

ABSTRAK

Fachrur Rozi, 126103213254, Perlindungan Keselamatan Pengguna Sepeda Motor Ojek Konvensional Dalam Perspektif Hukum Positif Dan Fikih siyasah (Studi Kasus Di Kecamatan Srengat), Program Studi Hukum Tatanegara, Universitas Islam Negeri Sayyid Ali Rahmatullah Tulungagung, 2025, Pembimbing: Dr. Hj. Nur Fadhilah, S.H.I, M.H.

Kata Kunci: Perlindungan Keselamatan, Ojek Konvensional, Hukum Positif, Fikih siyasah

Perlindungan keselamatan pengguna sepeda motor ojek konvensional diatur dalam peraturan perundang-undangan. Namun dalam prakteknya di Kecamatan Srengat, perlindungan keselamatan masih diabaikan. Hal ini menjadi isu yang menarik untuk dikaji menggunakan perspektif hukum positif dan fikih siyasah.

Rumusan masalah dalam penelitian ini adalah; 1) Bagaimana perlindungan keselamatan pengguna sepeda motor ojek konvensional di Kecamatan Srengat Kabupaten Blitar? 2) Bagaimana perlindungan keselamatan pengguna sepeda motor ojek konvensional dalam perspektif hukum positif? 3) Bagaimana perlindungan keselamatan pengguna sepeda motor ojek konvensional dalam perspektif fikih siyasah?

Penelitian ini adalah penelitian kualitatif dengan pendekatan studi kasus. Data diperoleh melalui wawancara, observasi, dan dokumentasi. Teknik analisis data yang digunakan adalah kondensasi data, penyajian data, dan penarikan kesimpulan. Triangulasi digunakan untuk pengecekan keabsahan data.

Hasil penelitian menunjukkan bahwa: 1) Perlindungan keselamatan pengguna sepeda motor ojek konvensional di Kecamatan Srengat Kabupaten Blitar tidak dilaksanakan secara maksimal. Hal ini terlihat dari masih banyaknya pengemudi ojek konvensional yang belum mematuhi ketentuan standar keselamatan berkendara, seperti penggunaan helm Standar Nasional Indonesia (SNI), pemeriksaan kelayakan kendaraan secara rutin, serta kepatuhan terhadap aturan lalu lintas. Masyarakat sebagai pengguna jasa ojek konvensional pun masih banyak yang kurang peduli terhadap aspek keselamatan ini, ditandai dengan kurangnya permintaan helm standar atau abai terhadap kelayakan kendaraan yang ditumpangi. 2) Dalam perspektif hukum positif, perlindungan keselamatan pengguna sepeda motor ojek konvensional diatur dalam Permenhub Nomor 12 Tahun 2019 tentang Perlindungan Keselamatan Pengguna Sepeda Motor yang Digunakan untuk Kepentingan Masyarakat. Namun dalam implementasinya, penegakan hukum terhadap ojek konvensional belum optimal. Masih minimnya tindakan tegas terhadap pelanggaran keselamatan, ditambah lemahnya sosialisasi serta pengawasan di lapangan menjadi hambatan utama. 3) Dalam perspektif fikih siyasah, peran pemerintah (*ulil amri*) untuk membuat aturan dan kebijakan yang bertujuan menciptakan kemaslahatan umat, termasuk dalam aspek keselamatan transportasi. Namun di lapangan, lemahnya implementasi aturan menunjukkan ketidakmaksimalan peran *ulil amri* dalam menjalankan amanah untuk menjaga keselamatan warganya. Selain itu, pengemudi ojek konvensional sebagai pihak yang memberi layanan seharusnya memahami bahwa menjaga keselamatan penumpang merupakan bagian dari tanggung jawab moral dan agama yang tidak hanya sekadar kewajiban hukum negara, tetapi juga kewajiban syar'i dalam menjaga nyawa manusia.

ABSTRACT

Fachrur Rozi, 126103213254, Safety Protection for Users of Conventional Motorcycle Taxi Services in the Perspective of Positive Law and Fikih Siyasah (A Case Study in Srengat District), Constitutional Law Study Program, State Islamic University of Sayyid Ali Rahmatullah Tulungagung, 2025. Advisor: Dr. Hj. Nur Fadhillah, S.H.I., M.H.

Keywords: Safety Protection, Conventional Motorcycle Taxi, Positive Law, Fiqh Siyasah

The safety protection for users of conventional motorcycle taxi services is regulated by statutory provisions. However, in practice in Srengat District, the implementation of safety protection is still neglected. This issue is interesting to examine through the perspectives of positive law and fikih siyasah.

The research questions in this study are: 1) How is the safety protection for users of conventional motorcycle taxi services in Srengat District, Blitar Regency? 2) How is the safety protection for users of conventional motorcycle taxi services from the perspective of positive law? 3) How is the safety protection for users of conventional motorcycle taxi services from the perspective of fikih siyasah?

This research is qualitative research using a case study approach. Data were collected through interviews, observation, and documentation. The data analysis techniques used include data condensation, data presentation, and drawing conclusions. Triangulation was applied to ensure data validity.

The research findings show that: 1) Safety protection for users of conventional motorcycle taxi services in Srengat District, Blitar Regency has not been implemented optimally. This is evident from the many conventional motorcycle taxi drivers who do not comply with standard safety requirements, such as the use of Indonesian National Standard (SNI) helmets, routine vehicle feasibility inspections, and adherence to traffic regulations. The community as service users also tends to pay little attention to these safety aspects, indicated by the lack of demand for standard helmets or negligence regarding the condition of the vehicles they ride. 2) From the perspective of positive law, safety protection for users of conventional motorcycle taxi services is regulated under Minister of Transportation Regulation Number 12 of 2019 concerning Safety Protection for Motorcycle Users Used for Public Interest. However, in its implementation, law enforcement for conventional motorcycle taxis remains suboptimal. The lack of firm action against safety violations, along with weak socialization and field supervision, serves as the main obstacles. 3) From the perspective of fikih siyasah, the government (*ulil amri*) has the responsibility to issue rules and policies aimed at creating public welfare, including in the area of transportation safety. However, the weak implementation of these regulations in practice indicates the suboptimal role of *ulil amri* in fulfilling the mandate to protect the safety of its citizens. Moreover, conventional motorcycle taxi drivers, as service providers, should understand that ensuring passenger safety is part of their moral and religious responsibility, not only a legal obligation under state law but also a *syar'i* duty in safeguarding human life.