

Negative Implications of Public Private Partnership at the Port of Rembang Sluke Terminal

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Abstract

The development of infrastructure development in the Rembang Regency area is oriented towards the Rembang Port, the Sluke Terminal. The use of the concept of Public private partnership which was carried out to carry out port development found various problems ranging from management and disputes over land reclamation between the private sector and local governments. The occurrence of this problem shows the local government's lack of readiness to regulate public policy, so there is a need for a problem analysis to solve the problem. Bardach's theory is the basis for analytical theory in solving this problem, covering aspects of technical feasibility, economic and financial aspects, political aspects and organizational aspects of implementing policy evaluation measurements based on authority, institutional commitment, capability, and organizational support. The research method used is a qualitative descriptive method with analytical techniques using Bardach's theory and Rembang district regulations. The results show that the negative implications of PPP (Public Private Partnership) in the process of managing the Port of Rembang at Sluke Terminal are that there are still HGB land disputes over HPL between the private sector and the Rembang district government, a lot of intervention from the political elite in this problem and the emergence of state losses (government Rembang Regency) due to land disputes and port management, lack of adequate human resources to implement the concept of public private partnership with private parties. Recommendations: local governments need to study the legality of cooperation agreements, seek legal steps to be taken immediately, there is communication between political elites, regional heads are expected to be able to make regulations that lead to dispute resolution.

Keywords

public policy; public private partnership; rembang port of sluke terminal



I. Introduction

In essence, public policy or public policy is one of the policies made by a group of people or special institutions that have legal power in the governance system. The final decisions and policies that have been determined have characteristics that are quite binding for the public servant who is tasked with carrying out various actions with certain strategies in the future. Public policy is considered to be the main factor in achieving the implementation of a government system based on good governance. This depends on every decision in various policy programs implemented by both the government and the community, so that the implications of the public policy itself can be felt by the owner of the policy object. In fact, often the policy programs organized by the government are not intended for the community, but only benefit certain parties. For this reason, public policy programs organized by the government must side with the community and are intended to overcome various problems that exist in the community.

The term public policy comes from English, namely public policy. The term policy can be interpreted as a policy or policy and the term public can be interpreted as public. Based on the meaning of the term, public policy is a public policy. According to Thomas R. Dye's perception, public policy can be defined as something that the government chooses to take or carry out certain actions related to the general public. Based on this perception, if the government prefers to implement certain policies, it must be adjusted to the objectives of the public policy itself. Then Thomas also interpreted that public policy is something that can be done or cannot be done by the government which must be based on its own policy reasons that can be oriented to people's lives and do not harm the community itself. In this context, the government must be wiser in setting and formulating a policy.

The Rembang area is located on the eastern coast of Central Java Province, which is directly adjacent to East Java Province, so that the area is the main gate in the eastern part of Central Java Province. The area that borders the province of East Java itself is Sarang District. Then the southern part of Rembang Regency includes hilly areas which are an integral part of the North Kapur Mountains, where the top of the mountain or hill is on Mount Butak as far as 679 meters. The main part of the Rembang Regency area also has hills with hilltops located on Mount Lasem as far as 806 meters. At this time, the area is protected and has been observed by the Nature Reserve on Mount Celering. The area of Rembang Regency is located at the eastern end of Central Java Province with an area of 101 408 hectares or ha. Geographically, this area is located at coordinates 111° - 111.30° East Longitude (East Longitude) and 6.30° - 7.00° South Latitude (Latitude). The area of Rembang Regency has a coastline of about \pm 60 km with a stretch of territory from Kaliori District to Sarang District. The northern part of this area is directly adjacent to the Java Sea, the southern part of this area is directly adjacent to Blora Regency, the eastern part of this area is directly adjacent to Tuban Regency, and the western part of this area is directly adjacent to Pati Regency (Bagus, 2019).

Transportation at this time has become a basic need for community activities (Agussani, 2020). Rembang Regency is one of the areas near the waters, so it can be used as water transportation facilities and infrastructure. The waters near Rembang Regency stretch quite widely, so to connect each island, boat transportation can be used. Based on economic development that is oriented towards the marine sector, the government demands that the Rembang Regency area be able to provide adequate facilities and infrastructure in every port sector service.

Sluke Region, Rembang Regency is currently conducting port development on a regional scale, especially for the Sluke Terminal Port. Therefore, it can be predicted that the Sluke area will become an area that has quite a large movement because it will burden the network on every road in the area (Rachmawati et al., 2021). According to the RKPD of Rembang Regency in 2014, this beach stretches from Kaliori District to Sarang District, where this strategic position makes the Rembang Regency area have great potential in the marine sector. In fact, various public policy activities have been carried out in Rembang Regency, especially those related to the development of marine potential. One of the public policies implemented is the construction of the Sluke Terminal Port infrastructure which is located in Sendangmulyo Village, Sluke District. The existence of this infrastructure development is indeed projected so that it can be further developed into an international trading port. The development of port infrastructure in each region certainly requires various data related to hydroseanographic conditions in the waters around the location of the port being built. One example is ocean currents (Gemilang et al., 2017).

The Regent of Rembang Regency is actually aware that the role of the Regional Government of Rembang Regency has considerable potential in the development of the marine sector. However, if viewed from the implementation, the Rembang Regency government still encounters various difficulties in implementing policies, especially to develop the marine sector which is still massive in this region. For this reason, it can provide significant benefits in the process of economic development in Rembang Regency.

Public private partnership become one of the options for local governments to improve regional development by cooperating with the private sector. Rembang Regency took the initiative to collaborate with the private sector to develop the Rembang Port Area for the Sluke Terminal. This was done because the APBD budget was certainly not sufficient to carry out the development, therefore, to accelerate regional development, the Rembang regency government began to initiate cooperation with the private sector.

Rembang is one of the regencies on the north coast of Java with a coastline length of 61.5 km (BPS Rembang Regency 2020a). The marine sector, including the construction of the Port of Rembang, is one of the main economic sources of Rembang Regency. The port in Rembang Regency is one of the ports that is quite busy visited by passengers, which is located in Central Java Province (BPS Central Java Province 2021). Marine business in Rembang Regency has a large employment absorption. There are 24,881 fishermen whose livelihoods depend on the sea (Department of Marine Affairs and Fisheries of Rembang Regency 2020). The combination of fisheries, marine and port sectors is the largest contributor to the gross domestic product (GDP) of Rembang Regency at 25.02% (BPS Rembang Regency 2020b). Therefore, Rembang Port development has a strategic role in the development of Rembang Regency. According to Medeiros & van der Zwet (2020), success in development is influenced by the effectiveness of the strategy. Strategy is the art and science of formulating, implementing, and evaluating decisions to achieve goals (David 2011). Strategy is needed to achieve long-term goals efficiently (Oreski 2012). Development strategy provides direction to achieve development goals. Therefore, the development strategy plays an important role in regional development, including in Rembang Regency (Wijayanto et al., 2021).

Currently, in Rembang Regency, there is already available port infrastructure, namely the Port of Rembang. The Port of Rembang since 2010 has been developed with the construction of the Sluke Terminal in Sendangmulyo Village, Sluke District, Rembang Regency. Efforts to develop and improve the Port of Rembang, especially at the Sluke Terminal, are strongly supported by investors in Rembang Regency. Some investors are interested in developing the port in Sluke considering that port development is an important key point in improving services for the movement of goods/passengers by sea, where sea transportation is still considered the most effective means of transportation to serve the transportation of certain goods/commodities in large quantities and long distances long travel.

The development of the Port of Rembang – Terminal Sluke is divided into 3 stages, namely the short-term stage with an investment of ±Rp. 191 billion, medium term with an investment of ±Rp. 100 billion and long term with an investment of ±Rp. 230 billion, each of which includes water facilities and shipping safety, land facilities and land support facilities.

However, over time the development of the Sluke Port emerged various problems, namely the existence of a land polemic where there used to be parties who used the Port without the permission of the Regional Government and operated the Port. The operations carried out included many activities including reclamation of the Sluke terminal land expansion and loading and unloading activities of class C mining products so that in 2020

the Rembang Regent together with the police and the Rembang District Attorney and the Class III Port Unit Organizing Office made a joint decision to stop the use of state land at the Rembang Port of Sluke Terminal by taking decisive action against parties who violate decisions regarding control and taking action on land use in the area.

The existence of a manifestation function in the process of implementing and implementing reclamation in the Rembang Regency area given by the Rembang Regency Government is based on the Rembang Regent's Decree No: 510.936/13149/2009 which discusses the granting of a reclamation permit for public ports to PT. Rembang Bangkit Prosperous Java is located in Tireman Village, Rembang District. This Decree of the Regent of Rembang was issued on January 14, 2009. The object of cooperation that must be carried out is the implementation of investment through certain work that involves physically from those in charge of reclamation, development and management of port operations on a national scale, in Sendangmulyo Village, Sluke District, Rembang Regency. Based on the decision that has been issued through the Decree, the first party and the second party have agreed that the reclamation development of the Rembang Port on a national scale has an area of approximately $\pm 8,000 \text{ m} \times 7,000 \text{ m} = 56,000,000 \text{ m}^2$. This is in accordance with the work environment in the Port of Rembang (Selvia & Wardiono, 2022).

II. Research Method

The research method used is descriptive qualitative method with analytical techniques using local regulations. Qualitative descriptive method is a research method that can be used to analyze data by selecting and selecting certain data that describe actual conditions, especially in the field according to the level of quality and truth. The data obtained in the form of case studies from various existing literature, both journal articles, laws and regulations, books, and the internet. Some of these data are then associated with various theories contained in the secondary data. The qualitative analysis in this method is based on primary data obtained from respondents and sources as informants. Then the results of the descriptive analysis are compiled in a research report. For the next conclusion drawing technique, it can be done using the inductive method, which means that it is a way of delivering and drawing conclusions from research results that are initially specific and then general (Sukayadi et al., 2014).

The theory of policy analysis according to Bardach becomes one of the main theories in solving this problem.

III. Results and Discussion

The management of the evaluation of the implementation of the utilization of the Sluke Terminal Rembang Port is carried out jointly by the Rembang Regency Government, the Rembang BPN, the Resort Police, the Attorney General's Office and the Rembang Port Unit office. Thus, according to Bardach, the Policy Evaluation approach related to land use conflicts at the Rembang Port, Sluke Terminal, is considered very appropriate for this issue because in each dimension it turns out to have weaknesses and shortcomings in policy implementation.

According to the policy evaluation approach to the public partnership related to the management of the Rembang Port, especially at the Sluke Terminal, the negative implications in the implementation of the management can be analyzed as follows:

a. Technical Feasibility Aspect

In this aspect, because there is still a polemic or conflict over ownership of land infrastructure between the government and the private sector, various mediations and certain efforts have been held but have not found a clear point. Until finally on October 4, 2020, the Ministry of Transportation (Ministry of Transportation) via video conference, gave an appeal that companies engaged in operational activities must meet requirements based on special permits, land ownership, or concessions with the Rembang Port operator at Sluke Terminal. in accordance with applicable regulations or public policies. But unfortunately,

b. Economic and Financial Aspect

In this aspect, if viewed from an economic point of view and the benefits obtained by the Regional Government (Local Government) it is known that they have suffered considerable losses. This can be caused by the use of government-owned land by private parties, namely the Port of Rembang at Sluke Terminal without permission from the authorities. With this problem, it does not make an appropriate contribution to the receipt of retribution within the scope of the region. Through certain pretexts, where the private sector participated in the development of the use of the Rembang Port at the Sluke Terminal carried out by the Regional Head at that time, the private sector felt that they had ownership rights over the use of the port.

c. Political Aspect

In this aspect, issues related to political dynamics are considered very strong. This began with a public policy decision in investment cooperation provided by PT Bumi Rejo Tirto Kencana, PT Amir Hajar Kilsil, and PT Bangun Arta Kencana. The three companies have made separate agreements with the Regional Head because they have built the Rembang Port infrastructure in the Sluke Territory on the basis of an unwritten agreement. Even today, there is still a lot of intervention or interference from the political elite of the past as well as support and motivation from the political elite who have higher positions. The existence of this causes various obstacles in the legal session by the Head of the Region who is active in resolving and overcoming problems related to the ownership of the port land. Even officials from the Ministry of Transportation (Ministry of Transportation) have tried in a limited meeting to discuss the issue but unfortunately have not found a bright spot again. Then based on the results of an audit that has been carried out by the BPK RI, it is known that the private sector should provide retribution receipts to the Regional Government (Regional Government). However, based on the results of the decision in the legal trial at the District Court, it has been agreed that the private sector can use and utilize land ownership in a certain way, namely it should be a partner of the local government. Therefore,

d. Implementing Organizational Aspect

In this aspect, the measurement of policy evaluation is based on several things. First, authority, which is a policy evaluation approach in assessing the extent to which the authority possessed by certain institutions or institutions can support the enactment of policies, where the Regional Government (Local Government) has collaborated with certain institutions vertically and central institutions to overcome problems. the. In addition, the Regional Government (Local Government) cooperates with the BPK RI in order to help carry out financial audits at the Rembang Port, Sluke Terminal. Second, the existence of institutional commitment, which is an evaluation of public policy evaluations

to assess the extent to which the level of commitment owned by the institution supports each policy implementation. In this evaluation aspect, it has been agreed that a joint decision is made, especially to bring order and take firm action on issues related to the use and use of land or land at the Rembang Port, Sluke Terminal, which is legally considered strong. Therefore, in carrying out the control and closure of ports at all levels, they are committed to carrying out their respective duties, functions and authorities. Third, capability (capacity) is the ability of employees who are supported by financial aspects in order to carry out public policy tasks. In the case of Rembang Port at Sluke Terminal, the Regional Government (Local Government) has issued a policy in Rembang Regent Regulation No. 3 of 2021 which discusses the assignment of the company PT. RBSJ (Rembang Bangkit Sejahtera Jaya) that this company is included in the BUMD (Regional Owned Enterprise) which is in charge of carrying out the use and management of land at the Rembang Port, Sluke Terminal. The PT RBSJ company is also entitled to provide services in the field of port services and for the realization and realization of the permit for the implementation of the Rembang Port at the Sluke Terminal as stated in the applicable laws and regulations. Fourth, organizational support (supporting the implementation of the organization) is support given to an organization or institution, which includes equipment and facilities, both physical and various services available when needed. The existence of services and work operations at the Rembang Port, Sluke Terminal is the full responsibility of the company PT. RSBJ listed in Rembang Regent Regulation No. 3 of 2021, especially in chapter V, chapter VI, and chapter VII as well as Regional Regulation no. 8 of 2008.

IV. Conclusion

Based on the results of the analysis of the discussion that has been described, it can be concluded that the implementation of a policy evaluation greatly influences the utilization of land ownership at the Rembang Port, Sluke Terminal. The implementation of this policy evaluation has been carried out jointly, especially by several parties such as the Regional Government of Rembang Regency, the Rembang BPN Institute, the Resort Police, the Prosecutor's Office, and the Rembang Port Unit Office. Therefore, through a public partnership policy evaluation approach, the management of the Port of Rembang at the Sluke Terminal has several negative implications, including the following. First, in terms of technical feasibility, the Ministry of Transportation (Ministry of Transportation) via video conference, provide an appeal that companies engaged in operational activities must meet requirements based on special permits, land ownership, or concessions with the implementing party of the Port of Rembang at Sluke Terminal in accordance with applicable regulations or public policies. But unfortunately, with this policy, there are still private parties who use government-owned land but without prior permission and not in accordance with the procedures or flow of the applicable land use mechanism. Second, in the economic and financial aspects, through the pretext of certain policies that were less firm, where the private sector participated in the development of the use of the Rembang Port at the Sluke Terminal carried out by the Regional Head at that time, This makes the private sector feel that they have ownership rights over the use of the port. Third, in the political aspect, there is still a lot of intervention or interference from the political elite in the past as well as support and motivation from the political elite who have higher positions. The existence of this causes various obstacles in the legal session by the Head of the Region who is active in resolving and overcoming problems related to the ownership of the port land. Fourth, in the organizational implementation aspect, the measurement of policy evaluation is based on several things, such as authority, institutional commitment,

capability (capacity), and organizational support (supporting organizational implementation). The existence of these negative implications makes issues related to the management of the Rembang Port at Sluke Terminal still not optimized, even though there are already regional regulations regulated in Rembang Regent Regulation No. 3 of 2021 and Regional Regulation No. 8 of 2008.

Suggestion

By looking at the facts that have occurred, the following are recommendations for relevant policy makers to resolve the problem:

- a. Local governments are advised to study the legality of travel agreements.
- b. RBSJ is expected to take legal steps so that local governments are not harmed
- c. Cooperation in principle must be mutually beneficial, so mediation must be carried out in order to find a bright spot for the problem with the parties in charge of legal matters. Losses experienced by local governments must be resolved immediately with the applicable rules in accordance with the BPKP audit.
- d. Political elites can sit down together and formulate problems.
- e. The regent is expected to make a joint decision between the regional government, the police and the prosecutor's office and then coordinate with the district court so that the dynamics are quickly resolved. Then it must be supported by financial strength, and good support.

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