

**PELAKSANAAN PERJANJIAN KONSESI TERMINAL
PETIKEMAS KALIBARU PASCA BERLAKUNYA UNDANG-UNDANG
NOMOR 17 TAHUN 2008 TENTANG PELAYARAN**

INTISARI

Oleh:

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Penelitian ini diajukan untuk menjawab dua permasalahan terkait perjanjian konsesi, yakni mengenai pelaksanaan perjanjian konsesi Terminal Kalibaru antara Otoritas Pelabuhan Tanjung Priok dan bagaimana kendala dalam pelaksanaan perjanjian konsesi Pembangunan dan Pengoperasian Terminal Kalibaru.

Penelitian ini merupakan penelitian lapangan, dimana penelitian dilakukan dengan mengkaji bahan hukum primer dan sekunder. Penelitian ini dapat dikategorikan sebagai penelitian yuridis empiris dan menggunakan metode wawancara.

Berdasarkan hasil penelitian dapat disimpulkan pertama bahwa pelaksanaan perjanjian pemberian konsesi pembangunan dan pengoperasian Terminal Kalibaru dilakukan melalui mekanisme penugasan kepada PT Pelabuhan Indonesia II (Persero) berdasarkan Peraturan Presiden Nomor 36 Tahun 2012. Dalam perjanjian konsesi PT Pelabuhan Indonesia II (Persero) wajib membangun dan mengoperasikan Terminal 1 paling lambat tanggal 31 Desember 2014 dan beroperasi secara komersial pada tanggal 1 Januari 2016. Dalam kenyataannya terminal 1 baru dapat beroperasi pada tanggal 18 Agustus 2016 yang disebabkan perubahan akses masuk menuju terminal 1. Kedua kendala dalam pelaksanaan pembangunan dan pengoperasian terminal Kalibaru yaitu terkait dengan jangka waktu perjanjian konsesi terlalu lama dikhawatirkan mempengaruhi kekonsistenan dari para pihak dari perjanjian yang telah dibuat termasuk dengan kondisi bangunan pendukung lainnya tidak bisa dipastikan akan tetap berfungsi setelah selesai jangka waktu 70 (tujuh puluh) tahun.

Kata Kunci : perjanjian konsesi, terminal kalibaru, Undang-Undang Nomor 17 Tahun 2008

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THE IMPLEMENTATION OF CONCESSION AGREEMENT OF KALIBARU TERMINAL THE ENACTMENT OF THE LAW NUMBER 17 YEAR 2008 ON SHIPPING

ABSTRACT

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The research aims to answer two problems related to the concession agreement, which divided into the implementation of concession agreement on development and of operation Kalibaru Terminal between Port Authority of Tanjung Priok and Indonesia Port Company (PT Pelabuhan Indonesia II) as well as the challenges faced during the development and operation process of Kalibaru Terminal.

This research is field research, where the study was conducted by reviewing primary legal material and secondary data. This research can be categorized as juridical-empiric by interview method.

The research result concludes, first the implementation of concession agreement on the development and operation of Kalibaru Terminal was carried through assignment mechanism to PT Pelabuhan Indonesia II (Persero) pursuant to the Presidential Decree Number 36 Years 2012. It was stated on the concession agreement that PT Pelabuhan Indonesia II (Persero) shall built and operate the Terminal 1 at the least by December 31 2014 and the terminal shall commercially operate on January 1 2016. In real condition the Terminal was operated on august 2016 due to the changing for access road to the Terminal Kalibaru. Second, the challenge face in development and operation of Kalibaru Terminal was related to the period of the concession agreement which spanned nearly a century. It has concern that the period would affect consistency of the parties in this agreement including in the condition of other supporting infrastructure that could not be ascertained to be fully functioned after the period of 70 years.

Key Words : Concession Agreement, Kalibaru Terminal, Law Number 17 Years 2008

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