

**IMPLEMENTASI ASAS CABOTAGE TERHADAP PENDAFTARAN  
KAPAL BERBENDERA INDONESIA OLEH PERUSAHAAN  
ANGKUTAN LAUT NASIONAL PATUNGAN  
(JOINT VENTURE)**

**Intisari**

**Oleh**

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Maksud dan Tujuan dilakukannya penelitian ini adalah: (1) untuk mengetahui implikasi dari inkonsistensi peraturan perundang-undangan mengenai pendaftaran kapal berbendera Indonesia oleh perusahaan angkutan laut nasional patungan (*joint venture*) dalam mendukung asas cabotage; (2) untuk mengetahui implikasi kepemilikan modal asing pada perusahaan angkutan laut nasional nasional patungan (*joint venture*) terhadap status kapal berbendera Indonesia dalam mendukung asas cabotage; dan (3) untuk mengetahui bentuk pengawasan keberlangsungan status kepemilikan modal asing pada perusahaan angkutan laut nasional nasional patungan (*joint venture*).

Penelitian ini merupakan penelitian yuridis empiris yang mengkombinasikan penelitian kepustakaan (*literature study*) dengan penelitian lapangan (*field research*). Penelitian kepustakaan dilakukan dengan cara mengumpulkan bahan hukum yaitu bahan hukum primer, bahan hukum sekunder dan bahan hukum tersier. Penelitian lapangan dilakukan dengan melakukan wawancara terhadap narasumber yang berkompeten dan relevan dengan permasalahan dalam penelitian ini.

Hasil penelitian ini menunjukkan belum konsistennya aturan mengenai pendaftaran kapal berbendera Indonesia oleh perusahaan angkutan laut nasional patungan (*joint venture*) menimbulkan implikasi terjadinya perbedaan perlakuan dalam memberikan persetujuan atas permohonan pendaftaran kapal berbendera Indonesia serta tidak dapat dilaksanakannya aturan batasan kepemilikan saham sebesar 70% bagi penanam modal asing dari negara-negara ASEAN karena bertentangan dengan asas cabotage. Perubahan kepemilikan modal asing pada perusahaan angkutan laut nasional patungan (*joint venture*) yang melebihi ketentuan batasan kepemilikan modal asing mengakibatkan status kapal berbendera Indonesia yang dimiliki dinyatakan batal demi hukum, namun penegakan hukum terhadap kapal berbendera Indonesia yang tidak memenuhi persyaratan sebagai salah satu instrumen penerapan asas cabotage belum dilakukan secara optimal. Bentuk pengawasan keberlangsungan penanaman modal asing dilakukan secara berjenjang antar instansi terkait dan dalam pelaksanaannya belum mengedepankan aspek pemenuhan asas cabotage.

Kata Kunci : cabotage, pendaftaran kapal, penanaman modal asing.

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**IMPLEMENTATION OF CABOTAGE PRINCIPLES ON THE  
INDONESIAN FLAGGED VESSELS REGISTRATION BY THE JOINT  
VENTURE COMPANIES OF NATIONAL MARINE TRANSPORTATION**

**Abstract**

**By**

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The purposes and objectives of this research are: (1) to analyze the implication of inconsistency of regulations of laws concerning the registration of Indonesian flagged vessels by joint venture companies of national marine transportation in supporting the cabotage principles; (2) to understand the implication of foreign capital ownership in the joint venture companies of national marine transportation toward the Indonesian flagged vessels status in supporting the cabotage principles; and (3) to investigate the supervision form of the sustainability of foreign capital ownership status in joint venture companies of national marine transportation.

This study is a empiric juridical research which combines the literature research with field research. The literature research was conducted by collecting the legal materials namey primary legal material, secondary legal material, and tertiary legal material. In addition, the field research was conducted by having interview with interviewees who competent and relevant to the topic of the research.

The research results showed that inconsistency of regulation concerning the registration of Indonesian flagged vessels by the joint venture companies of national marine transportation caused the implication of the occurrence of different service given toward the approval of Indonesian flagged vessels registration and the absence of regulation implementation of shares ownership limit of 70% for foreign investors from ASEAN countries because it was contradictory with the cabotage principles. The change of foreign capital ownership in the joint venture companies of national marine transportation exceeding the provisions of limitation of foreign capital ownership conduced the status of Indonesian flagged vessels owned was declared null and void, however the law enforcement to the Indonesian flagged vessels that not meet the requirement as one of the instrument of the cabotage principles implementation was not conducted optimally yet. The supervision form of sustainability of foreign capital ownership was conducted gradually inter related agencies and its implementation not prioritized yet the aspect of cabotage principles compliance.

**Keywords:** cabotage, vessels registration, foreign capital investment.

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