

LEGAL PROTECTION FOR ONLINE MOTORCYCLE TAXI DRIVERS AGAINST OVERLOADED AND OVERSIZED EXPRESS DELIVERY ORDERS FROM THE PERSPECTIVE OF MAQASHID AL-SHARIAH

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Abstract

The rapid growth of online motorcycle taxi services as part of the digital economy has facilitated the fast and efficient delivery of goods. However, in practice, various issues regarding driver occupational safety have emerged, particularly concerning "express" orders involving overloaded cargo and large-dimension items. The issues addressed in this study are: how is legal protection for online motorcycle taxi drivers regarding overloaded express orders viewed from the perspective of Maqashid Syari'ah?, and how is legal protection regarding express orders for large-dimension items viewed under positive law? This study employs a normative legal research method, utilizing both statutory and conceptual approaches. The research was conducted through an analysis of legislation, legal literature, and the Maqashid Syari'ah framework concerning legal protection for online motorcycle taxi drivers. The findings indicate that legal protection for drivers regarding overloaded express orders remains weak and inconsistent with Maqashid Syari'ah principles specifically *hifz al-nafs* (preservation of life) and *hifz al-mal* (preservation of wealth) because the burden of safety risks and potential losses falls disproportionately on the drivers. Furthermore, legal protection regarding express orders for large-dimension items under positive law is suboptimal due to the absence of specific regulations providing comprehensive protection. Therefore, clearer regulations are required to ensure safety, and legal certainty for online motorcycle taxi drivers

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1. INTRODUCTION

The development of the digital economy has driven the transformation of transportation and goods-delivery services through application-based platforms. The emergence of online motorcycle taxis has provided the public with convenient, fast, practical, and efficient delivery services. However, this development has also generated legal concerns, particularly regarding the safety of drivers when fulfilling delivery orders. The issue becomes increasingly complex when drivers receive express orders involving excessive loads or oversized goods that may exceed the technical capacity of motorcycles. This condition reflects a tension between the demand for efficiency in technology-based services and the need to protect driver safety. Lestari et al. (2023) explain that application-based transportation systems have transformed service mechanisms through the digital integration of ordering, payment, and monitoring processes. Nevertheless, advances in service systems must be accompanied by legal arrangements that ensure safety and provide certainty regarding the relationship among drivers, platform companies, and service users.



The transportation of excessive loads has legal consequences because it may endanger both drivers and other road users. Loads that exceed the appropriate capacity of a vehicle may disrupt motorcycle balance, restrict drivers' mobility, and increase the risk of accidents and material losses. Law Number 22 of 2009 concerning Road Traffic and Transportation provides the legal basis for traffic safety regulation, while Government Regulation Number 74 of 2014 concerning Road Transportation contains provisions on transportation operations, including the carriage of goods by motorcycle. However, questions arise regarding whether these regulations are sufficient to accommodate the specific characteristics of application-based delivery services, particularly in relation to the allocation of responsibility when the goods ordered are incompatible with vehicle capacity. Harahap et al. (2024) highlight the importance of legal protection in application-based transportation services, while Cahyono et al. (2024) emphasize the safety risks associated with disproportionate loads.

Drivers' vulnerability is further intensified by the imbalance of bargaining positions within digital partnership relationships. Drivers are required to complete orders, while decisions concerning the characteristics of the goods and service mechanisms are influenced by users and the platform system. In this study, this problem is illustrated by the potential restriction of access to future orders when drivers cancel deliveries that they consider unsafe. Such circumstances raise questions regarding the allocation of responsibility and the protection afforded to drivers who refuse hazardous loads. Siregar and Permata (2023) situate driver protection within the context of partnership relationships that require clear allocation of responsibilities among the parties. Therefore, legal protection should not be limited to obligations to comply with traffic regulations but should also incorporate preventive mechanisms for managing risks in digital service operations.

Previous studies demonstrate that legal protection for online motorcycle taxi drivers has been examined from several perspectives. Nabila (2025) emphasizes the vulnerability of female drivers, particularly in relation to discrimination, safety, and unclear legal status, through a **maqashid al-shariah** perspective. Meanwhile, Indrawan et al. (2025) highlight the urgency of recognizing platform workers' status, ensuring algorithmic transparency, and providing social protection within the digital economy. Zuama et al. (2021) discuss online motorcycle taxi regulation from the perspective of legal philosophy, emphasizing the need to improve the regulatory framework governing application-based transportation. These studies indicate that driver protection involves employment, regulatory, and justice dimensions. However, they have not specifically integrated the issue of risk distribution in transporting oversized goods with platform responsibility and the principles of protecting life and property under Islamic law.

Based on these developments in the literature, the research gap lies in the limited availability of integrative analyses concerning the protection of drivers against express delivery orders involving excessive loads within the intersection of transportation safety regulations, platform provider responsibilities, and the principles of **maqashid al-shariah**. This perspective is important because legal protection concerns not only normative certainty but also the capacity of law to prevent harm. The principle of **hifz al-nafs** emphasizes the obligation to protect human life and safety, while **hifz al-mal** prioritizes the protection of property from preventable loss. Nas and Aditama (2025) emphasize the importance of public benefit (**maslahah**) and the prevention of harm as fundamental orientations of Islamic law. Accordingly, regulations governing goods transportation need to be evaluated based on their ability to provide genuine protection for drivers' safety and economic interests.

The novelty of this study lies in integrating an analysis of legal protection gaps in platform-based goods transportation with the principles of **hifz al-nafs** and **hifz al-mal**, particularly in assessing the distribution of risk between drivers and service providers. This study aims to analyze the legal protection of online motorcycle taxi drivers against express delivery orders involving excessive loads under Law Number 22 of 2009, identify regulatory gaps concerning the transportation of oversized goods, and evaluate such protection from the perspective of **maqashid al-shariah**. Theoretically, this study is expected to enrich scholarship on the integration of positive law and Islamic law within the digital economy. Practically, the findings are expected to provide a basis for recommendations aimed at strengthening safety standards, clarifying the allocation of responsibilities, and ensuring fair legal protection for online motorcycle taxi drivers.

2. RESEARCH METHOD

This study employed a normative legal research method oriented toward the analysis of legal norms, legal principles, and doctrines related to the legal protection of online motorcycle taxi drivers in carrying out express delivery orders involving excessive loads and oversized goods. This method was selected because the research problem focuses on the adequacy of existing legal regulations, the certainty of safety protection for drivers, and the conformity of positive law with the principles of *maqashid al-shariah*. The study used two main approaches, namely the statute approach and the conceptual approach. The statute approach was used to examine legal provisions regulating traffic safety, technical vehicle requirements, goods transportation, and the responsibilities of parties involved in application-based transportation services. Meanwhile, the conceptual approach was used to analyze the principles of legal protection, legal certainty, justice, and public benefit through the perspective of **maqashid al-shariah**, particularly **hifz al-nafs** (protection of life) and **hifz al-mal** (protection of property). These two approaches enabled a normative assessment of the relationship between safety obligations in goods transportation and the protection of drivers' rights within the digital economy system (Marzuki, 2017).

The legal materials used in this study consisted of primary, secondary, and tertiary legal materials. Primary legal materials included Law Number 22 of 2009 concerning Road Traffic and Transportation, Government Regulation Number 74 of 2014 concerning Road Transportation, and Regulation of the Minister of Transportation Number 12 of 2019 concerning the Safety Protection of Motorcycle Users Utilized for Public Purposes. Secondary legal materials included legal textbooks, scientific journal articles, previous research findings, and literature concerning legal protection, digital partnership relationships, and **maqashid al-shariah**. Tertiary legal materials consisted of legal dictionaries and other supporting reference sources used to clarify legal terminology. Legal materials were collected through library research and documentary study by searching, identifying, classifying, and reviewing various sources relevant to the research problem. The selection of legal materials was based on substantive relevance, source authority, and their relationship to driver safety protection. In normative legal research, library research plays an important role in developing arguments grounded in legal norms and doctrines that can be scientifically justified (Marzuki, 2017; Soekanto & Mamudji, 2015).

The legal materials were analyzed qualitatively using a normative-prescriptive analytical method through systematic and conceptual interpretation of relevant statutory provisions and legal principles. The stages of analysis included identifying legal provisions concerning the safety of goods transportation, examining the relationship between drivers' obligations and platform providers' responsibilities, and assessing the adequacy of legal protection for drivers confronted with excessive-load orders. Subsequently, the results of the positive-law analysis were evaluated using the **maqashid al-shariah** framework, particularly the principles of **hifz al-nafs** and **hifz al-mal**, which place the protection of life and property among the fundamental necessities (**al-dharuriyyat**) in realizing public benefit (**maslahah**) (Al-Syatibi, 2005). The analysis compared the protective objectives of statutory regulations with the principle of preventing harm in Islamic law in order to identify normative gaps and formulate recommendations for strengthening legal protection. Conclusions were drawn through systematic legal reasoning by connecting general legal norms with the specific legal issues examined in the study. Through this procedure, the study was directed toward producing juridical arguments concerning legal certainty, justice, and utility in protecting the safety of online motorcycle taxi drivers.

3. RESULT AND ANALYSIS

Legal Protection for Online Motorcycle Taxi Drivers against Excessive-Load Express Orders under Law Number 22 of 2009 concerning Road Traffic and Transportation

Legal protection for online motorcycle taxi drivers handling express orders involving excessive loads, viewed from the perspective of Law Number 22 of 2009 concerning Road Traffic and Transportation (UU LLAJ), is fundamentally supported by a legal framework governing safety, vehicles, and load requirements in road traffic and transportation operations. However, in practice, the regulation does not yet provide specific and explicit provisions regarding the maximum weight or dimensions of goods that may be transported by two-wheeled vehicles in online motorcycle taxi services. This condition creates a gap in legal protection for drivers, particularly when they receive express delivery orders involving loads that exceed the technical capacity of their motorcycles. Although existing

regulations provide a general framework for protecting road-user safety, their implementation still faces various obstacles, including weak supervision, limited driver awareness of their rights and operational limitations, and service-system pressures to complete assigned orders (Harahap et al., 2024). Consequently, online motorcycle taxi drivers remain vulnerable because they must bear the risks of accidents and losses arising from excessive loads, while specific protective mechanisms and legal certainty concerning such situations remain inadequate.

The transportation of excessive loads by online motorcycle taxi drivers carries substantial safety risks, including impaired vehicle balance, restricted driver mobility, and an increased likelihood of road accidents (Cahyono et al., 2024). One illustrative case involved a courier carrying a large quantity of logistics packages on the Subang–Pamanukan Highway, in the vicinity of a logistics sorting point in Subang Regency, West Java. The courier used an underbone motorcycle while transporting an extremely large stack of parcels wrapped in green sacks and cardboard boxes. The packages were piled excessively high on the rear seat of the motorcycle. When the motorcycle was started and the courier attempted to move forward, the disproportionate weight distribution—concentrated at the upper and rear sections of the vehicle—caused the front wheel to lift off the ground. As a result, the courier and the motorcycle fell backward, while the packages were scattered across the road and had to be assisted by nearby residents.

Another example involved an online motorcycle taxi driver transporting an instant-delivery order consisting of a mini washing machine or other relatively heavy household electronic equipment along Kelapa Dua Raya Road toward a residential area in Kelapa Dua District, Tangerang, Banten, within the Greater Jakarta region. The driver reportedly accepted an instant delivery order involving a very large and heavy cardboard package. During the journey to the customer's residence, the driver stated that he had fallen twice on the road because the motorcycle became unstable under the weight of the package. Upon arriving at the destination, the driver, reportedly frustrated and exhausted following the incidents, expressed his anger toward the elderly homeowner and deliberately dropped and slammed the large package from the motorcycle onto the ground.

These examples demonstrate that Law Number 22 of 2009 has not explicitly regulated motorcycles as public transportation vehicles for application-based goods delivery, thereby creating a regulatory gap in relation to online motorcycle taxi services. In practice, platform companies generally establish their own limitations concerning the size and weight of goods through internal company policies. However, such provisions primarily govern the partnership relationship between the company and the driver and have not yet become national legal standards specifically regulated under statutory law. This situation creates legal uncertainty and insufficient protection for drivers, who ultimately bear safety risks and material losses resulting from excessive loads.

The status of online motorcycle taxi drivers as partners within a partnership arrangement further complicates the provision of legal protection under both the Road Traffic and Transportation Law and labor law. The absence of clear legal provisions expressly regulating platform-company responsibility and occupational safety guarantees places drivers in a vulnerable position when they face work-related risks arising from excessive-load deliveries. Law Number 22 of 2009 concerning Road Traffic and Transportation generally regulates road traffic and transportation governance, including vehicle safety, vehicle capacity, and the transportation of goods. However, in the context of online motorcycle taxi drivers, particularly in cases involving excessive loads, the law does not specifically regulate platform-company responsibility when drivers suffer losses. In this regard, as service providers, platform companies should nevertheless take responsibility for losses arising during service implementation, so that the classification of drivers as partners does not become a justification for neglecting their protection and safety (Siregar & Permata, 2023).

Several important provisions require particular attention:

1. Article 59 paragraph (1) of Law Number 22 of 2009 mandates that motor vehicles carrying goods must comply with technical requirements concerning load capacity so as not to endanger road safety and traffic order. This provision emphasizes that loads must remain within the capacity of the vehicle in order to maintain roadworthiness and avoid endangering drivers or other road users.
2. Article 61 paragraph (1) emphasizes that every motor vehicle in operation must comply with technical safety and roadworthiness requirements. This provision is also relevant to motorcycles used by online motorcycle taxi drivers, although in practice the regulation primarily refers to vehicles formally recognized within public transportation systems.

3. Article 74 grants the government authority to establish safety standards and technical standards concerning the loads of goods-transport vehicles (Law Number 22 of 2009, n.d.).

Legal Protection for Online Motorcycle Taxi Drivers Handling Express Orders of Oversized Goods in Addressing Regulatory Gaps under Law Number 22 of 2009

The results of this normative legal study show that legal protection for online motorcycle taxi drivers in carrying out express delivery orders involving oversized goods already has a regulatory basis, but the existing framework has not yet fully accommodated the operational characteristics of application-based goods delivery. Law Number 22 of 2009 concerning Road Traffic and Transportation provides a general framework for traffic safety and motor vehicle requirements, while Government Regulation Number 74 of 2014 concerning Road Transportation regulates the requirements for transporting goods using motorcycles. Article 10 paragraph (4) of the regulation stipulates that the width of the load must not exceed the handlebars, the height of the load must not exceed 900 millimeters above the driver's seat, and the goods must be placed behind the driver. These provisions demonstrate that restrictions on load dimensions already have a legal basis. However, the analysis indicates that the main problem lies in the lack of integration between these safety requirements and the mechanisms for accepting orders, verifying the characteristics of goods, and managing risks within application-based delivery services. Thus, the regulatory gap identified in this study does not constitute a complete legal vacuum, but rather a limitation in regulations that specifically connect transportation safety standards with the responsibilities of digital platform providers.

The study further identified an imbalance of responsibilities among drivers, service users, and application-platform companies when delivery orders involve goods that are incompatible with vehicle capacity. Drivers are the parties who directly operate the vehicles and face risks of accidents, vehicle damage, and losses arising from the goods being transported. At the same time, the characteristics of the order are determined by information provided by the service user and processed through the application system. This situation may place drivers in a dilemma in which they must choose between completing the order and avoiding safety risks. Yuda and Tarigan (2023) highlight the issue of whether transportation services are conducted in accordance with applicable legal provisions, while Siregar and Permata (2023) emphasize the importance of clearly allocating responsibilities within digital transportation partnership relationships. Based on this analysis, driver protection cannot rely solely on technical vehicle requirements but also requires mechanisms that allow drivers to refuse hazardous transportation without facing disproportionate consequences. Nevertheless, any assessment of cancellation-related sanctions imposed by particular platforms still requires verification of the operational policies of each company.

The analysis of Regulation of the Minister of Transportation Number 12 of 2019 concerning the Safety Protection of Motorcycle Users Utilized for Public Purposes shows that driver safety has received attention within sectoral regulations. The regulation covers motorcycle safety and protection responsibilities in the provision of application-based services. However, operational provisions concerning procedures for checking the dimensions and weight of goods before an order is accepted, mechanisms for transferring orders that exceed vehicle capacity, and the allocation of responsibility when losses occur because of excessive loads still require further elaboration. In addition, drivers working under partnership arrangements may face limited access to occupational risk protection if they are not adequately covered by social security programs. This issue is relevant to the implementation of BPJS Ketenagakerjaan, particularly the Work Accident Insurance and Death Benefit programs for workers who satisfy the applicable membership requirements. Accordingly, the findings indicate that stronger protection requires integration between transportation safety regulations, digital platform governance, and social security mechanisms so that occupational risks are not borne entirely by individual drivers.

These findings can be analyzed using Philipus M. Hadjon's (1987) theory of legal protection, which distinguishes between preventive and repressive legal protection. Preventive protection is intended to prevent violations or losses through regulations that provide certainty concerning the rights, obligations, and permissible actions of the parties. In the context of oversized-goods delivery, preventive protection should be realized through clear standards concerning load dimensions and capacity, obligations to provide accurate information about the goods, and safety-verification procedures before an order is carried out. Platform companies should also provide cancellation or order-transfer mechanisms that can be used when the goods do not satisfy the requirements for transportation by motorcycle. Repressive protection, by contrast, is required when accidents, damage to goods, or material

losses occur during delivery. Such protection may include dispute-resolution mechanisms, compensation based on proven responsibility, and access to available legal remedies. From this perspective, the existence of safety norms cannot be regarded as sufficient unless accompanied by preventive procedures and effective mechanisms for resolving losses that are accessible to drivers.

The regulatory gap can also be explained through the theory of legal certainty, which emphasizes the importance of clear, consistent, and practically applicable legal norms. Radbruch (2006) identifies legal certainty as one of the fundamental values of law alongside justice and utility. In application-based goods delivery, legal certainty is necessary so that drivers, service users, and platform companies understand their respective responsibilities when safety requirements are violated. A gap arises when regulations establish technical transportation requirements but fail to provide adequate operational rules regarding which party is responsible for verifying the characteristics of goods and which party should bear the consequences when an order exceeds vehicle capacity. Such conditions may lead to differing interpretations and uncertainty in resolving losses. This analysis reinforces the view of Indrawan et al. (2025) regarding the need to reform the framework for protecting platform workers so that developments in the digital economy do not create imbalances in legal relationships. Therefore, harmonizing transportation regulations with rules governing digital partnership relationships is essential to ensure legal certainty that is not merely formal, but also provides substantive protection for driver safety.

Furthermore, the need for regulatory reform can be examined through the perspective of responsive law developed by Nonet and Selznick (1978). This perspective views law as an instrument that must respond to social needs and societal developments without disregarding the principle of legality. The growth of express delivery services using motorcycles demonstrates that innovation in the digital economy has created new forms of transportation activity that require more specific supervisory and protective mechanisms. Therefore, the legal response does not necessarily have to take the form of new legislation, but may instead be pursued through the harmonization and refinement of implementing regulations, the strengthening of operational standards for application-based service providers, and enhanced supervision of safety compliance.

A more responsive regulatory framework should include obligations for service users to provide accurate information regarding the weight and dimensions of goods, order-filtering systems based on vehicle type, and procedures for transferring goods that are unsuitable for motorcycle transportation to more appropriate modes of transport. In addition, clear mechanisms are needed for handling complaints, determining liability for losses, and protecting drivers who refuse orders on safety grounds. Such an approach would allow technological developments in goods delivery services to continue while ensuring that safety and the legal interests of all parties remain primary considerations.

Based on the overall research findings and theoretical analysis, addressing the regulatory gaps under Law Number 22 of 2009 should be directed toward strengthening legal protection by integrating preventive protection, repressive protection, legal certainty, and regulatory responsiveness. This objective may be achieved by aligning the provisions of Law Number 22 of 2009, Government Regulation Number 74 of 2014, and Regulation of the Minister of Transportation Number 12 of 2019 with the operational needs of application-based goods delivery services. From a preventive perspective, the government together with platform providers should ensure the availability of standards for verifying the weight and dimensions of goods, procedures for refusing high-risk orders, and effective supervision of compliance with safety requirements.

From a repressive perspective, greater clarity is required regarding dispute-resolution mechanisms, the allocation of responsibility according to the respective roles and degree of fault of each party, and access to social security protection. Such strengthening is also consistent with the principles of **maqashid al-shariah**, particularly **hifz al-nafs** and **hifz al-mal**, which place the protection of life and property among the fundamental interests in the conduct of economic activities (Al-Syatibi, 2005). Accordingly, the contribution of this study lies in emphasizing that the protection of online motorcycle taxi drivers cannot be achieved solely through technical restrictions on cargo loads, but must also be supported by clear risk-governance mechanisms and legal accountability. This protective framework is expected to contribute to the development of digital delivery services that are safe, legally certain, and equitable for all parties involved.

Legal Protection for Online Motorcycle Taxi Drivers Handling Express Orders Involving Excessive Loads and Oversized Goods from the Perspective of Maqashid al-Shariah

The findings of this normative legal study indicate that legal protection for online motorcycle taxi drivers in carrying out express delivery orders involving excessive loads and oversized goods has not yet fully reflected the principle of public benefit (*maslahah*) as envisioned in *maqashid al-shariah*. Based on an examination of Law Number 22 of 2009 concerning Road Traffic and Transportation, Government Regulation Number 74 of 2014 concerning Road Transportation, and Regulation of the Minister of Transportation Number 12 of 2019, it was found that transportation safety provisions are already available, but protection mechanisms specifically governing the distribution of risk among drivers, platform companies, and service users still require strengthening. This condition may place drivers in a position where they bear safety risks and material losses when accepting orders that exceed the capacity of their vehicles. From the perspective of Islamic law, this issue concerns not only compliance with technical vehicle requirements but also the obligation to prevent actions that may endanger human life and harm economic interests. Nas (2026) explains that the fundamental objective of Islamic law is to realize public benefit and prevent harm. Therefore, driver protection should be understood as part of a legal responsibility to ensure safety, justice, and a balanced distribution of interests within digital economic activities.

The study further identified two principal dimensions of protection that are directly related to *maqashid al-shariah*, namely the protection of life (*hifz al-nafs*) and the protection of property (*hifz al-mal*). In the dimension of protecting life, transporting goods that exceed motorcycle capacity may disrupt vehicle balance, reduce the driver's ability to control the direction of travel, and increase the likelihood of accidents. Such risks threaten not only the safety of drivers but also that of other road users. Meanwhile, the protection of property concerns the possibility of vehicle damage, damage to delivered goods, medical expenses, loss of income, and other economic losses resulting from accidents. These findings demonstrate the close relationship between physical safety and the economic sustainability of drivers, particularly when motorcycles constitute their primary means of earning a livelihood. Based on this analysis, the transportation of goods that do not satisfy safety requirements cannot be regarded merely as a technical service issue, but must also be understood as a matter of rights protection requiring risk-prevention mechanisms and clear accountability. An imbalanced allocation of risk may conflict with the principles of justice and public benefit in the conduct of economic activities.

The study also shows that the partnership relationship between drivers and platform companies is an important factor in determining the effectiveness of protection based on *maqashid al-shariah*. In application-based services, drivers perform orders based on information and operational requirements provided through electronic systems. However, when the characteristics of the goods are incompatible with vehicle capacity, drivers may face a choice between continuing a risky delivery or cancelling the order and potentially facing consequences affecting their work activities. This imbalance highlights the importance of clearly recognizing drivers' right to refuse loads that endanger their safety without being subjected to disproportionate consequences. Cheysa (2024) discusses the imbalance of legal positions and responsibilities in digital partnership relationships, which is relevant to explaining drivers' vulnerability when facing transportation risks. Based on these normative findings, protection oriented toward public benefit cannot be realized merely by requiring drivers to comply with safety regulations, but must also include company responsibilities to provide accurate information regarding goods, establish mechanisms for order reassignment, and provide procedures for resolving losses. Thus, the principles of *maqashid al-shariah* require a balance among service interests, drivers' rights, and public safety.

Theoretically, these findings can be analyzed through the *maqashid al-shariah* framework developed by Al-Syatibi, particularly the classification of human needs into *al-dharuriyyat*, *al-hajiyyat*, and *al-tahsiniyyat*. Al-Syatibi (2005) explains that *al-dharuriyyat* refers to fundamental necessities that must be protected to ensure the continuity of human life, including the protection of religion, life, intellect, lineage, and property. Based on this framework, driver safety in goods-transportation activities constitutes a fundamental necessity because it is directly associated with the risk of death, physical injury, and property damage. The principle of *hifz al-nafs* affirms that the protection of life must take precedence over economic interests that may create serious danger. In the context of express delivery orders, service speed and economic gain cannot justify the disregard of vehicle safety requirements. This view is consistent with Al-Qaradawi (2008), who places the protection of human dignity and the fulfillment of the rights of vulnerable groups among the important orientations of Islamic law. This principle also has a normative foundation in the Qur'an, Surah Al-Ma'idah verse 32, which emphasizes the sanctity of human life and the importance of safeguarding human safety. Accordingly, policies

governing goods transportation should place accident prevention as a primary priority in the provision of digital transportation services.

The dimension of **hifz al-mal** provides a normative basis for assessing the protection of the economic interests of drivers and service users. From the perspective of **maqashid al-shariah**, the protection of property does not merely mean safeguarding individual ownership from unlawful appropriation, but also preventing avoidable losses through responsible regulation and economic conduct. The transportation of oversized goods using vehicles that are not suited to their load capacity may result in vehicle damage, loss of earning capacity, and damage to goods belonging to service users. The issue becomes more complex when liability mechanisms fail to clearly determine which party should bear the losses based on the cause of the incident and the respective roles of the parties involved. In this context, the principle of **hifz al-mal** requires a balance between the company's right to generate profit, the service user's right to receive services, and the driver's right to protect assets and maintain income security. Nas (2026) emphasizes that public benefit constitutes a fundamental orientation in the formulation and implementation of Islamic law. Therefore, strengthening compensation mechanisms, providing insurance protection in accordance with applicable provisions, and establishing a proportional distribution of responsibility may be regarded as forms of implementing *hifz al-mal* within application-based economic relationships.

Driver protection can also be analyzed through the Islamic legal maxim *la darar wa la dirar*, which prohibits causing harm to oneself or to others. This principle is closely related to the maxim **al-darar yuzal**, which affirms that harm must be eliminated. In the context of transporting excessive loads, the application of these principles requires preventive measures before accidents or losses actually occur. Accordingly, platform providers should develop mechanisms to verify information regarding the weight and dimensions of goods, establish procedures for cancelling orders that do not satisfy safety requirements, and provide alternative delivery arrangements using more appropriate vehicles. Service users also bear responsibility for providing accurate information about the goods, while drivers are obliged to consider the technical capacity of their vehicles before carrying out the delivery. These principles of harm prevention can be linked to Hadjon's (1987) theory of legal protection, particularly preventive legal protection, which is intended to avoid losses before violations or disputes occur. The integration of these two perspectives demonstrates that legal protection consistent with **maqashid al-shariah** should prioritize the prevention of harm rather than merely providing remedial mechanisms after accidents or losses have occurred.

Based on the overall findings and theoretical analysis, legal protection for online motorcycle taxi drivers handling express orders involving excessive loads and oversized goods should be developed through an approach that integrates positive law with the principles of **maqashid al-shariah**. Such protection may be strengthened through three dimensions: the prevention of safety risks, protection against economic losses, and the fair allocation of responsibility. Within the dimension of **hifz al-nafs**, stronger compliance with load-dimension standards, mechanisms allowing drivers to refuse hazardous orders, and more effective supervision of transportation safety are required. Meanwhile, within the dimension of **hifz al-mal**, greater clarity is needed regarding liability for damage to vehicles and goods, access to occupational risk protection, and dispute-resolution mechanisms that are accessible to drivers. These two dimensions demonstrate that the protection of life and property constitutes a fundamental necessity that must be prioritized in application-based delivery services, consistent with the principle of **al-dharuriyyat** in Al-Syatibi's (2005) thought.

The theoretical contribution of this study lies in employing **maqashid al-shariah** as an evaluative framework for assessing the adequacy of legal protection in the digital economy, rather than merely as a source of normative legitimacy. Accordingly, strengthening driver protection is expected not only to provide legal certainty, but also to realize substantive justice, prevent harm, and ensure the welfare and public benefit of all parties involved in the provision of goods-delivery services.

4. CONCLUSION

This study concludes that legal protection for online motorcycle taxi drivers in carrying out express delivery orders involving excessive loads and oversized goods continues to face normative and operational gaps, particularly with regard to certainty of responsibility, prevention of safety risks, and protection against drivers' economic losses. Law Number 22 of 2009 concerning Road Traffic and Transportation, Government Regulation Number 74 of 2014 concerning Road Transportation, and

Regulation of the Minister of Transportation Number 12 of 2019 have provided a regulatory foundation for motorcycle safety; however, they have not yet fully established an integrated protection mechanism that accommodates the characteristics of application-based goods delivery services. These gaps are reflected in the insufficient regulation of procedures for verifying the dimensions and weight of goods, mechanisms for refusing orders that may endanger safety, and the allocation of responsibility among drivers, platform companies, and service users when accidents or losses occur.

From the perspective of **maqashid al-shariah**, the protection of drivers constitutes part of the fundamental necessities (**al-dharuriyyat**) that should be realized through the principles of **hifz al-nafs** (protection of life) and **hifz al-mal** (protection of property). The transportation of goods that exceed the technical capacity of a vehicle may conflict with both principles because it can endanger human safety and cause material losses. Theoretically, this study emphasizes the importance of integrating positive law and **maqashid al-shariah** as an evaluative framework for achieving legal protection oriented toward certainty, justice, and public benefit.

Practically, there is a need to harmonize transportation safety regulations with digital platform governance through stronger load standards, transparent information regarding the characteristics of goods, mechanisms allowing drivers to refuse high-risk orders, social security protection, and a proportional allocation of responsibility. Since this study employed a normative legal approach, its findings are limited to the analysis of statutory regulations and legal doctrines. Future research should therefore incorporate empirical studies involving drivers, platform providers, and relevant government institutions in order to evaluate the effectiveness of legal protection in actual practice.

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