

THE OBLIGATIONS OF CROSSING TRANSPORTATION'S PASSENGER HAVE TICKETS AT KETAPANG FERRY PORT, BANYUWANGI

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ABSTRACT

Sea crossing is one of the activities carried out to move from one place to another using the sea route. Sea crossing is done by using ships and tickets as a part to make a trip. Tickets as the most important thing in the crossing must be owned by the passenger of the ship, for this reason the Republic of Indonesia Minister of Transportation Regulation Number PM 28 of 2016 concerning Obligations of Crossing Transportation Passengers Has Tickets to require every passenger to have a ticket in carrying out each trip by ship. The research method used in writing this journal is an empirical juridical method using the statute approach and the fact approach. The implementation of Permenhub has not been implemented properly, it can be seen in the Ketapang Ferry Port, Banyuwangi there are still passengers who do not have tickets to cross. The presence of these passengers was due to a lack of guarding, supervision and no sanctions for passengers who boarded ships without tickets. Based on these 3 (three) factors, it was found that passengers still boarded without a ticket, this must be evaluated and revised by GAPASDAP as the ship owners' association to further tighten the supervision of passengers, and must be assisted by other parties related to port administration. especially for BPTD. GAPASDAP, BPTD and Syahbandar must work together to curb the passengers who ride without using a ticket.

Keywords: Legal protection, Traditional Knowledge, Copyrights.

INTRODUCTION

Crossing transportation is transportation that is still widely used in Indonesia. Crossing transportation is a facility used by every community to move from one place to another, for which crossing transportation can be divided into 3 (three) types, including: land, water and air transportation. In this case, it will be discussed regarding sea crossing transportation, namely ships. The ferry transport vessel is one of the means of public transportation that can be accessed by every community with the aim of connecting one island to another which is sometimes not accessible by land and air transportation. Ships as inter-island liaison in the implementation of operations must be based on the standard determined by the shipping law to be able to provide safe and comfortable benefits in their operation. One way to provide maximum service is to procure a ticket (E-ticketing) for each prospective passenger.

Tickets as a legal document and can be used to travel from one island to another. The availability of tickets is maximal for every community that will travel. However, ownership of tickets for crossers does not yet fully have (due to the lack of supervision of passengers who board the ship. The problem that occurs is that not all passengers in sea crossing transport have tickets, such as street vendors who sell on ferries. This led to the Minister of Transportation Regulation of the Republic of Indonesia Number PM 28 of 2016 Concerning the Obligations of Passenger Transport Passes Owning Tickets (hereinafter referred to as Permenhub) Obligations of Passenger Transportation Passengers Having Tickets) were not carried out maximally in Ketapang Banyuwangi Port, especially in Article 2 of the Permenhub containing that "Every transport passenger is required to have a ticket",

ownership of the ticket in the crossing is important to record and know the amount of cargo. However, there are still many passengers without tickets to join the crossing is a negligence that must be addressed and addressed so that this does not happen again. For this reason, the author raised the journal entitled "Obligations of Crossing Transportation Passengers Have Tickets at Ketapang Lighting Port, Banyuwangi".

RESEARCH METHOD

The study conducted in the writing of this journal is empirical juridical. The empirical juridical study is a study conducted by looking at and analyzing related to how the law works or is applied in the community. The type of approach used in writing scientific papers is to use the statute approach and the fact approach. The nature of the research used is descriptive which will describe and explain how the relationship between the regulations issued and how the legal subjects carry out and obey them. Data and sources of data come from primary data obtained by interviews and secondary data obtained from reading and reviewing books and legal materials related to the topic raised. The technique of determining the sample of the study uses a non probability sampling technique which means that the writer determines the number and parties themselves related to the problem.

RESULTS AND DISCUSSION

1. Implementation of Article 2 Paragraph (2) Candy Obligations of Crossing Transportation Passengers Have Tickets at Ketapang Ferry Port, Banyuwangi.

I. Parties in the Implementation of Crossings

The implementation of the crossing cannot be separated from the parties involved in the implementation. such parties include:

1) Combined River, Lake and Crossing Entrepreneurs Association (hereinafter abbreviated as GAPASDAP).

GAPASDAP is a joint association of all river, lake and ferry transportation entrepreneurs intended to manage and monitor ship activities in each port. GAPASDAP in carrying out its duties is adjusted to the provisions of Article 8 of the National Deliberation Council Decree Number: 003 / MUNAS GAPASDAP / VII / X / 2011 Concerning Ratification of Results of the Session of Commission A in the 2011 Articles of Association and Bylaws, namely:

1. Unifying, gathering, mobilizing, developing and fighting for its members to actively participate in creating a just and prosperous society based on the Pancasila and the 1945 constitution.
2. Encouraging potential members to increase competitiveness, use appropriate technology and results in a conducive business climate.
3. Helping implement government policies in the field of transporting rivers, lakes and crossings and placing its members as government partners.
4. Increasing the knowledge and skills of its members' human resources in achieving organizational goals.
5. Participate in similar organizations at regional and international national level.

GAPASDAP as a ship ownership association has an important contribution in the operation of crossings, because they are the owners of ferry vessels operating in ports throughout Indonesia.

2) Port Operator Unit (hereinafter referred to as UPP).

UPP is a unit aimed at overseeing activities within the port, which is better known as syahbandar. Based on the interview dated January 9, 2019 with Mr. Andry Laksana. S as the Kindergarten Young Stylist. I at the Ketapang Class III Port Unit Operator Office, Banyuwangi, stated that the duty of the Sharia Broadband was adjusted to the provisions of Article 1 number 56 of the Republic of Indonesia Law Number 17 of 2008 concerning Shipping (hereinafter referred to as the Shipping Law) explaining that syahbandar was a government official carry out administrative functions to ensure shipping safety and security. besides the martyrdom supervision, it also carries out several other tasks in the port, namely:

- i. View and sign a daily list of crossing passengers or journals;
- ii. Making a ship certificate;
- iii. Provide copies of the ship's documents; and
- iv. Determine whether or not the departure of the ship is appropriate.

The implementation of the duty of broadband is mandatory to maximize services for ferry crossings as well as to minimize the occurrence of errors before the ship crosses.

3) Center for Land Transportation Organizers (hereinafter referred to as BPTD).

BPTD is an institution or unit that is made to work together with syahbadar at the port, but has different authorities in conducting supervision. The scope of BPTD supervision in the Ketapang Banyuwangi Crossing Port is regulated in the provisions of Article 4 letter d of the Republic of Indonesia Minister of Transportation Regulation Number PM 154 of 2016 concerning Organization and Work Procedures of the Land Transportation Management Center, namely:

Commercial development, maintenance, upgrading, operation and supervision of commercially operated river, lake and ferry ports, as well as regulating, controlling and controlling commercial transport of rivers, lakes and crossings and ports that have not been commercially managed, security and order guarantees, investigations and proposing administrative sanctions against violations of laws and regulations in commercially operated traffic and river, lake and crossing areas and ports that have not been commercially managed, improving traffic and transportation performance and safety, port services and proposing and monitoring tariffs. and scheduling commercially operated river, lake and crossing transports and smelters that have not been commercially managed;

BPTD is a unit under the Department of Land Transportation that has the important authority to maintain order and safety in shipping in every commercial or non-commercial port.

4) PT. ASDP Indonesia Ferry (Persero) hereinafter referred to as PT. ASDP.

PT. ASDP Indonesia Ferry (Persero) is a company in the field of port management for crossing activities. ASDP Indonesia Ferry (Persero) serves to hold a good port by referring to good service principles, including:

- i. Transparency, which means providing good port management and can be accessed by all parties.
- ii. Accountability, ie every action taken can be fully accounted for and adjusted to the laws and regulations.

- iii. Coordination, namely in the implementation of a good port, must be balanced with the formation of good cooperation between units or other parties to jointly manage the port.
- iv. Participatory, namely encouraging the active role of the community to jointly assess each other against lack and strength and to hear the aspirations of the community and realize community expectations.
- v. Equality of rights that is not discriminating against all parties in realizing the port, but must be implemented with coordination and balance to be able to realize good port management.²⁰

PT. ASDP Indonesia Ferr (Persero) is a state-owned business entity that houses the regulator and operator of port operations in Indonesia. The field of regulator is related to the enforcement of regulations in the field, shipping for the smooth functioning of ports, while the function of operators is the implementation of facilities and infrastructure in palabuhan activities throughout Indonesia. Based on the interview dated January 10, 2019 with Capt. Solikin., SE, M.Mar, M.MTr as General Manager of PT. ASDP Indonesia Ferry (Persero) in Ketapang Port Banyuwangi that PT. ASDP Indonesia Ferr (Persero) must carry out its duties by holding good service principles to create a safe, comfortable and well-implemented port.

2. Factors Affecting Implementation of Article 2 Paragraph (2) Candy Obligations of Crossing Transportation Passengers Have Tickets at Ketapang Ferry Port, Banyuwangi.

Judging from the operation of the ship, it can be divided into 2 (two), namely: domestic shipping and foreign shipping. Domestic shipping is a voyage carried out within only one country which is intended to connect between places, while foreign shipping is shipping carried out with export destinations or with tourist destinations in a country.

The existence of the vessel is inseparable from the need for advice on transfers. For this reason, ships are one of the modes of transportation used by almost all people. ships as a means of transportation must have business licenses especially for ferry vessels provided by:

- a. The regent / mayor concerned is for a business entity domiciled in the regency / city area and operates in a cross-port within the regency / city area;
- b. The governor of the province concerned for a business entity domiciled in the province and operates in a cross-port between regencies / cities within the province; or
- c. Minister for business entities conducting activities in inter-provincial and international cross ports.²¹

The ship cannot be separated from the facilities used for activities. To support its activities, a port is needed as a place for ship activities, the port itself has a function as a means of supporting the activities of ferry vessels, including:

- 1) Gateway, The port functions as a door for people and goods to go through / move. The port is the official area for sea crossing traffic.

²⁰ SUWANDI, S. (2010). Analisis Pengaruh Kepuasan Pelanggan Terhadap Pelayanan Jasa Penyeberangan PT. ASDP Indonesia Ferry (Persero) Cabang Bakauheni. *SOSIALITA*, 1(1).

²¹ Abdulkadir Muhammad. (2013). *Hukum Pengangkutan Niaga*, Cet. V, Bandung: PT. Citra Aditya Bakti, p. 60.

- 2) Link, The port is a connecting bridge that is intended to: (a) distribute or move cargo from the ship to the truck; (b) the transfer operation is rapid; (c) efficient in terms of financing.
- 3) Interface, The port as the place where the transfer of goods or people takes place is carried out with an interface between the delivery and the recipient to maximize the delivery.
- 4) Industrial Entity, A well-organized port will grow and will fertilize other business fields so that the port area becomes an industrial zone.²²

Ports as a means of operating ferry boats must provide facilities, including:

- a. The basic facilities are intended to serve ships, goods and passengers intended to serve the debarkation, embarkation and transit of domestic or international passengers.
- b. Supporting facilities are aimed at facilitating business support for the port's main activities.²³

To be able to enjoy these facilities, then prospective passengers must buy a ticket. Tickets in crossing activities have several functions, including:

- i. As a travel document;
- ii. As a data collection for every passenger who rides or uses public transportation services; and
- iii. As a support for the economy.

The availability of tickets at Ketapang Banyuwangi Ferry Port has been well realized using E-ticketing, it can be seen from the availability of tickets that continue to exist without the end of those who want to buy them. However, there are problems that arise that there are still some people who do not have a ticket and participate in the trip. This makes Permenhub the Obligation of Crossing Transportation Passengers to Have a Ticket that is not implemented properly.

There are 3 (three) factors that influence the non-maximization of the implementation of the Candy Obligations of Crossing Transport Passengers Having Tickets, i.e.:

1. Supervision.

Supervision in Ketapang Banyuwangi Port is still somewhat negligible, it can be seen that there are still many people as well as swords and peddlers peddling their merchandise in the port area and inside the ship.

2. Guard.

Safeguards in the area around the Port are not comprehensive in every port area, because there are still passengers who can easily enter and exit the port area without inspection.

3. Sanctions that do not exist for passengers who ride without using a ticket.

Sanctions that are firmly related to passengers do not yet exist, because in the Candy Obligations of Crossing Transport Passengers Owning Tickets only explain about administrative sanctions to ferry port operators, crossing technical implementation units or ferry boat operators.

²² D.A.Lasse. (2011). *Manajemen Kepelabuhan*, Ed. I, Cet. I, Jakarta: Rajawali Pers, p. 6-7.

²³ *Ibid*, p. 140-141.

3. Supervision of Passengers on Ships at Ketapang Banyuwangi Ferry Port

a. Internal Supervision of Passengers on Ships at the Ketapang Banyuwangi Ferry Port

Supervision is the most important factor in carrying out crossings in the port. Some experts define supervision, including:

Handoko defines supervision is a process to ensure that organizational goals can be achieved in the manner that has been planned. Based on the definition that supervision at ferry ports must be carried out in agreed ways and have been adjusted to the legislation in order to realize the goals to be achieved.²⁴ Supervision is a step / method that is carried out to guarantee that the implementation of an activity can be carried out according to the plan. For this reason, supervision must be carried out with the following steps:

1. Expectation, which is how we plan or formulate in advance how the forms and procedures for supervision will be carried out by first adjusting to the activities to be carried out.
2. Allocation, namely allocating resources and utilizing existing facilities and infrastructure to maximize the supervisory function.
3. Monitoring performance, namely continuing to monitor supervisory activities to maintain and evaluate when there are deficiencies in the method of supervision.²⁵

Based on the explanation above, it can be said that supervision is an activity or effort carried out to monitor and evaluate the work or activities that are being carried out. Supervision if seen from the implementation at the ferry port can be done internally and externally.

Internal supervision is the supervision carried out by the internal rather than the owner of the ferry. In this case GAPASDAP as the ship owner association. Based on the duties and obligations that GAPASDAP has an important role in the supervision of passengers entering the ferry boat, it is based on the GAPASDAP field members who collect / take tickets into the ferry transport vessel. Based on the interview dated 9 January 2019 to Mr. I Putu Gede Widiana as Chair of the GAPASDAP the Ketapang Banyuwangi Ferry Port confirmed that its members in the field were not careful in their supervision and sometimes forgot / neglected in taking tickets. Based on this statement, GAPASDAP was considered negligent in carrying out its duties, because there were still many passengers who boarded the ship without having a ticket. Of course this should be an evaluation for GAPASDAP to further tighten the supervision of passengers who board the ship.

b. External Supervision of Passengers on Ships at Ketapang Ferry Port, Banyuwangi

External supervision is carried out by Syahbandar and BPTD. Syahbandar and BPTD's duties are regulated in Article 2 of the Republic of Indonesia Minister of Transportation Regulation Number 36 36 of 2012 concerning the Organization and Work Procedure of the Port Authority and Port Authority Office. regulation, control

²⁴ Sari, J. P., & Rusli, Z. (2014). Pengawasan Syahbandar dalam Upaya Mewujudkan Keselamatan, Keamanan, dan Ketertiban Penumpang di Pelabuhan Tembilahan. *Student Online Journal (JOM) in the Field of Social and Political Sciences*, 1(2), 1-15.

²⁵ *Ibid.*

and supervision of port activities at commercially operated ports ". Based on the provisions of the article BPTD and Syahbandar have the same role in carrying out supervisory activities.

BPTD and Syahbandar have the same scope in carrying out the supervisory function, because there are many areas that must be monitored to launch shipping activities. However, the supervision of the Syahbandar and BPTD has a different scope, as stipulated in the provisions of Article 3 of the Minister of Transportation Regulation of the Republic of Indonesia Number PM 46 Year 2011 concerning Amendments to the Regulation of the Minister of Transportation Number KM 64 Year 2010 concerning the Organization and Work Procedures of the Syahbandar Office, including:

- a. The implementation of inspection, testing and certification of the feasibility of the ship's sea according to its authority;
- b. Supervision of loading and unloading of dangerous goods, hazardous and toxic material waste, and refueling;
- c. Screen-worthy supervision and maritime affairs, load transfer in port waters, safety of dredging, reclamation and construction of port facilities in accordance with their authority and issuance of sailing approval letters;
- d. Coordination and implementation of prevention of pollution and fire suppression in ports and supervision of maritime environmental protection;
- e. Implementation of search and rescue assistance (search and rescue), in the work environment area (dlkr) and the port of interest (dlkp) area;
- f. Implementation of order and patrol, investigation of shipping crimes in the regional work environment (dlkr) and the port of interest (dlkp), as well as supervision of underwater works (pba), salvage, delay and guidance of ships; and
- g. Management of administrative affairs, personnel, finance, law and public relations.

BPTD as the executor of government duties in the field of sailing has the function and responsibility to carry out the regulation, control and supervision of port activities carried out in order to ensure the implementation of good shipping. Supervision is important as a goal for:

1. To be effective in law enforcement in the scope of shipping, this is to realize law-abiding shipping with the aim of protecting all parties.
2. Synergize and coordinate with each other to work together in carrying out supervisory duties.

Based on the provisions of Article 6 Permenhub, the Obligation of Passenger Transportation Passengers Having Tickets explains that the duty of passenger supervision is carried out by the Crossing Port Authority or Technical Implementation Unit of the Crossing Port which in this case is BPTD. Based on the interview dated January 9, 2019 with Mr. Rocky M. Sorentum as Coordinator of Service Units in Regional XI BPTD of East Java Province, the Crossing Port Service Unit in Ketapang, Banyuwangi explained that the task of BPTD as supervisor is to oversee all activities within the port area, one of which Permenhub Obligations for Crossing Passenger Passes Have Tickets, but this is not supported by adequate personnel and must work together between institutions and communities in the scope

of the port in Ketapang, Banyuwangi to maximize and implement Permenhub Obligations of Crossing Passenger Transportation Having Tickets.

Syahbandar and BPTD have different authorities in supervision in the field, but in terms of port administration they coordinate with each other to carry out joint supervision, especially in supervising passengers who cross. For this reason, coordinated supervision between GAPASDAP, syahbandar and BPTD must be done as a form of preventing passengers without tickets. As is known that when an accident or disaster occurs on crossing those who do not have a ticket will be harmed.

CONCLUSIONS

Permenhub concerning the Obligations of Crossing Transport Passengers Having Unimplemented Tickets because there are 3 (three) factors that cause the implementation of the Permenhub such as; supervision, safeguards and sanctions that do not exist for passengers who board without using tickets. The importance of working together between agencies to maximize order in the crossing.

GAPASDAP as an internal supervisor on the ship is not strict in supervising passengers who ride in shipbuilding. BPTD as the supervisor appointed to implement Permenhub on the Obligation of Passing Transportation Passengers Owning Tickets has not yet fully implemented it. For this reason, Syahbandar and BPTD in carrying out supervision must participate in the monitoring and monitoring of passengers who board the ferry, because GAPASDAP cannot work alone to monitor passengers on board the ferry.

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