor that harms the creditor. In that termination, it usually occurs because a third party feels aggrieved by the creditor's action of terminating the agreement. A true partnership is a relationship that arises between people to run a business with the aim of making a profit. The parties involved, the app-based transportation company and the drivers, should benefit each other, not harm one or both parties. In the explanation of Law Number 20 of 2008 concerning Micro, Small, and Medium Enterprises and Government Regulation Number 44 of 1997 concerning Partnerships, it also mentions one of the elements included in the definition of partnership, which is the principle of mutual reinforcement, mutual need, and mutual benefit. (Antoni, V : 2022). It seems there is no text provided for translation. Please share the text you'd like me to translate, and I'll be happy to help! In this research, the author intends to conduct a

more in-depth study regarding the legal regulatory policies on partnership relationships in application-based land transportation businesses that are rapidly growing in the Era of the Fourth Industrial Revolution.

Research Methodology

The type of research used in compiling this study is normative legal research. This research is a descriptive study with qualitative data. The data collected in qualitative research consists of words, sentences, and images that have meanings beyond mere numbers or frequencies (Azhari M et al : 2023). In this research, the data used is in the form of secondary data. Secondary data consists of primary legal materials, secondary legal materials, and tertiary materials. Secondary data is obtained through library research. The data analysis conducted uses the qualitative descriptive analysis method, which is a research procedure that produces descriptive data in the form of written or spoken words from people and observable behaviors. This approach is directed towards the holistic (whole) background of the individual. So in this case, individuals or institutions should not be isolated into variables or hypotheses but should be viewed as part of a whole. (Tan D : 2021)

Result and Discussion

Legal protection is a development of the concept of recognition and protection of human rights (HAM). The concept of legal protection is related to the recognition and protection of human rights, which involves the imposition of limitations and obligations on society, in this case, digital transportation business operators and drivers as partners, as well as the government. Satjipto Raharjo believes that legal protection is an effort to organize various interests in society so that there is no overlapping or collision between different interests and everyone can enjoy all the rights granted by the law. (Sinaulan, J. H : 2018) Furthermore, it is stated that organization is carried out by limiting certain interests and granting power to others in a measured manner.

Furthermore, it is stated that the organization is carried out by limiting certain interests and granting power to others in a measured manner. In the context of legal protection in the partnership relationship between digital transportation service entrepreneurs and partners, it is necessary to limit interests and grant power to the parties in a measured manner as outlined in the partnership agreement. In the context of legal protection in the partnership relationship between digital transportation service entrepreneurs and their partners, it is necessary to impose interest limitations and grant power to the parties in a measured manner as stipulated in the partnership agreement. Although there are already legal regulations made by the Government that govern partnerships, their implementation still does not meet the elements of equality in the partnership relationship between digital transportation entrepreneurs and drivers, where the position of the drivers as partners is in a weak condition.

From the aspect of preventive legal protection, the existence of partnership agreements can be considered as standard agreements where the terms of the partnership agreement are unilaterally created by the company. (Ramadhon, A. M : 2022) From the

driver's side as a partner, they do not have the authority to participate in determining the content of the cooperation agreement. If there are partnership agreement terms that are deemed detrimental to the driver, the driver can report them to the KPPU so that the partnership agreement terms can be reviewed by the KPPU. If there are partnership agreement materials that are deemed detrimental to the driver, the driver can report to the KPPU so that the partnership agreement materials can be reviewed by the KPPU. Repressive legal protection is legal protection aimed at resolving disputes.

Repressive legal protection is legal protection aimed at resolving disputes. In relation to labor, legal protection is defined as safeguarding so that workers can perform work that is decent for humanity. (Wulandari V. F : 2022) The purpose of legal protection for workers is to guarantee the basic rights of workers and ensure equality and non-discriminatory treatment on any basis to achieve the welfare of workers and their families while still considering the development of business progress and the interests of employers. The forms of legal protection for workers are related to working hours, a wage system that complies with government regulations, social obligations, and partly maintaining work enthusiasm and morale, which ensures high work efficiency and treatment that is in accordance with dignity and morale. Furthermore, it is stated that everyone in carrying out their business/work is entitled to fair and decent compensation and treatment.

Furthermore, it is stated that everyone in carrying out their business/work is entitled to fair and decent compensation and treatment. In practice, efforts for repressive legal protection related to the resolution of disputes between digital-based transportation companies and drivers have been unilaterally determined in the partnership agreement. In practice, repressive legal protection efforts related to the resolution of disputes between digital-based transportation companies and drivers unilaterally have been stipulated in the partnership agreement. (Bahar, M. S & Susanto, R. D : 2022) However, the dispute resolution provisions in the implementation of the partnership agreement still do not fulfill the sense of justice for the drivers as partners. The role of the KPPU is highly anticipated to provide balance in the resolution of disputes between digital-based land transportation companies and drivers, thereby creating justice.

Several government policies in the form of legal products are expected to provide legal protection to drivers as partners in partnership agreements in digital-based land transportation businesses in Central Java, including:

a. Law Number 20 of 2008

Law Number 20 of 2008 on Micro, Small, and Medium Enterprises states that the implementation of partnerships is supervised in an orderly and regular manner by the institution established and tasked with overseeing business competition as regulated in the legislation. The institution referred to is the Business Competition Supervisory Commission (KPPU), where Article 31 of Government Regulation Number 17 of 2013 on the Implementation of Law Number 20 of 2008 on MSMEs mandates the KPPU to supervise the implementation of partnerships in accordance with the prevailing laws and regulations. In addition, Article 32 mentions the authority of the KPPU in imposing administrative sanctions on the implementation of partnerships.

b. Minister of Transportation Regulation Number PM 12 of 2019

In Minister of Transportation Regulation Number PM 12 of 2019, it regulates (1) protection of the safety of public transport users and ojol drivers, (2) protection of income, and (3) protection of partnership implementation. Protection of the safety of public transport users and ojol drivers is regulated in Minister of Transportation Regulation Number 12 of 2019, specifically Article 4 (regulating safety equipment standards for drivers and passengers), Article 5 (fulfillment of security aspects against crime, including panic buttons in emergencies), and Article 6 (driver ethics). This regulation also includes Public Protection in Chapter V Articles 16 to 18. In providing protection for driver partners' income, it is regulated in Chapter III Articles 11 to 13 regarding the Formulation of Service Fee Calculation. In Article 12 (2), it is stipulated that in determining service fees, the application company is required to hold discussions with stakeholders. The determination of service fees is set by the Minister and signed by the Director General on behalf of the Minister. Meanwhile, the protection of partnership implementation is closely related to suspension and termination of partners. In Article 14 of Minister of Transportation Regulation Number 12 of 2019, it is stipulated that application companies must create SOPs related to suspension and termination of partners involving motorcycle taxi drivers. This is regulated in the Minister of Transportation Regulation Number 12 of 2019 Chapter IV, Articles 14 to 15 concerning the mechanism for temporary operational suspension (Suspend) and Termination of Partnership (TP). In Article 14 (3), it is stipulated that the Application Company must discuss with partners (ojol) before the SOP for Suspension and Termination of Partnership (TP) is established. Partners have the right to participate in the formulation of the SOP for Suspension and PM. Based on the Minister of Transportation Regulation, application companies are required to have a Suspend and PM complaint service center. This is regulated in Article 18 of Permenhub Number 12 of 2019. The unilateral drafting and amendment of SOPs indicate a monopolization of decision-making by the company and constitute a violation of Article 35, paragraph (1) of Law Number 20 of 2008. The KPPU, in its authority, oversees the implementation of partnerships and the ability of Large/Medium Enterprises to unilaterally terminate or temporarily suspend partnership agreements. There is still homework to be done in the implementation of Article 14 (3) of Minister of Transportation Regulation Number 12 of 2019, where application companies are required to discuss with ojol driver partners, particularly regarding partner representation. Unlike workers who have labor unions, ojol drivers do not have official unions like workers with labor unions. This condition results in ambiguity regarding who can be considered as representing the ojol drivers in discussions with the application companies to determine the "rules of the game" for ojol.

c. Law Number 40 of 2004 on the National Social Security System.

The form of social welfare protection provided by the gojek, grab, and maxim applicators to their partners is in the form of labor social security. The form of social welfare/protection provided by the Gojek, Grab, and Maxim app operators to their partners is in the form of employment social security. One of them is through BPJS

Employment. The regulations on employment social security became Law Number 24 of 2011 concerning the Social Security Organizing Agency. The programs of BPJS Ketenagakerjaan consist of work accident insurance and death insurance. In this case, Gojek and other similar service companies also collaborate with the Social Security Organizing Agency (BPJS) Employment to provide easy access to BPJS Employment social security services in the Non-Wage Recipient (BPU) sector for drivers.

Conclusion

The policy for regulating partnership relationships in land transportation businesses in the Era of the Industrial Revolution 4.0 refers to Law Number 20 of 2008 concerning MSMEs. In practice on the ground, the policy regulating partnership relationships has not yet been implemented in partnership agreements, which should include the principle of equality (Article 36 of Law Number 20 of 2008) and the principle of independence (Article 34 Paragraph (3) of Law Number 20 of 2008). The government through the KPPU (Business Competition Supervisory Commission) can oversee the implementation of partnership relationship regulations as stipulated in Law Number 20 of 2008.

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