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The Urgency To Regulate Pricing For Two-Wheels Online Ride-Hailing Platform: Who Benefits The Most? Who Needs It The Most?

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ABSTRACT

The rapid expansion of two-wheeler ride-hailing platforms has transformed urban mobility, offering convenience and cost-effectiveness. However, the unregulated pricing strategies of these services pose challenges for both consumers and drivers. This study explores the urgency to implement pricing regulations and identifies the primary beneficiaries and those in need of such measures. Through a comprehensive review of existing literature, stakeholder interviews, and market analysis, it becomes evident that price regulation can stabilize fares, ensuring affordability for riders while providing fair compensation for drivers. Riders, particularly from low and middle-income groups, benefit most from regulated pricing as it guarantees predictable and reasonable fares, enhancing their access to reliable transportation. Drivers, often facing income volatility due to fluctuating ride demand and pricing schemes, also stand to gain significantly from a regulated system that ensures fair wages and job security. Furthermore, regulatory frameworks can foster competitive equity among ride-hailing companies, preventing monopolistic practices and encouraging healthy market competition. Therefore, the regulation of pricing for two-wheeler ride-hailing platforms is crucial not only for consumer protection but also for safeguarding driver welfare and promoting a balanced market ecosystem. The findings advocate for policymakers to urgently address this regulatory gap, ensuring that the benefits of ride-hailing services are equitably distributed across all stakeholders.

Keywords: Two-Wheeler Ride-Hailing, Pricing Regulation, Consumer Protection

Introduction

In 2010, Nadiem Makarim discovered a solution to the never-ending Jakarta traffic and availability of two-wheel ride-hailing transportation locally known as 'Ojek'. Started off as mobile-based ride-hailing in 2011, Go-Jek finally debuted as a smartphone app in 2015 (Jurriëns & Tapsell, 2017). Motivated by the potential market, its competitors started to line up. Grab, a Malaysian start-up initially focusing on a wheels fleet service, launched GrabBike in 2015, securing 2,000 registered drivers eight weeks after launching (Novianto, 2023). Some companies were each trying to secure their own market for Ojek Online, however after Uber resignation from the Indonesian market in 2018 (Weiyi, 2018) Grab and Gojek are two main contenders for the online ride-hailing platform (Romero, 2018). Up until today, the functionality of utilizing Ojek Online seems to be endless since it's not only used for mere transportation but also for delivering food, buying items, or delivering goods (The Jakarta Post, 2023).

Although successfully provided solutions by bridging consumers and nearby drivers with their mobile app, problems started to arise. Pushback started to occur as the ride-hailing

conventional market swiftly shifted into an online platform, and conventional transportation companies were lobbying governments to take some action to halt the transformation. Uber and Grab were heavily criticized for utilizing private cars to transport passengers therefore does not constitute public transportation resulting in their ability to offer lower prices than conventional taxi (Jurriëns & Tapsell, 2017). On the contrary, the two-wheel ride-hailing app received backlashes from conventional Ojek or Ojek Pangkalan which suffered declining orders since online applications were established (Fajar, Mutiarin, & Setianingrum, 2023).

Such shifting dynamics of the transportation industry due to innovation in technology resulting in disputes between the new cumbent and the incumbent are considered to be disruptive innovations (Siwi, 2023). Its disruptive effect however does not only affect their contribution to the market but also challenges the government in responding to the situation (Siwi, 2023). (The ride-hailing industry has 44.17 million users valued at Rp 5.06 trillion and proven to contribute significantly to Indonesia's economy (Aprilianti & Dina, 2021). Rapid growth in ride-hailing app users resulted in looming demand for drivers, online motorcycle taxi drivers amounting to more than four million throughout Indonesia. Throughout the year, the Indonesian government was trying to provide regulation to satisfy the needs of each party affected. This paper aims to understand) the business process of the online ride-hailing industry, 2) issues arising for each party afflicted, 3) the series of regulations introduced (or invalidated) by the government to identify, 4) whether current policies have assured the most optimum legal protection for each party affected

Research Method

This research employs both qualitative and quantitative approaches using literature review, document analysis, semi-structured interviews, and surveys to understand the online ride-hailing industry in Indonesia. Literature review and document analysis are conducted to evaluate existing regulations and policies, while interviews with platform representatives, drivers, consumers, and government officials provide in-depth insights into business processes and issues faced. Surveys are used to collect quantitative data on experiences, satisfaction, and views on government policies. Data obtained from interviews and surveys are analyzed using thematic analysis and descriptive statistics to ensure the validity and reliability of the findings. This method enables the research to provide a comprehensive overview and evidence-based policy recommendations.

Result And Discussion

Present Day Problem

Innovation, especially disruptive innovations is available to provide better solutions to consumers in every sector. The practicality of a phone which allows you to do almost anything, motivates the modification of consumer behavior to online commerce which introduced unfamiliar business models in almost every sector (Ashkrof, de Almeida Correia, Cats, & Van Arem, 2022). In the transportation sector, online ride-hailing apps present both solutions and problems for society. In this fast-growing economy, riders seek low trip costs, brief waiting time, and travel time while drivers aim to maximize their earnings and suppress idle time (Barker & Cave, 2020). By matching riders' and drivers' contradictory objectives, the platform aims to generate profit by satisfying its paying customers (Barker & Cave, 2020). As

online ride-hailing apps successfully capture the market and realize the potential for Indonesia's economic growth, the government needs to address specific problems for each party affected by providing a regulatory framework guaranteeing a safe digital ecosystem and encouraging innovation (Jullien, Pavan, & Rysman, 2021).

The mechanisms for online ride-hailing are as follows: the app allocates riders to a driver using a global positioning system (GPS) tracker to allocate the nearest drivers. Riders are presented with the price before ordering, referring to the trip distance and the market condition (rush hours, bad weather, and/or others may influence the offered price). Riders may choose to pay by cash or by other methods of payment, which they must choose beforehand (Jurriëns & Tapsell, 2017). In general, for the Online ride-hailing industry there are three major parties in motion: the platform, the drivers, and the riders.

Party A – Platforms

Platforms acts as intermediaries connecting participants to interact in a market (Pasquali, Commenges, & Louail, 2022), in this context acting as an intermediary for drivers offering services and consumers seeking services while simultaneously handling payment functions in a web-based interface (Hong, Bauer, Lee, & Granados, 2020). Ride-hailing app industry two-sided market, relying on indirect network effects to reach the equilibrium of supply and demand (Hong et al., 2020). In order to maximize profit and secure majority market share, the platform needs to have an adequate amount of drivers to meet the amount of orders. The platform implements a prudent pricing approach since raising or lowering prices on one side (namely, fares) will affect the demand on the other side (Pasquali et al., 2022).

To secure the majority of the market share, the platform needs to provide rides at a competitive price. In general, drivers prefer a high fare and low commission with numerous orders (Izzati, 2018). While riders seek, the cheapest fare with speedy allocation. Initially, platforms went through price wars offering incentives for drivers while heavily reducing the fare. This action is deemed necessary for the platform to win majority market share earlier to secure a persistent dominant position (Hong et al., 2020). Referring to the data in 2023, Gojek, Grab, Maxim, and InDrivers are the key players in the ride-hailing app industry in Indonesia with Gojek holding 50% of the market share (Romero, 2018). The phenomenon presents a multidimensional competition issue both for drivers and consumers as the risk of market tipping will allow dominant platforms to exert its market power to the market (Hong et al., 2020).

The government should be able to provide policies to nurture a certain degree of rivalry between platforms to create enough gigs for drivers to achieve sufficient wages while providing innovative services for consumers at a reasonable price and maintaining a low barrier to entry to the industry to encourage further innovation and development.

Party B – Drivers

Essentially, the platforms create algorithm to match willing drivers with riders in need. The arrangement between the platform and the drivers leaves little to none legal ramifications. Drivers are perceived as independent contractors, using their own vehicles to offer service in locations and at times of their choice, instead of as employees (Nastiti, 2017). According to article 1(3) of Law No.13 of 2003 on Labour, an employee is every person who works for a wage or other forms of remuneration. To assess whether a worker and an employer have a

working relationship, a specific employment agreement between them must exist and comprise at least four elements; work, command, time, and pay (Izzati, 2018). The agreement must clearly state and specify the work for the worker according to the employer's command and authorization (Izzati, 2018). The precise amount of wage as remuneration for such work has to be stipulated along with the length of the agreement, either in a specific time frame or referring to prevailing regulations (Izzati, 2018).

Ride-hailing app drivers utilizes a gig economy system which shifts immensely from the traditional labour system, supposedly stripping drivers of the benefit of employment scheme namely minimum wage, working hours, and insurance. Drivers are perceived as "micro-entrepreneurs, who work freely for themselves (Nastiti, 2017). Drivers and platforms relationship, however, fall under a grey territory since it cannot be classified as an employment relationship yet their work is scrutinized according to their performance and duration of work (Colgrave, 2019) through algorithmic labor control (Nastiti, 2017). The above-mentioned algorithm transitioned the commanding authority and the obligation to pay riders every time they booked a trip from the drivers through platforms, thus nullifying employment relations between platforms and drivers. Generally, the absence of an employment relationship between drivers and platforms results in the inability of labor law to protect but some argues that labor exceptions can be made regarding informal sector workers (Hamid, Aldila, & Intan, 2022). However, an in-depth review of partnership arrangements between platforms and drivers is needed to assess whether drivers can be categorized as informal sector workers.

In addition to legal uncertainty to its employment position, drivers also face fierce competition among themselves. Most drivers are economically vulnerable combined with low barriers to entry therefore they rely on being a driver as their sole income. During the initial years, drivers are forecasted to earn more than conventional Ojek because they accept more fares per day and earn bonuses after completing a certain number of orders (Jurriëns & Tapsell, 2017). As more drivers joined the platforms, the number of trips required to qualify for bonuses is getting harder to meet with the stream of driver supplies. Failure to meet the required number of trips will significantly lower drivers' income since they are not entitled to bonuses due to their performance (Jurriëns & Tapsell, 2017). The platform algorithm uses the carrot and stick method, essentially incentives and punishments are given according to their performance (Nastiti, 2017). This system tends to prompt drivers to work longer hours and accept less favoured orders for the sake of meeting the requirements for incentives and avoiding punishments (Nastiti, 2017), thus dangerously bordering on exploitation more orders (Jurriëns & Tapsell, 2017). Smartphones and mobile internet drives the rapid development of ride-hailing apps and offer a welcoming solution for connecting nearby drivers and in-need riders. Although the sentiment around the ride-hailing platform is to provide autonomy to drivers while increasing their income and subsequently their general welfare (Jurriëns & Tapsell, 2017), the platform is made to cater to riders. This paper is limited to discussing two-wheel ride-hailing service in the platform, however, it should be noted that the platform has transformed into a super app offering services from transportation, food deliveries, goods delivery, payment, and loans[5] with the objectives of improving users satisfaction. Focusing predominantly on the consumer experience, the platform upgrades its services often and usually without the need for policy interference. Operating to offer services

in Indonesia, platforms are required to comply with Law Number 8 of 1999 on Consumer Protection. Article 4 guaranteed that consumers have the right to be heard regarding the service they've experienced. Platforms tends to comply with consumer protection laws and upgrade their platforms after complaints are made public (The Jakarta Post, 2023). After some incidents regarding personal safety, the platforms are verifying both riders' and drivers' identities, masking phone numbers, allowing riders to share trips for tracking, and during the COVID-19 period emphasizing personal hygienes and safety.

Government Solution

Even though two-wheeled ride are being used in lieu of a means of service to transport people in Indonesia, specific regulation on two-wheeled transport is not available. Before ride-hailing apps were introduced, utilization of conventional ojek was somewhat small-scale and secluded since it is not a preferred means of transport thus the government does not feel the need to draft a separate regulation on two-wheeled rides. The ride-hailing app turned the two-wheel ride into a large-scale and preferred means of transportation service as it is cheap and convenient40 and operated outside prevailing regulations.

As problems emerge affecting parties in this ride-hailing scheme, the government is demanded to intervene. However, due to the complexity of the problems, they cannot be solved by a one-size-fits-all type of regulation. Specifically, two wheels ride is not considered a means of transport according to Law No. 22 of 2009 on Traffic and Transport since goods/ or persons can only be transported with motorized vehicle (Indonesia, 2009) which are limited to passenger cars, bus, cargo cars, and special vehicles (Indonesia, 2009). Thus, it is illegal two use two-wheel vehicles to transport goods and/or persons as it is considered unsecured and unsafe (Selfira & Neltje, 2022) and as a result, the Minister of Transportation issued Surat Nomor UM3012/1/21/Phb/2015 banning two wheels ride operations. However, the Indonesian President overrides the decision du to the rapid growth in the industry and continuously showed his support for the wheel ride industry (Izzati, 2022). From 2016 to 2018 the government introduced (and nullified) a series of policies regarding tariffs and requirements for online transportation, yet two wheels were left out of the equations.

Two-wheeled ride-specific regulation was issued in 2019 under Ministry of Transportation Regulation No. 12 of 2019 on Consumer Safety on Two Wheels Transport Used for Community Interest. Although the existence of regulation is commendable, some argues government is missing the point, instead, it affirms the partnership relationship between drivers and platforms and ignores other services offered using two-wheeled vehicles, food, and goods delivery (Izzati, 2022). As the name suggests, this regulations was issued to ensure consumer safety in online ride-hailing transport. Platforms and drivers are obligated to ensure consumer safety, security, comfort, affordability, and order (Peraturan Perundang-undangan, 2019). This regulation put more responsibility on the driver as the driver needs to ensure riders' safety, comfort, and affordability. It is understandable to hold drivers responsible for a comfortable rider. However, ensuring safety and affordability should have been a mutual effort between drivers and platforms, especially regarding the agreed service fee which is a product of the platform's algorithm. Platforms are solely responsible for consumers' and driver's security (Peraturan Perundang-undangan, 2019). Verifying identities and vehicle registration numbers, providing hotline numbers for complaints, and installing panic buttons. Lastly, both platforms and drivers share the responsibility to create traffic orders. Drivers

ensured to stop, park, picking up, and dropping off riders in a safe area so as to not disrupt traffic for other vehicles. While platforms are required to provide shelter, training on road safety, and supervise their partners on traffic and road safety compliance.

The Minister of Transportation also issued a complementary decree on guidelines to determine tariff under KP No. 348 of 2019 determining lower and upper limit tariff, zoning system, and minimal fare. Lower and upper limit tariff is a service fee minus the platform's license which is no more than 20% and varies between zones (Darat, 2019). The minister also imposed minimal fare for up to 4 kilometers. To assess the viability of the platforms, the guidelines may be reviewed for up to every 3 months. The Minister was nullifying and amending the guidelines upon review, from 2 019 until 2022. The prevailing guideline is Minister of Transportation Decree No. KP No. 1001 of 2022 and KP No. 67 of 2022, including the possibility of sanctions for platforms for non-compliance and amending the term to review the guidelines up to every year or if inflation reaches 20% (Darat, 2023). Although the platform's license fee essentially still amounts to 20%, however, 5% of the amount is reserved for welfare support such as insurance, driver development center, information center, operational cost, and/or others. Platforms are also subject to performance evaluation and required to submit a report consisting of platforms' dashboards, quarterly financial statements on welfare support cost, numbers of drivers and riders, and yearly financial statements audited by Big Five accounting firms.

Conclusion

The online ride-hailing industry started off as a combination of technology penetration and a well-thought solution to a long-standing societal problem. Its sudden appearance challenges the incumbent (the conventional ojek) and the government while satisfying riders and offering straightforward job opportunities for Indonesia's vulnerable labour market. The online ride-hailing app is a multisided market offering that relies on services of one another which consists of platforms, riders, and drivers. After only a decade, the platforms have undergone major upgrades and updates improving their services from a ride-hailing app into a super app. Thus, driven by riders demand, platforms ambitiously recruited drivers to create an equilibrium creating a market-driven algorithm. While it is true that for a moment, drivers are living according to Nadiem Makarim's expectation: independent contractors with flexible working hours and comfortable remuneration due to less idle time. However, this quickly started to change as the market started to saturate with drivers and platforms relying on their ---driven algorithm, meaning fiercer competition with other drivers and less earnings due to inability to achieve a certain number of orders.

Ride-hailing online apps require the existence of platforms, willing riders, and rider demand. Government interference policies are required to balance the position between each party as the arrangement puts the driver in a hostile situation. Quoting their terms & conditions clause, "Platforms are a technology company which provides a platform for consumers to obtain solutions provided by partner".[26] Platforms make a profit by charging both drivers[26] and riders a fee to utilize their app, thus making both parties consumers of the platform. This should be underlined since platforms are treating riders as their consumers while drivers as their pseudo-employees even though drivers are paying for services offered by platforms. Drivers are subjected to a long list of requirements designed to creates a better rider experience while working long hours to meet platform prerequisites for rewards. Most

drivers are already in a vulnerable socio-economic position leaving them almost no bargaining position with the platforms. Acknowledging their position, drivers are utilizing collective movement and creating a pseudo union front to challenge the platform's policies. Thus, the online ride-hailing arrangement creates a disproportionate position between parties, riders demand controls the market, platforms process data through algorithms, and drivers proceed and fulfill the demand, putting drivers' positions at the bottom of the equation.

The Indonesian government issued a series of policies to respond to the online ride-hailing development and to circumvent rising issues resulting from such market growth. Two-wheeled online ride-hailing started in 2014 and the government only issued specific regulation addresses for two-wheeled online ride-hailing in 2019 with Ministry of Transportation Regulation No. 12 of 2019 on Consumer Safety on Two Wheels Transport used for Community Interest. While it is true abundant policies are introduced, however, most of them are reserved for online four-wheel ride-hailing. Despite their importance to people's mobility, the government refused to acknowledge the fact that people use two-wheeled rides as a means of public transportation. This shows that even after 5 years of assessing the market instead of acknowledging the wheels ride by amending Law Number 22 of 2009 on Transportation, the government opted to carefully crafted the Ministry of Transportation Regulation No. 12 of 2019 on Consumer Safety on Two Wheels Transport used for Community Interest. Although the move is appreciated by determining lower limit tariff and offering a more nuanced position for drivers by regulating suspension systems, it fails to offer protection to the party who needs it most: drivers. The regulation, as the name suggests, mostly provides protection to the riders of which we have established that they control the market and the platform will update its service on a regular basis to provide a better experience for the riders even without the need for policy interference. The government needs a clear understanding of the dynamics of the relevant market and adopted a policy aimed to balance the position. Drivers are already in a defenseless position with little bargaining position towards both their partners and consumers. Thus, government interference specifically drafted to remedy the labor situation is urgently needed. While pricing regulations are a welcoming start, the next policy should be able to address the real issue and understand that a wholesome approach (regulating all parties in the industry) is needed to be able to really improve lives and nurture the investment ecosystem.

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