

JURIDICAL ANALYSIS OF THE NATIONAL PORT ORDER TO REALIZE THE SOVEREIGNTY OF THE NATION AND STATE IN THE CLASS I TANJUNG UBAN PORT OPERATOR UNIT

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ABSTRACT

Public service is defined as the provision of services the needs of people or communities who have an interest in the organization in accordance with the basic rules and procedures that have been set. In Law Number 25 of 2009 concerning public services, the community has the right to get quality services in accordance with the principles and objectives of service. The port as one of the elements in the operation of shipping has a very important and strategic role so that its operation is controlled by the state and its development is carried out by the Government in order to support, mobilize, and encourage the achievement of national goals, and strengthen national resilience. Port development carried out by the Government includes aspects of regulation, control, and supervision. Regulatory aspects include the formulation and determination of general and technical operational policies. The control aspect includes providing guidance in the construction and operation of ports. Meanwhile, the aspect of supervision is carried out in the operation of ports. The handover of local port management to the local government as is done is still an operational handover, because for the delivery of personnel, equipment, financing and documents or known as P3D, the administrative settlement is simultaneously being processed. Meanwhile, the institutional shipping safety function cannot be delegated to the local government. This is because the safety function is mandatory from the International Maritime Organization (IMO) which must be carried out by the central government in this case the Directorate General of Sea Transportation.

Keyword: Port, Sovereignty, Law

1. INTRODUCTION

Public service as an activity carried out by public service providers is an effort to meet the needs of service recipients in the implementation of the provisions of the legislation. Improvement of public services that are efficient and effective will support the achievement of efficiency. Effective will support the achievement of efficiency financing, meaning that when public

services provided by service providers to the parties served by the actual conditions or mechanisms or procedures are not convoluted, it will reduce the cost or burden for the service providers and service recipients.

Public service is defined as the provision of services (serving) the needs of people or communities who have an interest in the organization by the Basic Rules and procedures that have been established. Thus, public service is the fulfillment of the desires and needs of society by state officials. The state was established by the public (Society), of course, to improve society's welfare. In essence, the state, in this case, the government (bureaucrats), must be able to meet the needs of society. The needs, in this case, are not individual needs but various needs that are expected by the community [1].

In Law No. 25 of 2009 on public service, the community has the right to get quality services by the principles and objectives of the service. Based on the government regulation of the Republic of Indonesia Number 96, the year 2012, Public Service in question is an activity or series of activities to meet the needs of services by the laws and regulations for every citizen and resident, for goods, services, and or administrative services provided by public service providers. Public service providers are one of the state's functions to create the people's welfare. But on the other hand, the public services provided are sometimes not optimal because there are still complaints from the public. The existence of complaints submitted by the community against the institution shows that the services offered have yet to meet the community's wishes as service users. With the increasing public awareness of the need for quality services, of course, must be balanced responsiveness of the apparatus [2].

Every public service must have service standards and be published as a guarantee of certainty for service recipients is a measure that must be owned in the implementation of public services that service providers and recipients must obey. One of the main functions of the government is to organize development and service activities as a form of the general task of the government to realize the welfare of the community. Port is everything related to implementing port functions to support the smooth, safe, and orderly flow of ship traffic, passengers, and goods, safety and security of sailing, intra-and/or intermodal transfer places, and encouraging the national and regional economy while still paying attention to spatial planning [3].

Based on the regulation of the Minister of Transportation number KM 62 of 2010 on the organization and work procedures of the port operator Unit office, Article 1 explains that the purpose of the port operator Unit office is a Technical Implementation Unit within the Ministry of Transportation which is under and responsible to the Minister of Transportation through the Director General of sea transportation [3].

Based on the regulation of the Minister of transportation of the Republic of Indonesia number 51 of 2015 concerning the implementation of seaports, which was then made a second amendment to the regulation of the Minister of transportation of the Republic of Indonesia number 57 of 2020 concerning the Second Amendment to the regulation of the Minister of Transportation number 51 of 2015 concerning the implementation of seaports, a port is a place consisting of land and waters with specific limits as a place for government activities and business activities used as a place for ships to lean, up and down passengers, and loading and unloading of goods, in the form of terminals and ship berths equipped with shipping safety and security facilities and port support activities and as a place of intra-and intermodal transportation [4].

An organization is essential to change in achieving its goals; it can be seen that to realize a goal, the organization must be necessary to take planning and real action. As is known, the port operator Unit office has a vision, namely the realization of sea transportation services and Port implementation in the working area of the port Operator Unit office that is safe, comfortable, and safe [5].

Meanwhile, its mission is to improve the implementation of security and supervision in the work environment area (DLKr) and Port interest environment area (DLKp) to improve supervision of ship safety and sea freight traffic at ports, ensure the smooth flow of passengers and goods, create employee discipline through a tiered evaluation and supervision system, create an integrated and transparent service system, improve coordination and consolidation with relevant agencies, and encourage the fulfillment of port facilities and shipping safety facilities [6].

Tanjung Uban Class I port operator Unit office is one of the facilities that are relied upon for the future of Riau Islands province because it is the gate of community economy and inter-island trade throughout the Riau Islands which serves as the provision and service of port services, security and order assurance at the port which is a moral responsibility that continues to be sought. For this reason, to improve the quality of port services, it is necessary to develop strategies with policies outlined in programs and various activity plans, one of which is to increase employee responsiveness in providing services; this is to provide satisfaction for service users at the port.

Tanjung Uban Class I port operator Unit office is one of the technical implementation units that has the task of carrying out regulation, control, and supervision of port activities, safety and security services at the port, as well as the provision and or port services that have not been commercially attempted. Given the strategic scope of its duties, which is to contribute to the state in terms of sea transportation capital to facilitate the rotation of the economy, it is necessary to strengthen and obtain human resources that have high quality by striving for improvement and improvement of apparatus performance to be able to realize services that are fast, easy, fair, legal certainty, transparent, and accountable by the development of community dynamics.

The implementation of the regulation of the Minister of transportation of the Republic of Indonesia number: 51 in the year 2015 on the performance of an excellent Seaport to the public or service users in need needs an orderly and purposeful process with guidelines for service standards. As happened in the Office of Class I Tanjung Uban port operator Unit, it is related to the lack of direct socialization from the harbormaster to the service users regarding the existing SOP, for example, socialization of the cost of ship visits, as well as the unavailability of Suggestion Box facilities that make it difficult for service users to submit complaints.

Therefore, the role of a harbormaster is vital, both in providing seaworthiness of ships, sailing permits, safety, and security, as well as all sea transportation shipping activities in Indonesian waters. Based on this phenomenon, the author is interested in discussing it further with the research title, “juridical analysis of the National Port order to realize the sovereignty of the nation and state in the Class I TANJUNG UBAN port operator UNIT.”

1.1 Research Benefits

Referring to the formulation of the problem that the authors have put forward above obtained the following research benefits:

1. Theoretically

This research is expected to be used as a reference or additional reading material to promote the discipline of law theoretically. The writing of this thesis is expected to provide an understanding of what efforts have been made by the organizers of the Tanjung Uban Class I Port regarding the challenges of the national port to realize the sovereignty of the nation and state. In addition, this thesis is expected to provide benefits as a reference or reference in researching similar matters. The writing of this thesis can help readers with the development of lecture materials and is expected to contribute new knowledge in the field of public order.

2. Practically

The results of this study are expected to provide an accurate, practical solution to the problems studied. In addition, as input for practitioners who are directly involved and can uncover new theories to develop existing approaches in carrying out a policy of legislation in the field of public order.

2. Research Methods

This study's specification only analyzes up to the level of detests, which analyzes and presents the facts systematically so that they can be more easily understood and concluded. Requirements and types of research this thesis is normative legal research combined simultaneously with legal and sociological analysis (empirical) using secondary data obtained directly as the first source through field research through interviews and primary data as a source/material information in the form of primary legal materials, secondary legal materials and materials tertiary law. The method of approach in this study is a combination of methods between normative approach" legal research "with empirical approach method" juridical sociologies." The location of this study is in the Port of Class I Tanjung Uban. In this case, the researchers used informant retrieval techniques with the purposive sampling method. As for the informant used by the author, a random design that is with the details of 2 (two) people of Class I Tanjung Uban port operator Unit, 1 (one) office employee, and 2 (two) people Port service users. This type of research is included in the joint research group between normative legal and observational study. In this study, data analysis is done qualitatively by describing the research, then comparing the data with legal theories, legal experts, and legislation. The analysis starts with data collection, processing, and the last presentation of data. While the conclusions will be used in the deductive method, the author takes the data, information, and opinions, which are general, and then concludes specifically.

3. RESULTS AND DISCUSSION

3.1 Port

Based on the regulation of the Minister of transportation of the Republic of Indonesia, number PM 39 of 2015 stated that the port has an area of land and waters with certain boundaries as a place of government activities and business activities and serves as a place for ships to lean, up and down passengers, and distribution of goods, which is equipped with safety and security facilities shipping and port support activities, as well as a place of intra and intermodal transportation. While government regulation (PP) No. 11 of 1983 explains that a port or dock is defined as a berth or berthing of the sea or river vessels and other water vehicles to raise and lower passengers and distribute goods and animals that make it an area of economic activity [7].

Based on Law No. 17 of 2008 states that the port is a place consisting of land and water with specific limits as a place of business and government activities that are used for up and down passengers, where ships dock and loading and unloading of goods, in the form of terminals and ship berths equipped with safety facilities, security services, port support activities and as a place of intra and intermodal transportation. Furthermore, the meaning of Port, according to Law No. 17 of 2008, is everything related to realizing the function of the port as supporting the smoothness, security, and order of ship traffic flow, passengers and goods, safety and security of sailing, intramodal and intermodal transfer activities and advancing the national economy and also the region while paying attention to spatial planning.

According Suyono that there are several major facilities at the port, which are [8]:

- a. Wave barrier (breakwater) to protect the Inland harbor area from these waves of natural stone, artificial stone, and erect walls.
- b. Bridge (jetty) is a bridge-shaped building made to protrude out towards the sea from the beach or land.
- c. Dolphin, a collection of iron, wood, or concrete pillars so the ship can lean to carry out loading or unloading activities to the barge (lighter).
- d. Mooring buoys (mooring buoys) is a buoys where the ship moored to perform an activity.
- e. Anchorage, where the waters the ship me lego anchor to conduct activities.
- f. Sigle Bury Moring (SBM) is a binding buoy where the tanker can load and unload its cargo through a pipe in the buoy that connects to the mainland or source of supply.
- g. Barges (lighter) are small boats used to transport cargo or goods from or to a loaded or unloaded ship, which is usually pulled by a tugboat.
- h. Shipping lanes and Port pools are part of the waters at the port where ships enter or exit. The ship's shipping channel has a certain depth so that the ship can enter or exit the harbor pool or dock at the dock.
- i. Ship signs are installed in the waters leading to the port to guide the anchored ship.
- j. Warehouse is a closed shelter for goods to be protected from the weather. But some warehouses are open for particular goods or containers.
- k. Dock, to serve incoming ships, where the port provides a dock where the ship can dock or dock to carry out its activities, either loading or unloading or other activities.
- l. While Hidayat expressed the role and function of the port, which is described as follows:
 - 1) The critical role of ports in the National Transportation System is:
 - a) The commercial gateway of a region or country;
 - b) Land and sea transition points;
 - c) Place of transition of sea transportation modes to land transportation modes;
 - d) Shelter and distribution of goods.
 - 2) The essential functions of ports, in general, can be summarized as follows:
 - a) Interface, the port provides facilities and services to move goods from ship to land or vice versa.
 - b) Link, namely the port as a connecting link in the transportation system.
 - c) Gateways, namely the port as the Gateway of the trade from the region or country.

3.2 Port Service Standards

Based on the regulation of the Minister of transportation of the Republic of Indonesia number PM 39, the year 2015, regarding the standard of crossing passenger transport services states that the minimum requirements that the port must own include:

a. Presence / Regularity

Sales service and redemption of ship tickets with the number of counters that adjust to prospective passengers and the average time of a maximum of 5 minutes per individual passenger name.

b. Security

- 1) Information and health facilities, accidents, or natural disasters, including evacuation route instructions, evacuation gathering points, and fire extinguishers.
- 2) Health facilities such as P3K equipment.

c. Security

- 1) Lighting lamps with a light intensity of 200-300 lux as a light source in the crossing port to make passengers feel safe.
- 2) Security officers are characterized by the availability of uniformed and easily visible officers in charge of maintaining passengers' smooth and orderly circulation in the passenger terminal.
- 3) Stickers containing phone numbers and sms complaints are affixed to a strategic place and are easy to see to provide information in the event of a security breach.

d. Comfort

- 1) Provide toilet facilities with criteria for the number of women's toilets two times more than men's toilets, and as many as 50 passengers can use one bathroom with the requirement that the toilet area is 100% clean and does not cause odors from the toilet.
- 2) Waiting Room for passengers and prospective passengers before checking in. With a benchmark of 100% clean and odorless area that comes from the passenger terminal area with a space requirement for one person minimum of 0.6 m².
- 3) Lighting lamps with a light intensity of 200-300 lux as a light source at the crossing port to make passengers feel safe.
- 4) Provide mosque facilities to perform worship with the availability of appropriate ferry port capacity, odorless and clean 100%.
- 5) Temperature regulation facilities for air circulation can use air conditioners, fans, or air vents with a maximum passenger terminal temperature of 27C.

e. Convenience/Affordability [9]

- 1) Information on ship travel disturbances is announced 10 minutes after the trouble occurs.
- 2) Information on port services in the form of passenger port plans/layouts, dock names, arrival and departure schedules, destinations, tariffs, and cross-shipping network maps.
- 3) Advanced transportation information related to the type of transportation, departure and arrival schedules, location and directions of advanced transportation, and destination and transportation rates addressed to port passengers.

- 4) Vehicle parking space with an area that adapts to the available land for smooth vehicle circulation.
- 5) Passenger baggage service officers who wear uniforms and have an easy-to-see identity whose duty is to make it easier for passengers to carry goods.

f. Equality

- 1) Nursing Mothers Room as a special place for nursing mothers.
- 2) Mobile ramp is connected from the platform to the ship as a facility for disabled passengers.

Based on the Regulation of the Minister of Transportation Number 119 of 2015 concerning Standards for Sea Transport Passenger Services at the terminal, it explains that the standard passenger terminal services that sea transport terminal operators must provide include [10]:

- a. Reliability/regularity services in the form of convenience in obtaining information regarding ship departure, arrival schedules, and tickets.
- b. Security and order services in the form of boarding and boarding facilities for passengers from and to ships, information on security disturbances, security posts and officers, security equipment and support, and passenger and drop-off or pick-up waiting rooms.
- c. Convenience services consisting of boarding gates/corridors, waiting rooms, toilets, garbarata, places of worship, temperature control facilities, health care rooms and smoking rooms, and lighting.
- d. Equality services consist of nursing mother's room and facilities for special-needs passengers.
- e. Safety services consisting of health and security facilities and information.
- f. Convenience services consisting of information on ship arrival and departure times, service information, onward transportation information, information on ship travel disturbances, parking lots, passenger baggage services, and passenger service facilities.

The principles regarding shipping are stated in Article 2 of Law Number 17 of 2008 that shipping is organized based on the following [11]:

- a. Principle of benefit
principles accompany the principles of justice and legal certainty. The focus on practicality should be considered in carrying out the principle of legal certainty and the direction of justice.
- b. The principle of joint effort and kinship
Business operations in shipping are carried out to achieve national goals in which activities can be carried out by all levels of society and imbued with a spirit of kinship.
- c. The principle of healthy competition
The organization of domestic water transportation must be able to develop its business independently, competitively, and professionally
- d. The principle of fairness and equity without discrimination
Shipping operations must provide fair and equitable services to all levels of society at a cost affordable to the public, regardless of ethnicity, religion, ancestry, and economic level.
- e. The principle of balance, harmony, and harmony

Shipping must be organized so that there is balance, peace, and connection between facilities and infrastructure, users and service providers, individual and community interests, and national and international interests.

- f. The principle of public interest
Shipping operations must prioritize the interests of the wider community.
- g. The principle of cohesiveness
Shipping must be a unified whole, integrated, mutually supporting, and complementary to intra- and inter-mode transportation.
- h. The principle of upholding the law
This Law obliges the Government to maintain and guarantee legal certainty and obliges every Indonesian citizen always to be aware of and obey the law in shipping operations.
- i. The principle of independence
Shipping must be grounded in the nation's personality, based on confidence in one's abilities and strengths, prioritizing national interests in shipping and paying attention to the fair share of cargo in transportation in waters to and from foreign countries.
- j. The principle of environmental insight
Shipping operations must be carried out with an environmental perspective.
- k. The principle of state sovereignty
Shipping operations must be able to maintain the territorial integrity of the Republic of Indonesia.
- l. National principle
Shipping operations must reflect the nature and character of the Indonesian nation, which is pluralistic (diversity) while maintaining the principles of the Unitary State of the Republic of Indonesia.

In addition to having the functions and duties referred to in Article 207 and Article 208, the harbor master also has the authority as defined in Article 209, namely as follows [12]:

- a. Coordinate all government activities at the port;
- b. Examine and store letters, documents, and ship reports;
- c. Issuing approval for ship activities at the port;
- d. Carry out ship inspection;
- e. Issuing a Sailing Approval Letter;
- f. Inspect ship accidents;
- g. Arrest the ship by court order; and
- h. Carry out crew certificates.

The functions of regulation and guidance, control and supervision of port activities are carried out by port administrators. The following are port operators consisting of [13]:

1. Port Authority at commercially operated ports; and
2. Port Operator Units at ports that have not been commercially operated.

While the port administrator consists of the following:

1. Port Authority officials; and
2. Port Administration Unit Officers.

The business activities at the port consist of the following:

1. Provision and services for ships, passengers, and goods; and
2. Services related to the port.

Furthermore, the provision and services for ships, passengers, and goods consist of the following [14]:

1. Provision and berth services for mooring;
2. Provision and refueling services and clean water services;
3. Provision and service of passenger and vehicle boarding facilities;
4. Provision and dock services for loading and unloading of goods and containers;
5. Providing and providing warehouse services and places for storing goods, loading and unloading equipment, and port equipment;
6. Provision and container terminal services, liquid bulk, dry bulk, and ro-ro;
7. Provision and service of loading and unloading of goods;
8. Provision and service of distribution center and consolidation of goods; and
9. Provision and ship delay services.

3.3 Responsibilities of Harbor Master and Port

The Tanjung Uban Port Authority has the duties and responsibilities as stipulated in the Minister of Transportation Regulation Number 36 of 2012 concerning the Organization and Working Procedures of the Harbor Masters and Port Authorities and the Ministerial Regulation Number 51 of 2015 concerning the Implementation of Seaports as well as outlined in the Decree of the Minister of Transportation Number 199 of 2015 regarding the Appointment of the Port Authority as the Coordinator of Administration and Business Activities at the Port.

Based on Article 207 of Law Number 17 of 2008 concerning Shipping states that the functions of a Harbormaster include [15]:

- a. Harbormaster carries out the function of shipping safety and security, which includes implementation, supervision, and law enforcement in the field of transportation in waters, ports, and protection of the maritime environment at ports;
- b. In addition to carrying out the functions referred to in paragraph (1), the Harbormaster assists in carrying out search and rescue (Search and Rescue/SAR) by statutory provisions; and
- c. The Minister appoints Harbormaster after fulfilling competency requirements in shipping safety, security, and harbor harbormaster.

The results of interviews conducted with the personnel department, Mr. Tri Hermawan, said that Syahbandar plays an essential role in every sea transport shipping activity, both in terms of supervision, law enforcement, ports, protection of the maritime environment, as well as the shipping itself. In other words, the success of a voyage carried out by a ship or sea transportation is also the success of a harbor master in carrying out his harbor master duties. The duties of the Harbormaster in carrying out the function of safety and security as intended are regulated in Article 208 of Law Number 17 of 2008 concerning Shipping, including [16]:

- a. Supervise the ship's seaworthiness, safety, security, and order in the port;
- b. Supervise orderly ship traffic in port waters and shipping lanes;
- c. Supervise loading and unloading activities in port waters;
- d. Supervise salvage activities and underwater work;
- e. Supervise ship delay activities;
- f. Supervise scouting;

- g. Supervise loading and unloading activities of dangerous goods and hazardous and toxic wastes;
- h. Supervise refueling;
- i. Supervise passenger embarkation and disembarkation activities;
- j. Oversee dredging and reclamation;
- k. Supervise port facility development activities;
- l. Carry out search and rescue assistance;
- m. Leading the prevention of pollution and firefighting at the port; and
- n. Supervise the implementation of marine environmental protection.

Furthermore, the harbormaster has eight authorities, including [17]:

- 1. Coordinating all government activities at the port.
- 2. Examine and store letters and documents and ship reports.
- 3. Issuing approval for ship activities at the port.
- 4. Carrying out ship inspection.
- 5. Issuing a Sailing Approval Letter (SPB).
- 6. Inspect ship accidents.
- 7. Detain the ship by court order.
- 8. Carry out crew certificates.

3.4 The Role of Ports and Shipping Activities for the State

The port is a transportation and economical unit that plays a role in encouraging the growth and development of trade or the economy. It consists of storage, distribution, processing, marketing, and others. The definition of a port also reflects the function of a port as an interface, a transportation link, a port as gateway, and a port as an industrial entity. The role of the port includes the following [18]:

- a. To serve the needs of international trade from the hinterland where the port is located;
- b. Helping the wheel of trade and development of the regional industry;
- c. Accommodate the increasing market share of international traffic, both transshipment, and goods (inland routing);
- d. Providing transit facilities for hinterlands or neighboring regions/countries.

The primary function of seaports is the function of cargo transfer and industrial operations. However, this cannot be separated from the review of the economic aspect that seaports are companies in the financial system. This function involves several parties as stakeholders. However, according to their importance, the function of the port, according to the views of these parties, is different. The function of the port for ship owners is to service ships while in port as efficiently as possible so that the ship's activity time can be accelerated. For the sender of goods, the function of the port is to ensure that goods enter and leave the port smoothly to keep costs as low as possible, while for the government, the function of the port is to smooth the flow of goods to get the maximum potential social benefits. Therefore, a port managed efficiently and equipped with adequate (sufficient) facilities will bring positive benefits and impacts to trade and industry from the port's hinterland. Conversely, smooth trade and a growing and developing industry require increasing port services which will also result in port development [19].

3.5 Factors Of Obstacles/Constraints In The National Port To Realize Nation And State Sovereignty In Tanjung Uban Class I Port Management Units

Ports, as one of the elements in the implementation of transportation, have a vital and strategic role so that the state controls its performance, and the Government carries out its development in the context of supporting, mobilizing, and encouraging the achievement of national goals, establishing insight into the archipelago and strengthening national resilience. Based on Article 5 paragraph (1) of Law Number 17 of 2008 concerning Shipping, it is stated that the state controls shipping (including ports), and the (central) government carries out its management. In this Law, it is formulated that shipping, in this case, is intended as everything related to all transportation activities in waters, ports, shipping safety, security, and protection of the maritime environment in Indonesian waters.

Sea transportation which has the characteristics of national transportation and reaches all areas through waters, needs to develop its potential and increase its role as a liaison between regions, both nationally and internationally, because it is used as a means to support, encourage and drive national development to improve people's welfare and become an adhesive The Unitary State of the Republic of Indonesia. Transportation significantly influences individuals, society, economic and socio-political development of a country because it is a means and infrastructure for the country's economic development that can drive the pace of economic growth. To the level of need and the availability of safe, high accessibility, integrated, sufficient capacity, regular, smooth, fast, easily accessible transportation services, according to Bambang Susantono that sea transportation has a vital role for the Indonesian archipelago which has 17,000 islands and is united by vast seas, sea transportation is the lifeblood of the Indonesian economy [20].

The application of Law Number 23 of 2014 is basically that local governments carry out their rules to regulate and manage their households. Still, the authority the central government has given to local governments is not absolute for local governments to carry out, resulting in local governments needing clarification about implementing it in society. This can be proven by the existence of problems in the implementation of port authority as the Head of the Decentralization Bureau Head of the Regional Autonomy Development Section stated that the placement of the Central Technical Implementation Unit (UPT) in the regions would lead to the overlapping of tasks and authorities with sea transportation apparatus in the areas.

Based on the results of these interviews, it can be seen that the central government still regulates the implementation of the port authority in the regions. When viewed from a proper juridical perspective, as stipulated in Law Number 23 of 2014, which states that transportation authority (sea transportation or port affairs) is a mandatory government affair that is not related to essential services, juridically government affairs in the transportation sector are the authority of regional governments in a comprehensive, accurate and responsible manner [21]. However, with the existence of Government Regulation Number 61 of 2009 concerning Ports and Decree of the Minister of Transportation Number 56 of 2002 concerning the Delegation of Operation of Seaports in Regional Governments, the delegation of handover of the operation of Seaports (Technical Implementation Units/Work Units) to Provincial Governments and Regency or City Governments the more unclear the authority of the region in administering the head of the body when it is associated with Law Number 23 of 2014 which upholds the principle of regional autonomy [22].

4. CONCLUSIONS

Based on the results of the discussion in this study, the researchers drew several conclusions, including:

- a. Harbormaster is the head and a government official at the port with the highest authority to run and supervise sea transportation in Indonesia. Harbormaster plays an essential role in the port system in shipping, law enforcement, and coordinating all activities in the port. The Minister of transportation directly appoints the harbormaster by Article 207 of Law Number 17 of 2008. The harbormaster's responsibility for shipping safety is essential because his duties and functions are very strategic. The harbor master's responsibilities at a port are to support the orderly administration of shipping and shipping safety. This task must be supported by human resources who have discipline and skills in the maritime field.
- b. The port, as one of the elements in the operation of shipping, has a crucial and strategic role so that the state controls its function, and the Government carries out its development to support, mobilize and encourage the achievement of national goals and strengthen national resilience. Port development carried out by the Government includes regulation, control, and supervision aspects. Regulatory aspects include the formulation and determination of general and operational technical policies. Elements of management include guiding the development and operation of ports. At the same time, the aspect of supervision is carried out in port administration.
- c. Efforts by the regional government to obtain the right of authority to manage the port, in general, can be carried out through formal and informal strategies (through discourse and public opinion). Handing the management of the local port to the local government as is being done is still an operational handover because the handover of personnel, equipment, financing, and documents, known as P3D, is simultaneously being processed for administrative completion. Meanwhile, the shipping safety function institutionally cannot be handed over to the local government. This is because the safety function is mandatory by the International Maritime Organization (IMO) and must be carried out by the central government, in this case, the Directorate General of Sea Transportation.

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