

The Harmonization of Authority between the Central Government and Local Governments in the Port Affairs

Benny Nurdin Yusuf*, Said Sampara**, Sufirman Rahman**, Hamza Baharuddin**

*Student of Postgraduate Doctoral Program in Legal Studies, Universitas Muslim Indonesia

**Lecturer of the Faculty of Law, Universitas Muslim Indonesia

Corresponding Author: Benny Nurdin Yusuf

Abstract: This study aims: First, to determine, analyze and discover the nature of the authority between the Central Government and Regional Governments in the port affairs. Second, to find out, analyze and find the effectiveness of the port affairs based on laws and regulations, and third, to find out, analyze and find the concept of ideal harmonization of authority between Central and Local Government in effective and efficient port affairs. This type of research is sociological juridical, a descriptive type of research to provide researched data about specific conditions or symptoms and a philosophical approach. The philosophical and sociological approach explores the nature of authority between the Central Government and local governments in the operation of crossing ports philosophically.

Keywords: Central Government, Ferry Transportation, Harmonization of Authority, Local Government, Port Affairs.

Date of Submission: 13-02-2021

Date of Acceptance: 27-02-2021

I. INTRODUCTION

Based on Article 1 section (1) of the 1945 Constitution of the Republic of Indonesia (hereinafter referred to as The 1945 Constitution), it regulates that “Indonesia is a Unitary State in the form of a Republic”. Based Article 4 section (1) of The 1945 Constitution regulates that “The President of the Republic of Indonesia holds the power of government in accordance with the Constitution”. As a unitary country with the geographical location of Indonesia with the characteristics of an archipelago which has 17,504 islands, as Based on Article 25A of The 1945 Constitution, regulates that “The Unitary State of the Republic of Indonesia is an archipelagic state having an Archipelagic (Nusantara) character with a territory, the borders and rights of whose territory is stipulated by law”.

Conceptually, the term authority is often equated with the Dutch term “bevoegdheid” (which means authority or power). Authority is an essential part of Governance Law (Administrative Law) because the new Government can carry out its functions based on its authority. According to Hadjon, P. M., *et al.* (2005), every government action is required to be based on legitimate authority. This authority is obtained through three sources, namely attribution, delegation, and mandate.

The distribution of authority in concurrent affairs on the management of ferry transportation in the Government Regulation must be in line with what is aspired in the sectoral law mandate. So, the hope or purpose of implementing national transportation (das sollen) is following what is happening in the field (das sein). The gap that occurs in the implementation level between the nature of the authority to the management of ferry transportation and the facts that occur in the field will impact the achievement of the objectives of the national transportation administration and the implementation of regional autonomy.

Thus, the harmonization of authority between the Central Government and local governments in the management of ferry transportation as the authority for concurrent affairs can be seen from the perspective of synchronizing laws and regulations between laws and regulations (*lex generalis*) and sectoral laws and regulations (*lex specialis*). Furthermore, related to the implementation of national transportation, including other related laws and regulations (*verordnung and autonome satzung*) and their implementation in the field.

II. STATEMENT OF THE PROBLEM

1. What is the nature of the authority between the Central Government and Regional Governments in the port affairs?
2. How is the Central Government and Regional Governments' authority in the port affairs based on laws and regulations?
3. How is the ideal harmonization of authority between the Central Government and regional governments in the port affairs?

III. THEORETICAL FRAMEWORK

A. Theoretical Basis

1. Grand Theory

To understand the composition of the unitary state. J. H. A. Logemann associated it with the organization of positions (*ambten-organisatie*). According to Logemann, J. H. A. (1955:84), that:¹

"In zijn sociale verschijningsvormen is de staat organisatie, een erband van Juncnes. Met functie dan bed em omichrevelm werkkring in het verbund van het geheel Zy heer met betrekking tot deum Destaat is ambtemorganisatie (The state is an organization of positions which are composed of one another. By looking at the size of the area which is the limit of the power of the office, positions in a country can be divided into central and regional positions."

The central position is a part of state positions whose duties and authorities cover all state positions that carry out the duties and authorities for only a specific part of the state territory. Starting from this understanding, it is determined the relationship of authority between the center and the regions in a country. The authority exercised by regional governments is the Central Government's authority, which has been delegated to the regions. This thinking is based on the principle that the unitary State is a single-composed state organized under the Central Government's control (Nurbaningsih, E., 2019:26).

From the perspective of its structure, there is no state because the Central Government's power is not limited. Power and authority that lie in the subnational are exercised at the discretion of the Central Government to grant power to parts of the Government of the unitary State (Istanto, F. S., 1968:11).

The perspective of the unitary State, also expressed by Cohen, J. M. & Peterson, S. B. (1999), can be understood as a country where the Central Government exercises the country's highest sovereignty. For the Central Government to effectively carry out its duties, its activities are directly monitored and limited by law. All government units formed under the Central Government must submit to the Central Government in an organized manner based on the laws and regulations (Huda, N. m., 2014). According to Isjwara, F. (1974:188), that *"a unitary state is the strongest form of state when compared to a federal or confederation state because in a unitary state there is a union as well as a unity"*. According to Busroh, A. D. (1990:64-65), *"a unitary state is a State that means that there is no state within the state. There is only one single government, namely the Central Government which has the highest power and authority in the country"*.

2. Authority Theory (Middle Theory)

The word authority comes from the primary word of authority, which is defined as the matter of authority, the right, and the power to do something. Authority is formal power, the power conferred by law or from administrative executive power. The term authority comes from the English translation, namely authority, a term used in Dutch, namely (*authority gezag*). In science development, it is known as the theory of authority (authority of theory). In Dutch, it is known as *Theorie van het gezag*, while in German, it is *theorie der autorität*. Authority theory comes from two syllables, namely theory and authority. Before explaining the definition of authority theory, the following is presented the theoretical concept of authority. Stout, H. D. (1994) as quoted by Ridwan, H. R. (2008:110), mentioned the meaning of authority, that *"the overall rules that are concerned with the acquisition and use of government authority by public law subjects in public legal relations"*.

According to Syafrudin, A. (2000:22), that:

"There is a difference between the notion of authority and authority. Authority is called formal power, the power given by law, whereas authority only concerns a certain part of the authority. Within the authority, there are powers (rechtsbe voegdheden). Authority is the scope of public legal action. The scope of government authority not only includes the authority to make government decisions (bestuur), but includes the authority in the context of carrying out duties, and granting authority and distribution of authority primarily applied in-laws and regulations."

Juridically, the meaning of authority is the law and regulations' ability to cause legal consequences Indroharto (1994:65). Meanwhile, according to Stout, H. D. (1994), the definition of authority that *"the*

¹ This opinion is classified as classic but is still followed by many experts in State Administration, including Asshiddiqie, J. (2006) and (Martosoewignyo, S. S. & Ramdhan, M. I., 2006).

authority can be explained as a whole of the rules relating to the acquisition and use of government authority by public law subjects in public law”.

In the literature of political science, government science, and law, the terms power and authority are often found. Power is often equated merely with authority, and power is often exchanged with the term authority and vice versa. Even authority is often equated with authority. According to Budiardjo, M. (1998:35-36), that “Power is usually in the form of a relationship in the sense that one party is in power and one party is controlled (the rule and the ruled)”.

The theory of authority is the basis or theoretical basis for this thesis research because the District Court’s authority in deciding a case is inseparable from the theory of authority that contains teachings about the types and sources of authority. Types of authority include bound authority and free authority. Meanwhile, the sources of authority include attribution, delegation, and mandate.

3. Government Theory (Applied Theory)

The definition of Government in a broad sense is all forms of state administration activities or activities carried out by state organs or tools which have duties and functions as outlined by the constitution, namely carried out by the Executive, Legislative and Judiciary in a powerful organization called the State (Handoyo, B. H. C., 2009:119).

According to Budiardjo, M. (1998:21), that:

“Government is all organized activities that originate from sovereignty and independence, based on the State, the people or population and territory of a State and have the aim of realizing the State based on the basic concept of the State.”

4. Function Theory

In some literature, the definition of the function is equated with duties, authorities, and obligations. According to Syarifin, P. & Jubaedah, D. (2005), that “duties and authorities are two things that are interconnected because no task can be carried out properly without clear authority, so duties and authorities have their meaning”. Furthermore, a state agency’s function is the environment of activities carried out by this agency in the framework of all activities that describe its role or use in the life of the State (Siregar, I. P., 2018). The definition of the function contains authority and duties. The functions of an agency can be carried out to it. It is necessary to give specific authority and duties, provided that the duties are obligatory while the authority is not always. So duties, authorities, and functions have the meaning of not being at the same level or not being in one level. Functions are at the highest level, authority and duties are at a lower level.

Based on the description above, it can be concluded that function has a meaning related to duties, authorities, obligations, or activities. If you pay attention to the meaning of the word task, that is something that must be done, or that is determined to be done; work which is a person’s responsibility for the job that is assigned; function/position; functions that may be performed, and the meaning of authority; functions that may not be done and the meaning of something related to the task or job. The definition of a function is a burden of responsibility or a task in the form of a permanent interest to be served for the public interest, subject, or organization. The burden of responsibility carried out by the regional head in carrying out tasks in the interest of a permanent nature for service for the public interest in the Regional Government administration.

The indirect function of law can strengthen or weaken the tendency to respect specific moral values. According to Manan, B. (2001), that:

“The functions of laws and regulations can be divided into two main groups, namely internal functions, and external functions. The internal function is the function of statutory regulations as a legal subsystem of the rule of law in general.”

Concerning these internal functions, Manan, B. (2001) categorizes several functions as follows:

a. Law Creation Function

The creation of law (*rechtceping*), which gives birth to a system of generally accepted legal principles, is carried out or occurs in several ways, namely: through judges’ decisions (jurisprudence), habits that grow as practices in the life of society or the State, and statutory regulations as written regulations of officials or the environment an authorized position that applies in general, indirectly, the law can also be formed through legal teachings (*doctrines*) that are accepted and used in the formation of law.

b. Legal Reform Function

The legislation is a useful instrument in law reform compared to customary law or jurisprudence law. The formation of statutory regulations does not only carry out updating (existing) laws and regulations. Legislation can also be used to update jurisprudence, customary law, or customary law. The function of updating statutory regulations to replace the laws and regulations of the Dutch East Indies government. In

customary law and customary law, statutory regulations have the function of replacing customary law or customary law that is incompatible with new realities.

c. The Function of the Integrity of the Legal System Pluralism

The function and material of statutory regulations suggest that legal pluralism must be distinguished between pluralism in law principles. In Indonesia, there is pluralism in both the legal system and the rule of law. Pluralism of the legal system because Western legal systems, customary law systems, and so on apply.

d. Legal certainty function

Legal certainty (*rechtszekerheid legal certainty*) is an essential principle in legal action (*rechtshandeling*) and law enforcement (*handaving, uitvoiring*) has become common knowledge, that statutory regulations can provide higher legal certainty than customary law, customary law, or law jurisdiction. However, it should be noted, legal certainty of statutory regulations is not merely put in its written form (*geschreven, written*).

5. Harmonization Theory

The definition of legal harmonization is often identified with the meaning of legal synchronization. Synchronization comes from the word synchronous, which means occurring or taking effect at the same time simultaneously, while synchronization is defined as “*synchronizing*”, “*concurrent*” or “*adjustment*”. The definition between harmonization and synchronization is essentially different. The definition of harmonization is broader than the definition of synchronization. Synchronization is only a part of legal harmonization activities. In harmonization, various elements contain coherence, consistency and correspondence. Each of these elements, in theory, becomes the basis for expressing something that exists in a harmonious relationship with one another. According to Koeswahyono, I. & Muchsin, M. (2008), the elements of law consist of:

- a. Regulations regarding human behavior;
- b. The regulation is made by the competent authority;
- c. The regulation is forcing, although it cannot be enforced;
- d. The regulation is accompanied by strict sanctions and can be felt by those concerned.

B. Public Service Theory

Public service to all Indonesian society is the responsibility of the Government. However, it cannot be denied that public services experience many obstacles, especially in service quality. Public dissatisfaction with public services is still low. Broadly speaking, public services are still considered far from ideal governance principles (Suprianto, S., 2014). One of the Government’s functions is to carry out development activities and services as a form of the Government’s general duty to create public welfare. The bureaucracy is a government instrument. To realize efficient and effective, and just public services. Transparent and accountable. This means that to carry out government functions properly, the bureaucratic organization must be professional, aspirational, and have high responsiveness to the people it serves to feel satisfied with the services it receives (Suprianto, S., 2014).

1. Public Service Standards in Public Facilities

Public Service Standards in Public Facilities are planned, formulated, stipulated, applied, assessed for suitability, fostered and supervised, which aims to provide services to the public in public facilities in improving environmental quality.

With the availability of standards for public facility managers with the substance of integrated environmental management, it is hoped that environmentally friendly public facilities will be available and information, education, facilities, and appreciation services for the public who use public facilities. This standard can also be used to increase the Regency/City Government’s role as executor of government affairs in public services in public facilities and improve the quality of the environment towards a sustainable city, with the Ministry Provincial’s support Government and stakeholders. It is hoped that the application of Community Service Standards in Public Facilities is a form of implementing the goals of sustainable development and community-based climate change action in Indonesia.

A port at both a seaport and a ferry port is a place for ship activities to dock, boarding and disembarking passengers, and/or loading goods and a place to transfer transportation modes. With this function, it makes the Port a place of interaction that is visited by many passengers every day. This interaction will increase at certain times, such as holidays or religious holidays. Port interactions that involve, among other things, passengers, traders, shipping and transportation company owners and operators. With so many interactions, it requires port operators to be able to carry out management activities optimally. There are many management instruments that port managers can use. One form of these instruments is standard.

2. Ideal Performance of Bureaucracy in Public Service

The bureaucracy as a government component must be returned to only focus on the function, the principal task of public service (public service). Bureaucracy must be neutral and not as a political tool. It is free to synergize and interact with customer-oriented, which in essence is in the interest of service to society. Neutral in the sense of being ready to become a public servant who is free from force intervention.

In the practice of public services in various regions, the bureaucracy should always pay attention to the problems that arise from public complaints. The involvement of the public bureaucracy in public services and showing certain benefits and advantages also shows its weaknesses. The public always wants satisfaction in services, but local bureaucrats' weakness lies in the absence or limited of qualified resources and coupled with regulations that make regional bureaucrats work rigidly. Various criticisms are leveled at the public bureaucracy, such as wasteful, rigid, convoluted, and the like. However, at the same time, it is still needed because it can protect public interests and create justice.

3. Minimum Service Standards

The minimum service standards (MSS) are maintained and implemented by the Provincial and Regency/City Governments following each ministry's technical standards. The operation of the MSS is carried out in stages (Administrator, 2018):

- a. Data collection;
- b. Calculation of basic service fulfillment needs;
- c. Formulation of basic service fulfillment plans;
- d. Implementation of the fulfillment of essential services.

The MSS Report is included in the regional government administration report's content and is submitted following the provisions of laws and regulations. The material for the report on the operation of the MMS at least contains the results of the operation of the MSS, the constraints on the operation of the MMS, and the availability of budgets in the MMS operation. The following is an example of a report on Minimum Service Standards' operation for Provincial and District/City Governments.

4. Minimum Service Standards of Ferry Transportation

Based on Article 9 of Government Regulation of the Republic of Indonesia Number 96 of 2012 on the Implementation of Law Number 25 of 2009 on Public Services and based on Article 66 section (1) point c, and section (4) of Government Regulation of the Republic of Indonesia Number 20 of 2010 on Transportation in the Waters, so that to establish a Regulation of Minister of Transportation of the Republic of Indonesia Number 62 of 2019 on Minimum Service Standards of Ferry Transportation (hereinafter referred to as Regulation of Minister of Transportation No. 62 of 2019). The MSS of ferry transportation is a reference for ferry transport operators. Based on Article 3 section (1) of Regulation of Minister of Transportation No. 62 of 2019, regulates that MSS of ferry transportation for passenger services ... includes aspects:

- a. safety, in this case, consist of fire extinguishers, instructions for evacuation routes and evacuation gathering points, first aid kits, wheelchairs, stretchers, and health workers at the port;
- b. security, in this case, consists of security at ports such as posts and security officers at ports, information numbers telephone/message complaints about security problems, lighting at the port, and sales or exchange services for tickets at the port;
- c. comfort, in this case, consist of the availability of a large and clean waiting room, adequate toilets at the port, the availability of a prayer room at the port, and temperature control facilities at the port;
- d. convenience, in this case, consist of service information at the port, port plans or layouts and dock names, information on departure and arrival of ships or speed boats as well as destination port information, tariff information, service trajectory network maps, information on ship travel disturbances and places. parking at the port; and
- e. equality, in this case, consists of ticket sales/exchange services at the port.

5. Dimensions of Service Work

The operator determines the dimensions of service performance in the ferry transportation system. Transport system operators should consider the benefits they receive and the public interest in tolerable services. According to Takyi in Kumaat, M. (2001), that dimension of service performance has three interrelated perspectives. The three perspectives are the fulfillment of performance objects using evaluation data and company capacity criteria, and public image.

C. Transportation Overview

1. Transportation System

Transportation is the activity of moving passengers and goods from one place to another. There is an element of movement (movement) in transportation, and physically there is a movement of goods or passengers with or without a means of transportation to another place (Kadir, A., 2006). Transportation plays a significant

role in realizing inter-island connectivity in Indonesia. The challenge faced is how to improve the provision of a network of transportation services and infrastructure that can ensure the smooth flow of goods and services and the distribution of investment flows evenly throughout the Region (Munawar, A., 2007).

The concept of transportation is based on a trip between origin and destination. Travel is the movement of people and goods between two separate activity sites to carry out individual or group activities in society. Travel is carried out through a specific path that connects origin and destination, using a conveyance or vehicle with a certain speed, so that travel can be interpreted as the process of moving from one place to another (Azis, R. & Asrul, A., 2018).

Realizing the importance of this transportation participation, ferry transportation as one of the modes of transportation in the waters must be organized into an integrated national transportation system capable of realizing the provision of balanced transportation services according to the level of need and the availability of safe, safe, comfortable, high-accessibility transportation services. Integrated, sufficient capacity, regular, smooth and fast, easy to reach, on time, affordable, orderly, low pollution, and efficient rates.

2. Transportation in the Waters

Transportation in the waters is an activity of transporting and or moving passengers and/or goods by ship. The islands in Indonesia can only be connected by sea between the islands. The sea is not a separator but the unifier of the various islands and regions of Indonesia. Only through inter-island and inter-coast transportation can Indonesian unity be realized. The voyage that connects the islands is the lifeblood and the unifier of the Indonesian nation and State.

Sailing is everything related to transportation in the waters, ports, and security and safety. Broadly speaking, shipping is divided into two, namely commercial shipping (related to commercial activities) and non-commercial shipping (related to non-commercial activities such as government and state defense).

3. Sea, River, and Lake Transportation

Transport by water existed long before transportation on land. Because water has a flat surface, it does not have obstacles such as forests, hills, or swamps. And the significant advantage is that the shear strength on the water is virtually non-existent, so it takes very little force. River transportation grows and develops naturally in Indonesia due to the natural geographical conditions that have many rivers. Apart from being natural in nature (sea, river, lake), some of these roads are artificial (canals, rigs, artificial lakes). This transportation is also known as "inland water transportation" (Chandrawidjaja, R., 1998:5).

Transportation in the waters is suitable and efficient as connecting traffic between ports and other transportation systems that use boats to load and unload goods to and from ships. Besides, it can also function as connecting traffic between places (for example, settlements) that are not yet connected by the road network system, as cross-island traffic or river crossings, and for the transport of goods in hinterlands (Warpani, S., 1990:48).

Based on Article 1 point 2 of Regulation of Minister of Transportation No. 62 of 2019, explains that:

"Ferry Transportation is transportation that functions as a bridge that connects the road network and/or railroad network separated by water to transport passengers and vehicles and their cargo."

Based on Chapter 3 Point 3.4. Ferry Transportation, Annex to the Decree of Minister of Transportation of the Republic of Indonesia Number KM 30 of 2020 on Amendments to the Decree of Minister of Transportation Number KP 432 of 2017 on the National Port Master Plan, explains that:

"The existence of ferry transportation can overcome the limitations of road transportation or rail transportation in connecting two locations separated by water or can be said to be a connection to a network system that is disconnected by water."

4. Parties in the Operation of Ferry Transportation

The parties in transportation are legal subjects as supporters of their rights and obligations in the legal context of transportation. Regarding who are the parties in the operation of transportation, there are several opinions expressed by experts, among others; According to Purwosutjipto, H. M. N. (1995), that:

"The transportation parties are the transporter and the sender. A transporter is a person who binds himself to carry out transportation. He commits himself to safely transport goods and/or people from one place to a certain destination. The carrier's opponent is the sender, that is, the party who binds himself to pay the transportation fee. He also means delivering the cargo."

Meanwhile, according to Muhammad, A. (1991) that:

"The parties in the commercial transportation agreement are those who are directly related to fulfilling obligations and obtaining rights in the commercial transportation agreement. They are the first carriers who have the principal obligation to carry out transportation and are entitled to the cost of transportation. The two senders have the principal obligation to pay transportation costs and are entitled to carry out their goods"

transportation. The three passengers have the principal obligation to pay transportation costs and are entitled to carry out transportation.”

According to Purba, H. (2005), the parties in the operation of ferry transportation include:

- a. The carrier, which has the principal obligation to carry out transportation and is entitled to cost of transportation;
- b. The sender, who is primarily obliged to pay transportation costs and is entitled to service the transportation of his goods; and
- c. Passengers, who are primarily responsible for paying transportation costs and are entitled to transportation services.

Some parties are indirectly bound to the transport agreement but are not the parties referred to in the transport agreement, but act on behalf of or for the benefit of other parties, such as:

- a. Freight forwarding companies;
- b. Travel agency companies;
- c. Loading and unloading companies;
- d. Warehousing companies or because of obtaining rights in a transportation agreement; and
- e. The consignee of the shipment.

D. Review of the Port Affairs Jurisdiction and Authority

Furthermore, port management's technical aspects are regulated in Government Regulation of the Republic of Indonesia Number 61 of 2009 on Port Affairs (hereinafter referred to as Government Regulation No. 61 of 2009). The regulation was formed to implement the provisions of Article 78, Article 89, Article 95, Article 99, Article 108, Article 112 section (2), Article 113, and Article 210 section (2) of Law of the Republic of Indonesia Number 17 of 2008 on Shipping (hereinafter referred to as Law No. 17 of 2008), which regulates concerning national port arrangements, port master plans, and working environment areas and port interests environmental areas, carrying out activities at ports, developing and operating ports, special terminals and terminals for their interests, tariffs, ports and special terminals open to foreign trade, and port information system.

Based on Article 37 of Government Regulation No. 61 of 2009 regulates that:

- (1) Government activities at ports ... shall at least include the following functions:
 - a. regulating and fostering, controlling, and supervising port activities; and
 - b. safety and security of shipping.
- (2) In addition to government activities as referred to in section (1) the port may perform the following functions:
 - a. customs;
 - b. immigration;
 - c. quarantine; and/or
 - d. other government activities that are not permanent.

In terms of management authority, ports are managed by several types of management according to their function and hierarchy. Local seaports organized by the Government (Technical Implementing Units/Port Work Units) are handed over to the Regency/City Governments, where these seaports are located as a decentralization task. Then the regional seaports organized by the Government (Technical Implementing Unit/Port Work Unit) are delegated to the Provincial Government at the seaport location as a deconcentration task. For ports with a small scale, such as river and lake ports, it is administered by a Regency/City, the implementation of which is carried out by the District/City Technical Implementing Unit or Regional Port Business Entity. Meanwhile, the port that functions as a ferry port is operated by the Government, the implementation of which is handed over to the State-Owned Enterprise or by the Regency/City, the District/City Technical implementation Implementing Unit or Regional Port Business Entity.

IV. DISCUSSION

A. The Nature of the Authority of the Central Government and Local Government

Observing the pattern of division of authority between the Central Government and regional governments, in essence, a unitary state's context does not recognize any division of authority. Authority belongs to the Central Government. Regions are part of the Central Government and carry out laws and regulations that the Central Government regulates. However, in the context of the Government of the Unitary State of the Republic of Indonesia, by referring to the view of Strong, C. F. (2010) regarding a unitary state by considering the geography of the State of Indonesia as an archipelagic state, the governmental authority is divided between the Central Government and the Regional Government by adopting a decentralized system through the principle of regional autonomy. To distinguish and understand in-depth related to the unitary State

in the concept of Government in Indonesia. The author tries to describe the characteristics of the unitary State and the federal State as follows:

1. Unitary State

In the unitary state model, the basic assumptions differ diametrically from the federal State. The formation of a unitary state was declared at independence by the State's founders by claiming all of its territories as part of one State. There is no agreement between local authorities, let alone states, because it is assumed that all territories included in their territories are not independent parts of the territory. On that basis, the State formed regions or regions that the Central Government then gave power or authority to take care of its people's various interests (Mallarangeng, A. A. & Rasyid, M. R., 1999:18). In Indonesia, these areas are called Provinces. These provinces were then given autonomy, given the sovereignty to manage their households for matters that the Central Government had determined. The country which is the source of power. Regional power is the power to ensure regional autonomy implementation through governmental power centralized and subsequently decentralized to the regions, and autonomous regions are formed. So, in a unitary state, it is evident that regional autonomy is a form of power. Based on Article 1 section (1) of The 1945 Constitution, it regulates that "*Indonesia is a Unitary State in the form of a Republic*". Further explanation regarding the principle of a unitary state explains that the one holding the highest authority over all state affairs is the Central Government without any delegation or delegation of power to the Regional Government (Lubis, M. S., 1983:8). This is in line with Strong, C. F. (2010), that a unitary State is a form of State where the highest legislative authority is concentrated in one national/central legislative body. The power lies with the Central Government, not local governments.

Based on these views and descriptions, according to Yamin, M. (1951), Indonesia being a unitary state is not only based on political interests or attitudes but also a commitment to unity and justice. Therefore, by paying attention to Yamin's view above, the United States is more precisely using the principle of autonomy for the autonomous regions under it and giving autonomy in the framework of distribution of power to the regions to run and consider society's welfare reasonably. The farther the span of control over people's access to Government, the more unequal government programs will be, and a portrait of social disparities will be seen in each Region. This view has inspired the birth of the regional government law, from the post-reform era to the present that the spirit of regional autonomy is for the implementation of regional Government directed at accelerating the realization of community welfare through improved services, empowerment, and community participation, as well as increasing competitiveness. Regions with due observance of the principles of democracy, equity, justice, and the uniqueness of a region in the system of the Unitary State of the Republic of Indonesia, as well as paying attention to aspects of the relationship between the Central Government and Regional Governments and between regions, regional potential and diversity, as well as opportunities and challenges of global competition in the unified system. Efficient and effective state government within the framework of the Unitary State of the Republic of Indonesia.

2. Federal State

Within a union or federal state, state power is divided between the states and the federal government. Original power rests with the states as separate state legal entities that collectively form the federal Government with limits of power mutually agreed upon by the states' constitution. In summary, the formation of a federation state goes through two stages: recognizing the existence of independent states and territories and the second stage is their agreement to form a federal state. This can be seen in defense, finance, and foreign relations in the union/federal State, which the federal government always determines. In practice, the Federal Government tends to have a powerful position.

Another view put forward by Kranenburg, R. is the difference between a unitary state and a union state. Kranenburg, R. (1981) stated two criteria according to positive law (*positief rechtelijk*), namely that the unitary State is an organization of the State's parts in which the forming of the central law has determined the outline. The powers of central legislators are defined in a general formulation, and the powers of low-level (local) legislators depend on the central legislature. Whereas a union state (federation) is a state of a federation, has a "*pouvoir constituant*", the authority to form its constitution, and the authority to regulate its own organization within the federal constitution's framework. The powers of forming a central law to regulate certain matters have been specified as one by one in the federal constitution. In general, the opinion of Kranenburg, R. is accurate and generally accepted. This is also more so compared to the practice of governance in Indonesia as a unitary state in placing the powers in the Central Government and Regional Governments through the Basic Law Republic of Indonesia's constitution.

If interpreted carefully, the concept of division of authority in which the Central Government in detail (limitative) divides the authority of the Regional Government (enumerative), as based on Article 9 of Law of the

Republic of Indonesia Number 9 of 2015 on the Second Amendment to Law Number 23 of 2014 on Local Government (hereinafter referred to as Law No. 9 of 2015), regulates that:

- (1) Government Affairs consists of whole government affairs, concurrent government affairs, and general government affairs.
- (2) Absolute governmental affairs, as referred to in section (1) are Government Affairs that entirely fall under the Central Government's authority.
- (3) Concurrent governmental affairs, as referred to in section (1) are Government Affairs which are divided between the Central Government and Provincial Governments and Regency/Municipal Regions.
- (4) Concurrent governmental affairs transferred to the regions shall become the basis for regional autonomy implementation.
- (5) General governmental affairs, as referred to in section (1) are Government Affairs, which become the President's authority as head of Government.

Based on Article 10 of Law No. 9 of 2015 regulates that:

- (1) Absolute governmental affairs as referred to in Article 9 section (2) include:
 - a. foreign policy;
 - b. defense;
 - c. security;
 - d. justice;
 - e. national monetary and fiscal; and
 - f. religion.
- (2) In carrying out whole governmental affairs as referred to in section (1), the Central Government:
 - a. carry out yourself; or
 - b. Delegate authority to vertical agencies in the regions or governors as representatives of the Central Government based on Deconcentration.

To examine the nature of authority between the Central Government and Regional Governments more deeply, it can be seen from the concept of the formation of a state and Government and the birth of an authority that is the basis for the administration of Government in a sovereign state.

3. The Essence of the Port Affairs

In principle, ferry transportation provides point-to-point services with a fixed and regular schedule that connects two points, where the goods being transported must be loaded in the vehicle or not loose goods. From a service point of view, planning a ferry transportation service begins with opening a route, building a port, and a fleet to operate optimally both commercially and pioneeringly through transportation subsidies. This is a form of ferry transportation efforts to open up isolated areas, which need to be supported by transportation facilities and infrastructure supporting the region's mobility.

Based on the description above, the operation of ferry transportation cannot be separated from the presence of ferry ports that generally have specific characteristics, both in terms of the facilities and infrastructure required. Based on Article 22 section (1) of Law No. 17 of 2008, regulates that:

"Ferry Transportation is transportation that functions as a bridge that connects the road network and/or railroad network separated by water to transport passengers and vehicles and their cargo."

This makes ferry transportation different from its treatment with other transportation in the waters, such as sea transportation and river and lake transportation.

Observing the description above and concerning the nature of the unitary State and the nature of the ferry port operation. Basically, the authority to manage ferry ports is the Central Government's authority, which is based on the principles and objectives of regional autonomy handed over to regional governments through concurrent affairs, where this authority is the administrative authority. (administrative decentralization) by the authority of each Region, as based on Annex to the Law No. 9 of 2015, which is technically operational by considering the relationship between the Central Government and regional governments through the relationship of authority, supervision and budgeting is the authority of the Central Government which is carried out jointly by taking into account the level of local government capacity both in terms of human resources, budget and the existence of the road function as a link to the road network through crossings.

B. Regulation of the Authority of the Central Government and Local Government in the Port Affairs Based on Laws and Regulation

The granting of the broadest possible autonomy to the regions shall be implemented based on the principle of a unitary state. In a unitary state, the sovereignty only exists in the state government or national Government and there is no sovereignty in the Region. Therefore, no matter how wide the autonomy is granted to the Regions, the final responsibility for the Regional Government's administration will remain in the hands of the Central Government. For this reason, Regional Government in a unitary state is an integral part of the

National Government. In line with that, policies made and implemented by the regions are an integral part of national policies.

The classification of government affairs as regulated in Article 9 of Law No. 9 of 2015. In the context of the implementation of ferry transportation, a concurrent government affair, it is a governmental affair that can be handled in individual sections or fields, jointly between the government and local governments. Thus, any affairs that are concurrent in nature always have a division of affairs that falls under the Government's authority. There is a division of affairs that is delegated to the Province, and there is a division of affairs that is delegated to the Regency/City. The criteria for government affairs that fall under the authority of a Regency/City include government affairs whose location, user, benefit, or negative impact is only within the Regency/City Region, as well as in more efficient use of resources when carried out by the Regency/City Region. Government affairs are concurrent in nature, meaning that government affairs that handle individual sections or fields can be carried out jointly between the government and local governments.

Thus, any affairs that are concurrent in nature always have a division of affairs that falls under the Government's authority. There is a division of affairs delegated to the Province, and there is a section of affairs delegated to the Regency/City. This concurrent governmental affairs based on Article 11 section (1) of Law No. 9 of 2015, regulates that:

"Concurrent governmental affairs as referred to in Article 9 section (3) which become the regional authorities consist of Compulsory Government Affairs and Elective Government Affairs."

Conflicts with the management and operation of ferry ports often arise, not only between the Central Government and the Regional Governments, such as conflicts between the Ministry of Transportation and the Regional Government of South Sulawesi Province and the Regional Government of Selayar Regency regarding the authority to manage the Bira-Pamatata ferry port. Controversy over the management of the port between the Ciligon government and PT Pelindo, regarding the authority of PT. Pelindo in the regulations given by Government Regulation of the Republic of Indonesia Number 69 of 2001 on Port Affairs (hereinafter referred to as Government Regulation No. 69 of 2001), also became a polemic because it was considered contrary to the principles of Regional Government (Results of the DKI DPD socialization). In this regard, the Supreme Court has granted a judicial review of Government Regulation No. 69 of 2001. And there are many more conflicts, including the authority to manage ferry ports, which should be based on road network trajectories. However, the criteria for determining authority are based on or determined on the criteria for regional location both across provinces, across districts within provinces, and districts.

Based on this description, in the opinion of the author, the essence of the authority to manage a ferry port is the authority of the Central Government, whose management is based on a hierarchy of road functions and the existence of port locations based on cross-regions, and can be delegated to local governments if local governments are capable and able to carry out according to their authority. In the case of the administrative decentralization of ferry port administration, the regional Government's role is more in administrative management (licensing, route determination, tariff setting) according to hierarchical authority.

The role of the Central Government is required to provide a reliable ferry port infrastructure because port management is not only related to the government sector but also with various business sectors in encouraging economic growth and the service sector (safety, security, comfort, and order) as a form of achievement of transportation and regional governance goals. To achieve this goal, a ferry port as the primary infrastructure requires technical handling, talented human resources (HR), and a large budget, as a consequence of the veins, not limited by administrative areas in building connectivity between regions, between land and islands with the innermost and outermost islands, and has national, efficiency, accountability and strategic criteria.

C. Ideal Authority Between Central Government and Local Government in Port Affairs

1. Disharmony of the Authority of Central and Regional Government in the Port Affairs

Disharmony of laws and regulations means that there is legal uncertainty in their implementation. This is, of course, contrary to the rule of law principles, both materially and formally. It is materially related to the disorderly object due to laws and regulations that do not guarantee legal uncertainty.

Regarding the disharmony of laws, what is common is a clash of norms that dialogue with each other. Derogating norms that invalidate the validity of other norms is within the scope of regulating a hierarchy of legislation that derogation can still be carried out if higher statutory regulations are faced with lower legislative regulations. With the *lex superior derogate legi inferiori* principle, a higher provision derives a lower regulation. It is different if the conflict occurs between fellow laws. The conflict of the norm over an arrangement that is an obligation or prohibition is regulated on the same object in different sectoral laws. The principle of *lex special derogate lex generalis* is not easy to apply because of which sector should be favored; therefore, so it is necessary to reinterpret Article 9 of Law No. 9 of 2015.

Based on the management of ferry port, both as regulated in Law No. 9 of 2015 and Law No. 17 of 2008, there is disharmony of authority, which on the one hand in Law No. 9 of 2015 has authority given to local governments in the operation of ferry ports, however, From the aspect of Law No. 17 of 2008, there is no regulation regarding the authority of the regional Government in managing ferry ports.

This is what the authors emphasize that there is disharmony of the Central Government and local governments' authority in the management of ferry port. The relation with the disharmony between statutory regulations and the authority to administer the ferry port as regulated in Law No. 9 of 2015 and Law No. 17 of 2008, as previously explained that the two laws are related to the matters of managing the ferry port, according to the author, this disharmony is caused by the following:

- a. Formations were carried out by different institutions and often over different periods of time;
- b. Officials authorized to establish laws and regulations change either because they are limited by the term of office, assignment, or replacement;
- c. The sectoral approach in the formation of laws and regulations is stronger than the system approach;
- d. Weak coordination in the process of forming laws and regulations that involve various agencies and legal disciplines;
- e. Public access to participate in the process of forming laws and regulations is still limited;
- f. The uncertain, standard, and standard ways and methods that bind all institutions authorized to make laws and regulations are not yet firm.

2. Towards an Ideal Harmonization of Authority between Central and Local Government in Effective and Efficient Port Affairs

The disharmony condition of the regulation of the authority to operate ferry ports will impact users and providers of ferry transportation services, which, either directly or indirectly, impact economic, social, political, and security aspects. In the economic aspect, it affects policy-making institutions' practices and policies, but these policies and practices are also adopted as part of economic theory. Thus, there is an area of overlap between the practice of policy-making institutions and economic theory. Through understanding the doctrine of law and development, ideally, the law can become an instrument that provides an ideal direction for development and at the same time becomes an instrument for building an established structure.

Based on the ideal direction of the law to become an instrument that provides development ideas and, at the same time, an instrument for building an established structure, the regulation of the authority to the management of ferry port should be able to see aspects of utility (*doelmatigheid*) and usability (*doelfrentheid*) in terms of formulation. In accordance with the development of the strategic environment and especially the emergence of various demands from Provinces, Regencies, and Cities in which there is a port location with all the infrastructure attached to the port's interests, in the end, the Government established Government Regulation of the Republic of Indonesia Number 64 of 2015 on Amendments to Government Regulation Number 61 of 2009 on Port Affairs.

The tug-of-war of port affairs authority between the Central Government and regional governments is in regional and local port management interests, the interests of taxes and levies, and the authority to administer international ports. Concerning the authority in managing regional and local ports, the Central Government considers that the regional Government does not have readiness in port affairs, supporting infrastructure, apparatus, and financial support. Hence, the center still takes that authority. Otherwise, port affairs will reduce the quality of public services and competence.

Based on the description, in the context of ferry port administration, levies made in the regions include, among other things, ship port service charges, crossing charges on water, charges; ship port services are services at fishing boat ports and/or non-fishing boats, including other facilities in the ship port environment that are owned and/or managed by the Regional Government, excluding those managed by State-Owned Enterprises, Region-Owned Enterprises or by Private Parties; retribution for crossings on the water; services on water crossing are services for crossing goods or goods using vehicles traveling on the water that are owned and/or managed by the Regional Government, excluding those managed by State-Owned Enterprises, Regional-Owned Enterprises, and Private Parties; and Public Service Retribution in the form of the parking fee.

The harmonization of authority between the government and local governments in the operation of ferry ports, according to the author, is that, in essence, the authority to operate ferry ports is placed under the authority of the Central Government. In terms of the authority of the regional Government through administrative decentralization and fiscal decentralization, namely the regional Government, both provincial and district/city, carry out service functions in the form of stipulating the work environment area and port interest area, the recommendation of the Work Environment Area/Port Interest Environment Area, as based on Article 32 of Government Regulation No. 61 of 2009. The stipulation of crossing routes, licensing and approval of ship operations, and the stipulation of ferry transportation rates based on their respective powers. In terms of fiscal decentralization, the Central Government and local governments can carry out jointly with Piggybacking Tax.

Based on this fact, it is necessary to revisit the authority of the central and regional governments in the implementation of ferry ports, by revising regional government laws, especially regarding the division of concurrent government affairs that are not related to essential services, in this case, the management of ferry ports, the division of governmental affairs can be given to local governments as long as the local government has the ability to manage them. However, suppose the regions do not have the capacity. In that case, concurrent government affairs that are not related to the Central Government's essential services can take over government affairs.

According to the author's opinion, it is very reasonable to carry out efforts to synchronize authority through revision of laws and regulations to avoid overlapping authority between the Central Government, provincial governments, and district/city governments in the implementation of ferry ports in the regions. This will be a solution to the authority's disharmony as regulated in regional government laws and sectoral laws. The objectives of administering Government and the objectives of organizing national transportation are inherent in providing services to the community in concurrent government affairs related to meeting the community's needs, which can be carried out optimally, efficiently, and effectively.

V. CONCLUSION

1. The essence of the authority to port affairs in the context of a unitary state is the authority of the Central Government, which is based on the principle of regional government administration. The principle of implementing national transportation becomes a concurrent affair in land transportation as a form of public service to the community. It becomes the lifeblood of economic, socio-cultural, political and security life. In the framework of improving the welfare of the community, the management must be carried out by the Central Government, Provincial Governments and Regency/City Governments, and other parties in synergy based on their authority and ability to manage them.

2. The regulation of the authority of the Central Government and Regional Governments in statutory regulations on the aspect of port affairs substantially or material cargo in existing legislation, both in regional government legislation and in shipping legislation, has not explicitly regulated the authority to port affairs, resulting in the unclear division of authority which in administrative decentralization and fiscal decentralization have created conflicts of interest that lead to low performance of public services and performance of safety, security, and convenience of port affairs.

3. The ideal harmonization of authority between the Central Government and Local Governments in the operation of effective and efficient port affairs is to redefine the limits of authority between the Central Government and regional governments in port affairs, especially concerning the division of concurrent government affairs in the field of land transportation which is administrative decentralization and fiscal decentralization, and in terms of technical, operational port affairs carried out by the Central Government both as a Port Authority and Port Administrator. This authority can be transferred to the regional Government in stages as long as the regional Government can manage it; unless the regions do not have the capacity, the Central Government can take over government affairs.

REFERENCES

- [1]. Administrator. (2018, January 12). Standar Pelayanan Minimal PP No. 2 Tahun 2018. In *Pemerintah.net*. Retrieved from <https://pemerintah.net/standar-pelayanan-minimal-pp-no-2-tahun-2018/>, at the date on 2021, January 26.
- [2]. Ali, A. & Heryani, W. (2015). *Menjelajahi Kajian Empiris terhadap Hukum*. Jakarta: Kencana Prenada Media Group.
- [3]. Asshiddiqie, J. (2006). *Pengantar Ilmu Hukum Tata Negara*. Jakarta: PT. Raja Grafindo Persada.
- [4]. Azis, R. & Asrul, A. (2018). *Pengantar Sistem dan Perencanaan Transportasi*. Yogyakarta: Deepublish.
- [5]. Batari, F., et al. (2020). Nature of Forming Local Products in the Indonesian State Systems. *IOSR Journal of Humanities and Social Science (IOSR-JHSS)*, 25(7), pp. 37-51.
- [6]. Budiardjo, M. (1998). *Dasar-Dasar Ilmu Politik*. Jakarta: PT. Gramedia Pustaka Utama.
- [7]. Busroh, A. D. (1990). *Ilmu Negara*. Jakarta: Bumi Aksara.
- [8]. Chandrawidjaja, R. (1998). *Navigasi Perairan Daratan*. Banjarmasin: Universitas Lambung Mangkurat Press.
- [9]. Cohen, J. M. & Peterson, S. B. (1999). *Administrative Decentralization: Strategies for Developing Countries*. Colorado: Kumarian Press.
- [10]. D., M. F. N. & Achmad, Y. (2010). *Dualisme Penelitian Hukum: Normatif & Empiris*. Yogyakarta: Pustaka Pelajar.
- [11]. Decree of Minister of Transportation of the Republic of Indonesia Number KP 432 of 2017 on the National Port Master Plan.

- [12]. Decree of Minister of Transportation of the Republic of Indonesia Number KM 30 of 2020 on Amendments to the Decree of Minister of Transportation Number KP 432 of 2017 on the National Port Master Plan.
- [13]. Government Regulation of the Republic of Indonesia Number 69 of 2001 on Port Affairs. (State Gazette of the Republic of Indonesia of 2001 Number 127, Supplement to the State Gazette of the Republic of Indonesia Number 4145).
- [14]. Government Regulation of the Republic of Indonesia Number 61 of 2009 on Port Affairs. (State Gazette of the Republic of Indonesia of 2009 Number 151, Supplement to the State Gazette of the Republic of Indonesia Number 5070).
- [15]. Government Regulation of the Republic of Indonesia Number 20 of 2010 on Transportation in the Waters. (State Gazette of the Republic of Indonesia of 2010 Number 26, Supplement to the State Gazette of the Republic of Indonesia Number 5108).
- [16]. Government Regulation of the Republic of Indonesia Number 96 of 2012 on the Implementation of Law Number 25 of 2009 on Public Services. (State Gazette of the Republic of Indonesia of 2012 Number 215, Supplement to the State Gazette of the Republic of Indonesia Number 5357).
- [17]. Government Regulation of the Republic of Indonesia Number 64 of 2015 on Amendments to Government Regulation Number 61 of 2009 on Port Affairs. (State Gazette of the Republic of Indonesia of 2015 Number 193, Supplement to the State Gazette of the Republic of Indonesia Number 5731).
- [18]. Hadjon, P. M., et al. (Eds.). (2005). *Pengantar Hukum Administrasi Indonesia*. Yogyakarta: UGM Press.
- [19]. Handoyo, B. H. C. (2009). *Hukum Tata Negara*. Yogyakarta: Universitas Atma Jaya.
- [20]. Huda, N. m. (2014). *Desentralisasi Asimetris dalam NKRI: Kajian terhadap Daerah Istimewa, Daerah Khusus dan Otonomi Khusus*. Bandung: Nusa Media.
- [21]. Husen, L. O. (2005). *Hubungan Fungsi Pengawasan Dewan Perwakilan Rakyat dengan Badan Pemeriksa Keuangan dalam Sistem Ketatanegaraan Indonesia*. Bandung: CV. Utomo.
- [22]. Husen, L. O. (2009). *Hukum Pajak & Hak Privilege*. Bandung: CV. Utomo.
- [23]. Husen, L. O. (2019). *Negara Hukum, Demokrasi dan Pemisahan Kekuasaan*. Makassar: CV. Social Politic Genius (SIGn).
- [24]. Husen, L. O., et al. (2017). The Natural Village Government It Self State Laws System In Indonesia. *Imperial Journal of Interdisciplinary Research (IJIR)*, 3(6), pp. 726-731.
- [25]. Husen, L. O., et al. (2017). *Iktisar Filsafat Ilmu: Dalam Perspektif Barat dan Islam*. Makassar: CV. Social Politic Genius (SIGn).
- [26]. Husen, L. O., et al. (2017). The Implementation Of Regional Head Election Itself Directly In Local Governance System In Indonesia. *IOSR Journal of Humanities and Social Science (IOSR-JHSS)*, 22(9), pp. 53-58.
- [27]. Husen, L. O. & Thamrin, H. (2017). *Hukum Konstitusi: Kesepakatan (Agreement) dan Kebiasaan (Custom) Sebagai Pilar Konvensi Ketatanegaraan*. Makassar: CV. Social Politic Genius (SIGn).
- [28]. Indroharto. (1994). Asas-Asas Umum Pemerintahan yang Baik. In *Himpunan Makalah Asas-Asas Umum Pemerintahan yang Baik*. Bandung: PT. Citra Aditya Bakti.
- [29]. Isjwara, F. (1974). *Pengantar Ilmu Politik*. Bandung: Dhiwantara.
- [30]. Istanto, F. S. (1968). *Beberapa segi hubungan Pemerintah Pusat dan Daerah dalam Negara Kesatuan Indonesia*. Yogyakarta: Universitas Gajah Mada.
- [31]. Jalil, H., et al. (2017). *Hukum Pemerintahan Daerah dalam Perspektif Otonomi Khusus*. Makassar: CV. Social Politic Genius (SIGn).
- [32]. Kadir, A. (2006). Transportasi: Peran dan Dampaknya dalam Pertumbuhan Ekonomi Nasional. *Wahana Hijau, Universitas Sumatera Utara*, 1(3), pp. 121-131.
- [33]. Koeswahyono, I. & Muchsin, M. (2008). *Aspek Kebijakan Hukum Penatagunaan Tanah dan Penataan Ruang*. Jakarta: Sinar Grafika.
- [34]. Kranenburg, R. (1981). *Ilmu Negara Umum* (Sabaroedin, Trans.). Jakarta: PT. Pradnya Paramita.
- [35]. Kumaat, M. (2001). "Analisis Korelasi antara Kinerja Pelayanan, Evaluasi Pelayanan dan Kebijakan Angkutan Umum". *Tesis*, Universitas Indonesia, Jakarta.
- [36]. Kusnardi, M. & Ibrahim, H. (1980). *Pengantar Hukum Tata Negara Indonesia*. Jakarta: CV. Sinar Bakti.
- [37]. Law of the Republic of Indonesia Number 17 of 2008 on Shipping. (State Gazette of the Republic of Indonesia of 2008 Number 64, Supplement to the State Gazette of the Republic of Indonesia Number 4849).
- [38]. Law of the Republic of Indonesia Number 23 of 2014 on Local Government. (State Gazette of the Republic of Indonesia of 2014 Number 244, Supplement to the State Gazette of the Republic of Indonesia Number 5587).

- [39]. Law of the Republic of Indonesia Number 9 of 2015 on the Second Amendment to Law Number 23 of 2014 on Local Government. (State Gazette of the Republic of Indonesia of 2015 Number 58, Supplement to the State Gazette of the Republic of Indonesia Number 5679).
- [40]. Logemann, J. H. A. (1955). *Over de Theorie van een Stelling Staatsrecht*. Leiden: Uniersitaire Pers.
- [41]. Lubis, M. S. (1983). *Pergeseran Garis Politik dan Perundang-Undangan Mengenai Pemerintah Daerah*. Bandung: PT. Alumni.
- [42]. Majid, M., Husen, L. O., & Pasamai, S. (2018). General Election Of The Regional Head In The Local Government System (A Study in Makassar). *IOSR Journal of Humanities and Social Science (IOSR-JHSS)*, 23(5), pp. 87-94.
- [43]. Mallarangeng, A. A. & Rasyid, M. R. (1999). Otonomi dan Federalisme. In *Federalisme untuk Indonesia*. Jakarta: Kompas.
- [44]. Manan, B. (2001). *Menyongsong Fajar Otonomi Daerah*. Yogyakarta: UII Press.
- [45]. Marbun, S. F. & D., M. M. M. (1987). *Pokok-Pokok Hukum Administrasi Negara*. Yogyakarta: Liberty.
- [46]. Marbun, S. F., et al. (Eds.). (2001). *Dimensi-Dimensi Pemikiran Hukum Administrasi Negara*. Yogyakarta: UII Press.
- [47]. Martosoewignyo, S. S. (1992). *Bunga Rampai Hukum Tata Negara Indonesia*. Bandung: PT. Alumni.
- [48]. Martosoewignyo, S. S. & Ramdhan, M. I. (2006). *Prosedur dan Sistem Perubahan Konstitusi dalam Batang Tubuh UUD 1945: Sebelum dan Sesudah Perubahan UUD 1945*. Bandung: PT. Alumni.
- [49]. Marzuki, P. M. (2005). *Penelitian Hukum*. Jakarta: Kencana Prenada Media Group.
- [50]. Muhammad, A. (1991). *Hukum Pengangkutan Darat, Laut dan Udara*. Bandung: PT. Citra Aditya Bakti.
- [51]. Munawar, A. (2007, February 7). Pengembangan Transportasi yang Berkelanjutan. Paper presented in *Professor's Inauguration Speech*, organized by Universitas Gajah Mada, at Yogyakarta.
- [52]. Notohamidjojo, O. (1970). *Makna Negara Hukum bagi Pembaharuan Negara dan Wibawa Hukum bagi Pembaharuan Masyarakat di Indonesia*. Jakarta: BPK Gunung Mulia.
- [53]. Nurbaningsih, E. (2019). *Problematika Pembentukan Peraturan Daerah: Aktualisasi Wewenang Mengatur dalam Era Otonomi Luas*. Jakarta: Rajawali Pers.
- [54]. Poerwadarminta, W. J. S. (1987). *Kamus Umum Bahasa Indonesia*. Jakarta: Balai Pustaka.
- [55]. Purba, H. (2005). *Hukum Pengangkutan di Laut: Perspektif Teori dan Praktek*. Medan: Pustaka Bangsa Press.
- [56]. Purwosutjipto, H. M. N. (1995). *Pengertian Pokok Hukum Dagang Indonesia: Hukum Pengangkutan* (Vol. 3). Jakarta: Djambatan.
- [57]. Qamar, N. (2014). *Hak Asasi Manusia dalam Negara Hukum Demokrasi (Human Rights in Democratiche Rechtsstaat)*. Jakarta: Sinar Grafika.
- [58]. Rahman, S., Husen, L. O., & Salle, S. (2017). Proper Government Role In Land Procurement For Public Interests In Indonesia. *Imperial Journal of Interdisciplinary Research (IJIR)*, 3(5), pp. 918-923.
- [59]. Regulation of Minister of Transportation of the Republic of Indonesia Number 62 of 2019 on Minimum Service Standards of Ferry Transportation. (State Bulletin of the Republic of Indonesia of 2019 Number 1144).
- [60]. Riandy, B., Husen, L. O., & Sampara, S. (2020). Implementation of Electoral Authority in Re-Voting Selection in 2019 General Elections (Study in West Sulawesi Province). *Meraja Journal, Sekolah Tinggi Ilmu Administrasi Al-Gazali Barru*, 3(2), pp. 51-66.
- [61]. Ridwan, H. R. (2008). *Hukum Administrasi Negara*. Jakarta: PT. Raja Grafindo Persada.
- [62]. Salle, S., Lusiana, L., & Husen, L. O. (2020). Authority of Regional Governments in Developing Investment in the Regional Investment. *Asian Social Science, Canadian Center of Science and Education*, 16(1), pp. 22-34.
- [63]. Sampara, S. & Husen, L. O. (2016). *Metode Penelitian Hukum*. Makassar: Kretakupa Print.
- [64]. Siregar, I. P. (2018). "Bentuk Fungsi Pengawasan Dewan Perwakilan Rakyat terhadap Lembaga Lembaga Negara Penunjang (Stateauxiliary Organ) (Studi: Komisi Pemilihan Umum dan Komisi Pemberantasan Korupsi)". *Skripsi*, Fakultas Hukum, Universitas Sumatera Utara, Medan.
- [65]. Soekanto, S. (2005). *Faktor-Faktor yang Mempengaruhi Penegakan Hukum*. Jakarta: PT. Raja Grafindo Persada.
- [66]. Soekanto, S. (2005). *Pengantar Penelitian Hukum*. Jakarta: UI Press.
- [67]. Soekanto, S. & Mamudji, S. (2007). *Penelitian Hukum Normatif: Suatu Tinjauan Singkat*. Jakarta: Rajawali Pers.
- [68]. Stout, H. D. (1994). *De Betekenissen van de Wet*. Zwolle: W.E.J. Tjeenk Willink.
- [69]. Strong, C. F. (2010). *Konstitusi-Konstitusi Politik Modern: Kajian Tentang Sejarah dan Bentuk-Bentuk Konstitusi Dunia* (SPA Teamwork, Trans.). Bandung: Nuansa dan Nusamedia.

- [70]. Suprianto, S. (2014). Fungsi Pemerintah dalam Pelayanan Publik: Kasus Pengujian Kendaraan Bermotor pada UPTD Dinas Perhubungan Informasi dan Komunikasi di Kabupaten Kampar. *Jurnal Online Mahasiswa Fakultas Ilmu Sosial dan Ilmu Politik, Universitas Riau*, 1(2), pp. 1-13.
- [71]. Syafrudin, A. (2000). Menuju Penyelenggaraan Pemerintahan Negara yang Bersih dan Bertanggung Jawab. *Jurnal Pro Justisia, Universitas Parahyangan*, 4(1)
- [72]. Syarifin, P. & Jubaedah, D. (2005). *Hukum Pemerintahan Daerah*. Bandung: Pustaka Bani Quraisy.
- [73]. Thalib, A. R. (2006). *Wewenang Mahkamah Konstitusi dan Aplikasinya dalam Sistem Ketatanegaraan Republik Indonesia*. Bandung: PT. Citra Aditya Bakti.
- [74]. The 1945 Constitution of the Republic of Indonesia.
- [75]. Wahyono, P. (1984). *Guru Pinandita: Sumbangsih untuk Prof. Djokosoetono, SH*. Jakarta: UI Press.
- [76]. Warpani, S. (1990). *Merencanakan Sistem Perangkutan*. Bandung: Penerbit ITB.
- [77]. Yamin, M. (1951). *Proklamasi dan Konstitusi Republik Indonesia*. Jakarta: Djambatan.

Benny Nurdin Yusuf. "The Harmonization of Authority between the Central Government and Local Governments in the Port Affairs." *IOSR Journal of Humanities and Social Science (IOSR-JHSS)*, 26(02), 2021, pp. 34-48.