

MANAGEMENT OF BANDAR RAYA PAYUNG SEKAKI BUS STATION PEKANBARU AFTER THE LAW NUMBER 23 OF 2014 ABOUT LOCAL GOVERNMENT

¹Suherdiansyah, S.H., M.H., ²Dr. Yuslim, S.H., M.H., ³Dr. Khairani, S.H., M.H.

¹Master Of Law Student, ²Master Of Law Lecture, ³Master Of Law Lecture

Faculty Of Law, Andalas University, Padang, West Sumatera, Indonesia

Email – ¹Suherdiansyah7@gmail.com, ²khairani.lubis6@gmail.com, ³yuslimmh.1@gmail.com

Abstract: Indonesia is a unitary state that adheres to a decentralized principle, the meaning of decentralization is as a form of tolerance of central government to the region in terms of granting authority to conduct matters that could be Local governance. The provision of health facilities and public services facilities is one of the affairs of local government. One of the forms of the provision of public facilities is the provision of transportation bus station facilities, whose management is aimed at local government. After the enactment of Law Number 23 of 2014 about local government, the management of the transport bus station was taken over by the central government, in the process of implementing three transitional assets, officers, and retribution. To view the authority and implementation of the transitional law, the problem in this research is: 1) How is the management of bandar raya payung sekaki bus station pekanbaru, under Law Number 23 of 2014 about local government. 2. How is the implication of the implementation of the management of bandar raya payung sekaki bus station pekanbaru after the enactment of Law Number 23 of 2014 about local government. The study used the empirical approach method of empirically. Material collected in the form of primary material obtained from the related parties in the management of the bus station, as well as the secondary material obtained from primary, secondary and tertiary legal materials. The results of the research, obtained that the transition of bus station management is done through the grant process from the government of Pekanbaru city to the Directorate General of Transportation without through the approval of the members of the representative Council of Pekanbaru city, the object of the bus station assets in the form of building buildings, irrigation roads and machinery equipment. The approval of the Representative Council of the People's City of Pekanbaru was not held considering the transfer of the Ministry of Transportation. The asset transition itself is for 1.5 years since the local government law applies. The implications of this bus station management are: all assets in the bus station according to the agreement between the Pekanbaru City Transportation Office and the Director General of Land Transportation Ministry of Transportation belong to the Ministry of Transportation, the establishment of a new service that functions of the service is similar to the office of the Territory that is responsible for the ministry directly, then the levy from the bus station is eliminated with the aim that the bus fleet will come to bus station. All the officers who formerly were employees of the local government then become the Ministry of Transportation through recommendations from the head of the provincial national Personnel agency, as well as the honorary personnel become government employees Non-civil servants through the flow of employee acceptance in the Ministry of Transportation.

Key Words: Management, Switching, Bus station, Pekanbaru City Transportation.

1. INTRODUCTION:

Indonesia is a unitary state that adheres to the decentralized principle of organizing government, by providing opportunity and flexibility to the region to hold regional autonomy. In article 18 of the Constitution 1945, states that there are "divisions of the Indonesian region over large and small areas with the form and structure of its government stipulated by law.[1]

The meaning of decentralization itself is as a form of tolerance of central government to the region in terms of granting authority to implement matters that could be the local household affairs, in order to administer the Government in the region. While in the sense of constitutional, decentralization means the surrender of government affairs of the Government or the upper level to the region to be the affairs of his household. Since the validity of Law Number 23 of 2014 about local government, local governments have the right and obligation as autonomous regions to govern and manage government affairs and Community interests in accordance with the regulations Legislation. [2]

One of the forms of the implementation of decentralization and regional autonomy in Indonesia is with the presence of legislation governing the local government of Law Number 23 of 2014 about local government. Since the

validity of Law Number 23 of 2014 about local government, local governments have the right and obligation as autonomous regions to govern and manage government affairs and Community interests in accordance with the regulations Legislation.[3]

Implementation of autonomy usually targets on the field of provision of public facilities and services. This is of course already entered into the criteria of the State authority in general to provide such facilities and public services, this is as stipulated in article 34 paragraph (3) of the Constitution Act 1945, mentioned "*Responsible for the provision of health care facilities and decent public service facilities.*" One of the forms of public facilities that must be provided by each district is the provision of facilities and infrastructures one of which is the provision of public transportation facilities, the transport bus station.

Prior to the enactment of Law Number 23 of 2014, the management of the bus station itself is still managed by the Pekanbaru city government, but when the Law Number 23 of 2014 applies then the management of this bus station switches its governance from the government Area to the central government. The switching of this bus station can be seen in Article 13 clause (2) of Law No. 23 of 2014 concerning local government, which mentions,

"based on the principles referred to in paragraph (1) of government affairs criteria which are authorized The central government is:"

- a. *Government affairs that are located across provincial or cross-country areas;*
- b. *Government affairs whose users cross provincial or cross-country areas;*
- c. *Government affairs whose benefits or negative impacts cross provincial or cross-country areas;*
- d. *Government affairs whose use of resources is more efficient when done by the central Government; and/or*
- e. *Strategic governance for national interests*

In the appendix of Law Number 23 of 2014 concerning local government, mentioned in the O Letter of Division of government Affairs of the field of transportation for government Traffic and road Transport for the central government to get part in Management of passenger bus station type A.

Bus station management concerns three aspects, ranging from planning, implementation, and supervision. However, the interesting of the three aspects of bus station management is its implementation. The transfer of bus station management will cause problems during transitional transition from the management of the bus station, especially in the switching of bus station personnel, switching of bus station retribution, and switching of bus station assets.

The transfer of bus station management is a matter of course as a result of the Matrix of government Affairs Division, among them is the business of the concurrent government is the division of affairs between the central government and local governments as Law Number 23 of 2014 about local government. But then in article 9 paragraph (4) of Law Number 23 of 2014 about local government, it is said "*the affairs of the concurrent Government submitted to the region is the basis of regional autonomy*" means that the Turned into the affairs of local government and became the basis as implementation of regional autonomy without involving the central government.

Looking at the distance of the implementation of the transition of management raises the problem that it is not possible the principle of accountability, efficiency, and externalities can run with maximum, no strategic importance That occurred in the bus station, given that there is no travel between countries in the bus station, which of course people prefer air transportation or sea freight.

Some of the above negative impacts are sufficient to demonstrate that the government's move to relocate the bus station management is not appropriate. This should be the consideration of the central government, because the nature of the power of the rotation always lead to the center power Concentre Circle then the farther the power from the center then the weaker power to run. For that it needs the center of power that brings government closer to the people. With the the power of the bus station of type A by the central government will lead to a distance of control in running and management so that management becomes not maximal.

2. CONCEPTUAL FRAMEWORK:

a. Implementation

Implementation is the process, way, deed, implementation is an activity or effort implemented to carry out all plans and policies that have been formulated and stipulated by Need, the necessary tools, who is carrying out, where the venue is, where the implementation is started and how to do it.

b. Implication

Implication according to M. Irfan Islamy Implications is everything that has been produced in the presence of a policy formulation process.[3] The implications in Bahasa Indonesia are the effects posed in the future or the perceived impact when doing something, a direct result that occurs due to a matter, and can also be interpreted as order or circumstance.[4]

c. Bus station

Bus station of Bandar Raya Payung Sekaki Pekanbaru is a bus station owned by Pekanbaru City which is intended for public in general which is used for transportation process both within the province and outside the province.

3. THEORITICAL FRAMEWORK:

a. Government authority theory

The Authority theory is a theory that examines and analyzes the power of government organs to perform its authority in both public and private law fields.[5] According to the Indonesian Dictionary, authority is defined as the right and authority to act, authority, decision-making, ruling, and bestows responsibility on others, while the authority shall be construed as authoritative, or power to do something.[6] From this aspect of the language, there is no difference between authority and authority because both of them contain rights or powers.

b. Local autonomy theory

Regional autonomy theory is a consequence of a decentralized system. Decentralization is a submission of governmental authority by the Government to autonomous regions to regulate and manage government affairs in the unitary State system of the Republic of Indonesia. Regional autonomy is the answer of the authoritarianism that was applied over three decades of new order to immerse a sense of disappointment, due to the injustice and supply of the spirit of local governance. It is articulated in the central phrases area, Java-outer Java, and various streatip that sounds unfair, representing between the win-lose, clever-stupid, and various other streatip.[7] The patterns of this relationship are in disconnection with the central-area relationship configuration.

4. LITERATURE REVIEW:

The Government's authority on the procurement of public facilities that become a government affair must be one of the provision of the transport bus station, it can be seen in article 14 of Law Number 23 of 2014 about local government, which said that the implementation of public order and the harmony of society and the provision of facilities and public infrastructures is one of the mandatory affairs that is the authority of local government. This means that each region is entitled to provide public facilities in the form of facility and infrastructure and management of public facilities as well as the provision of transportation bus station facilities.

The scope for the task and authority of the government expanded in line with the widespread tasks and authority of the state and government. [8] These duties and authorities can be grouped into several groups. [9]

1. Duties and authority of the administration in the field of public security and order;
2. Duties and authorities conduct governance of the administration from correspondence to documentation and others;
3. Duties and authorities of State administration in the field of public service;
4. Duties and authorities of State administration in the field of general Kesejahteraan maintenance.

After the enactment of Law Number 23 of 2014 on local government, the management of this bus station switched its administration from the local government to the central government. This bus station management transition is set forth in article 13 clause (2) of Law Number 23 of 2014 concerning local government, which mentions "*criteria of government affairs which is the authority of the central government is the government affairs Location across provincial or cross-country areas.*"

The shifting of the management of this bus station is a matter of course as a result of the Matrix of government Affairs Division, including the business of the concurrent government, namely the division of affairs between the central government and local governments contained in Law Number 23 of 2014 about local government. But then in article 9 paragraph (4) of Law Number 23 of 2014 about local government, it is said "the affairs of the concurrent Government submitted to the region is the basis of regional autonomy" means that the Turned into the affairs of local government and became the basis as implementation of regional autonomy without involving the central government.

5. METHOD:

The method used in this study is the juridical law of empirical, comparing the existing norms to the facts that exist in accordance with the research conducted. The Data for this study was obtained from the Pekanbaru City Transportation Office and the Inland Transportation Management Hall of Riau province.

6. DISCUSSION:

After Law Number 23 of 2014 applies then the management of this bus station switches from the local government to the central government. This bus station management transition is because the Bus station type A range of service is not only serving transportation in the country but also abroad. This can be seen in the appendix of Law

Number 23 of 2014 on local government, mentioned in the O-letter Division of Government Affairs in the field of transportation for government traffic and road Transport for central government Have a part in passenger Bus station management type A.

With the management of bus station type A to the center, all the management of both the bus station asset, the bus station officer, and the revenue in the form of bus station retribution also moved to the central government. For the switching of the bus station officers alone can be seen in article 119 paragraph (2) government regulation number 18 year 2016 about regional devices, which mention "*central government apparatus as referred to in paragraph (1), operationally under the service and administratively under the Ministry/Institution of Non-ministerial government concerned*". The transfer of the bus station officers themselves raises the concern of the employees of the manpower freelance, because the employees of the daily freelancers are honorers whose contracts are renewed annually, when the management of the move will create a new rule of appointment or acceptance of new officers in implementing the bus station management.

The switching of the bus station assets must be through the approval or initiative of the regional head concerned, this is stipulated in article 54 clause (1) of the Minister of Home Affairs Number 19 of 2016 about regional property management, which mentions, the transfer of the status of regional property goods based on the initiative of the Governor/Regent/54 mayor referred The most common asset switching is polemic because of the many assets that have to be invested from the land, building, and assets in the bus station, this problem that caused a lot of obstacles in shifting the management of the bus station.

The transition from the bus station levy initially managed by the Government of Pekanbaru through the city regulation of Pekanbaru Number 13 of 2012 concerning the Bus station retribution which is derived from the Law Number 28 of 2009 on Regional tax and local levy, then the levy of this bus station is returned to the central government, subject to article 13 of the Government regulation number 15 of 2016 on the type and tariff of the type of non-tax country that is based on the The Ministry of Transportation, which says "all non-tax state receipts that apply to the Ministry of Transportation shall be directly deposited immediately to the state treasury". With the revenues of the bus station's retribution led to the original income of the respective areas of the municipal government which had gained considerable revenues from the bus station's own retribution.

7. ANALYSIS:

A. Implementation of the Management of Bandar Raya Payung Sekaki Bus Station Pekanbaru Act Number 23 of 2014 About Regional Government

Management can be interpreted as management, management is as a suatur process applied by individuals or groups in coordination efforts to achieve a goal. This definition of activity can also be interpreted as an activity to publish, organize, and think by a person, so as to convey, organize, and tidy everything that exists around it, knowing Principles and become living in harmony and harmony with others. Management is generally associated with the activities of planning, organizing, controlling, placing, directing, programming, communication, and decision making by each organization for the purpose of coordinating Various resources owned by the organization so that the product or service will be efficiently generate.[10]

In article 404 of Law Number 23 of 2014 on the local government states that the handover of personnel, financing, facilities and infrastructure, and documents is carried out at most 2 (two) years since the Law No. 23 of 2014 is enacted. The bus station transition started in early 2016, which took almost 1 year. Asset transition of the city Bus station of the foot umbrella through the grant process arranged in regulation of the Minister of Finance of the Republic of Indonesia Number. 99/PMK. 05/2017 concerning grant management administration. Based on materials obtained from the Land Transportation Management Hall of Riau Province, the value of assets submitted by the Regency/city government to the central government is worth Rp 58.491.289.710.66,-(fifty eight billion four hundred ninety one million two hundred eighty nine million seven hundred ten Rupiah sixty Six).

Bus station management transitions are not separated from any inventory of assets in the Bus station, as well as how they process according to their existing rules. According Kasubag Pekanbaru City Transportation Office, that the transition of assets is not through the approval of the member of the City of Parliament DPRD, because the transition is an instruction from the Ministry of Transportation, the instruction mentioned in the instruction Minister of Transportation No. 16 of 2018 on the implementation of the results of the Ministry of Transportation working meeting 2018.

When we see in Article 55 paragraph (2) of government regulation of the Republic of Indonesia number 27 year 2014 about the management of state/local goods, mentioned that:

the transfer of regional goods as intended in article 54 to:

a. *Land and/or buildings; or*

b. *In addition to land and/or buildings worth more than Rp 5.000.000.000, 00 (five billion rupiah); After approval by the regional People's Representative Council.*

In such a rule it is explained that assets other than land and/or buildings that are worth more than Rp 5,000,000,000.00 (five billion rupiah) must be approved by the district or city DPRD when the scope is Regency/city, in asset switching there are assets in the form of irrigation network whose total asset reaches Rp 13,099,609,243, which of course has already reached the number set in the government regulation, should be juridically the transitional asset must also be of Pekanbaru City Parliament.

Bus station management transitions not only impact the management and assets, but also impact on the workforce there including civil servants as well as Labor daily freelancers who are in the Bus station also switch their status. This can be seen that all employees of the local government of Pekanbaru in the bus station is already a Ministry of Transportation officer, and the freelance daily officer is already a government employee of Non-state servants.

Government employees of Pekanbaru City under the transportation office of Pekanbaru city who work in the Bus station automatically becomes the Ministry of Transportation officer with the approval or recommendation of the head of BKD Pekanbaru city, from the number of employees Pekanbaru City Transportation Office which has been moved by 13 people, this appointment is also done by offering the employee the option to remain in the local government or ministry.

For officers of the regional civil servants is the provincial civil servants/districts/cities whose salary is charged to the regional budget revenue and expenditure and working on local governments, or employed outside its parent agency.[11] For the Pekanbaru city government officer under the Pekanbaru City Transportation Office which works at the Terminal automatically becomes the Ministry of Transportation officer with the approval or recommendation from the head of Regional personnel agency Kota Pekanbaru, from the number of transportation officers in Pekanbaru City which has been moved by 13 people, this appointment is also done by offering the employee a choice to remain in the local government or ministry.

Freelance daily in Bus station which was once under the city government with the status of honorary and then switched its status to PPNPN. Self-contained daily energy when it is seen in Law No. 13 of 2003 on manpower and its implementation rules. In employment, we know the two forms of work agreement i.e. the first, the work agreement is not certain and second, a certain time employment agreement.

B. Implications of the implementation of the Management of Bandar Raya Payung Sekaki Bus Station Pekanbaru, after the enactment of Law Number 23 of 2014 about Regional Government

After the year 2014 issued law on local governments then Change the arrangement of the autonomy of regional autonomy in both the district and province, this will certainly cause a good impact on the management focusing on the implementation after the authority has moved. The implications of this transfer of management are also felt after one of the authorities to manage the type A transport Bus station that was first managed by the local government was then taken over entirely by the central government, from the explanation There are some implications for implementing the movement.

• The Land transportation Management Hall

The Land transportation Management Hall was present due to regulation of the Minister of Transportation Number 154 of 2016 about organization and administration of land transportation Management Hall. This Hall is arguably the same as the Regional Office in each district/city which is responsible to the ministry that can be called to run the function of Deconcentration. Bus station Management Switching is certainly aimed at the advancement of bus stations not only in terms of facilities and infrastructure. The bus station function will become alive when crowded bus stations are visited by passengers and transport buses that carry routes in the bus station. When we look at the data about the arrival and departure graphs of passengers performed in the Bus station is still not able to say the maximum.

• Bus station retribution omitted.

Ministry of Transportation negates the levy of Bus station retribution, seeing how many bus stations are still reluctant to carry out routes into the bus station, but consequently, the Bus station will levy on the The transport manager for each stall in the bus station, of course the collection of the shops will be more expensive than usual. When looking at these conditions will certainly impact the loss of the country, because the country has spent a lot of money in the management of the bus station, even the manager does not get an entry from the bus station retribution service. By not being picked up the bus station retribution does not give any impact on the departure and the downtimes, thus it raises losses. It should be the Ministry of Transportation using other means in order to manage the bus station both in facilities and infrastructure also provide advantages for the country.

• Transitional officer in the transportation Bus Station

After the management of the bus station is managed by the central government through the Minister of Transportation, all assets including employees in the bus station are converted to the central government employees. This can be seen in the regulation of the head of State personnel agency Number 8 of 2016 about the contact persons, in this rule explains the mutation process of the local government employees into ministerial officers. In article 8 letter a Regulation of the head of National Personnel agency Number 8 of 2016 is to explain that "*the mutation of provincial*

and Regency/city Civil servants to central institutions or vice versa, and the mutation of civil servants between central agencies was established by the head of the National Personnel Agency.”

Another case for the honorary officer in the bus station, the energy of the freelancer who becomes the honorary employee of the contract to be able to remain a bus station officer must follow some tests held by the Ministry, not necessarily the employee Or an honorary worker who has worked there directly as a permanent officer of the Ministry of Transportation or Government employees of Non-state servants.

8. CONCLUSION:

From the discussion as explained earlier, several conclusions can be drawn, including:

- The transitional process of the bus station governed by the Law on district government is only given 2 years. Bus station switching is made with a grant process which means that the local government will not get reciprocity from the bus station submission, the bus station switching is only through agreement from the district secretary of Pekanbaru City without Through the approval of the member of the Regional Representative Council of the city of Pekanbaru, when we see the assets submitted then the submission should be obtained approval from the People's Representative Council of Pekanbaru city.
- The implications of the Law Number 23 of 2014 about local government are the existence of a new agency called the Land Transportation Management Hall. The presence of this institution raises a new problem, because there are two agencies that run a common function. In an outline with the Land Transportation Management Hall the management of the Bus station is physically better because it is supported financially but not with the function of the bus station, it can be said not done. Then, the officers who are in the bus station participated into the employees of the central government, while for employees of the daily freelance personnel are given the opportunity to follow the test to be an honorary worker called Non-government employees.

9. SUGGESTIONS:

The suggestions given by researchers are as follows:

- transport Bus station management Transitional has positive and negative values in the implementation of its management, asset transfer takes a long time with the number of regulations overlapping Cause the government to issue too many rules and tend to hurry, the goal is to make the target of rapid displacement, should before the transfer of assets was done by the central government already accommodate the rules of good The law or the implementation rules, so that every asset switching process is not a problem in the future.
- The Government should make the rules more clearly related to the division of tasks between the Land Transportation Management Hall and the transportation office in the city and the province, and then by doing the levy of retribution bus station becomes good as long as the purpose of not provide a levy achieved, but when the goal is not reached it will cause harm to the country. The main goal with the Bus station so that the country can accommodate the departure and get service from bus station retribution, so the distribution should focus on socializing the policy so that the management of the foam accommodates its fleet to Departure and arrival to the bus station.

REFERENCES:

1. HAW Wijaya, *Otonomi Desa Merupakan Otonomi Yang Asli, Bulat dan Utuh*, Jakarta, Rajagrafindo Persada, 2009, Page 1.
2. Juniarso Ridwan & Achmad Sodik Sudrajat, *Hukum Administrasi Negara Dan Kebijakan Layanan Publik*, Bandung, Nuansa Cendekia, 2014, Page 111.
3. Islamy, Irfan. *Prinsip-Prinsip Perumusan Kebijaksanaan Negara*, Jakarta, Bina Aksara, 2003, Page 114.
4. Departemen Pendidikan Nasional, *Kamus Besar Bahasa Indonesia*, Jakarta, Pusat Bahasa, Page 548.
5. Salim HS dan Erlies Septiana Nurbani, *Penerapan Hukum Pada Penelitian Disertasi Dan Tesis*, Jakarta, RajaGrafindo Persada, 2004, Page 186.
6. *KamusBahasaIndonesia.Org*, diunduh tanggal 20 Maret 2019.
7. J. Kaloh, *Mencari Bentuk Otonomi Daerah*, Jakarta, Rineka Cipta. 2007, Page 14.
8. Salim HS dan Erlies Septiana Nurbani, *Penerapan Hukum Pada Penelitian Disertasi Dan Tesis*, Jakarta, RajaGrafindo Persada, 2004, Page 186.
9. Bagir Manan, *Menyongsong Fajar Otonomi Daerah*, Jogjakarta, Pusat Studi Hukum FH UII, 2001, Page 57.
10. Moenir, *Manajemen Pelayanan Umum di Indonesia*, Jakarta, Bumi Aksara, 2006, Page 9.
11. Sobri, *Pengelolaan Pendidikan*, Yogyakarta, Multi Pressindo. 2009, Page 1
12. Moekijat, *Administrasi Kepegawaian Negara*, Bandung, Mandar Maju, 1991 Page 25.