

Kedudukan hukum PT Pos Indonesia (Persero) sebagai badan usaha milik negara dan mekanisme penugasan layanan pos universal berdasarkan undang-undang Nomor 38 tahun 2009 tentang Pos = Legal status of PT Pos Indonesia (Persero) as the state owned enterprises and universal postal service assignment mechanism based on act number 38 year 2009 concerning post

Neneng Sandra, author

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Abstrak

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Dengan diterbitkannya Undang-Undang Nomor 38 Tahun 2009 tentang Pos menggantikan undang-undang yang lama, maka terjadi perubahan paradigma penyelenggaraan pos di Indonesia, termasuk dalam penyelenggaraan Layanan Pos Universal. Penelitian ini bertujuan untuk menganalisis regulasi tentang Layanan Pos Universal serta kesesuaian antara pelaksanaan Undang-Undang Nomor 38 Tahun 2009 tentang Pos dengan Undang-Undang Nomor 19 Tahun 2003 tentang Badan Usaha Milik Negara terkait penugasan Layanan Pos Universal, menganalisis mekanisme pelaksanaan Layanan Pos Universal setelah berakhirnya penugasan Pemerintah kepada PT. Pos Indonesia (Persero) pada tanggal 14 Oktober 2014, serta menganalisis upaya penyehatan Badan Usaha Milik Negara Pos oleh pemerintah sebagai amanat Pasal 51 Undang-Undang Nomor 38 Tahun 2009 tentang Pos. Dalam penyusunan penelitian ini, penulis menggunakan metode penelitian yuridis normatif.

Berdasarkan hasil penelitian, Pasal 15 ayat (3) Undang-Undang Nomor 38 Tahun 2009 tentang Pos memberikan kesempatan kepada semua penyelenggara pos untuk melaksanakan fungsi kemanfaatan umum yaitu Layanan Pos Universal, tidak hanya BUMN melainkan juga kepada BUMS, BUMD dan Koperasi. Sedangkan Pasal 66 ayat (1) Undang-Undang Nomor 19 Tahun 2003 tentang Badan Usaha Milik Negara yang mengamanatkan bahwa Pemerintah dapat memberikan penugasan khusus kepada BUMN untuk menyelenggarakan fungsi kemanfaatan umum dengan tetap memperhatikan maksud dan tujuan kegiatan BUMN. Penugasan Layanan Pos Universal sebagai fungsi kemanfaatan umum diberikan kepada BUMN, tidak diberikan kepada BUMS, BUMD maupun koperasi. Dengan demikian, dapat disimpulkan bahwa pelaksanaan Undang-Undang Nomor 38 Tahun 2009 tentang Pos tidak sesuai dengan Undang-Undang Nomor 19 Tahun 2003 terkait dengan penugasan khusus kepada BUMN untuk menyelenggarakan fungsi kemanfaatan umum (Layanan Pos Universal).

Mengingat Undang-Undang Nomor 38 Tahun 2009 tentang Pos mulai berlaku pada tanggal 14 Oktober 2009, maka pemerintah perlu segera menyiapkan metode seleksi untuk menunjuk penyelenggara pos Layanan Pos Universal serta perlu segera dilakukan penyehatan korporasi PT. Pos Indonesia dalam rangka menghadapi kompetisi.

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<b>ABSTRACT</b><br>

The Issued of Act Number 38 Year 2009 Concerning Post has brings a change in the paradigm of post activity in Indonesia, including the implementation of the Universal Postal Service. The purpose of the study is to analyze the regulation of the Universal Postal Service and the correspondence between the

implementation of Act Number 38 Year 2009 Concerning Post by Act Number 19 of 2003 Concerning State-Owned Enterprises and the assignment of the Universal Postal Service. The study also analyzed the mechanism of the implementation of the Universal Postal Service after Indonesian Government ended assignment of the PT. Pos Indonesia (Persero) on October 14, 2014, as well as analyzing restructure State-owned Enterprise of Post by government as the mandate of Article 51 of Act Number 38 Year 2009 Concerning Post. In order to preparing this study, the authors used normative research method.

Based on the research, Article 15 paragraph (3) of Act Number 38 Year 2009 on the Post provides the opportunity for all postal providers to carry out the functions of the public benefit, which is the Universal Postal Service, not only the State-Owned Enterprises (SOEs) but also to State Owned private (BUMS), provincial enterprises (enterprises) and Cooperatives. While Article 66 paragraph (1) of Act Number 19 Year 2003 Concerning State-Owned Enterprises which mandates that the Government can give special assignments to SOEs to perform the functions of public benefit with regard to the intent and purpose of the activities of SOEs. An assignment of the Universal Postal Service (BDS) as a function of the public benefit provided to SOE, is not given to private enterprises, enterprises and cooperatives. Thus, it can be concluded that the implementation of Act Number 38 Year 2009 Concerning Post does not comply with the Act Number 19 Year 2003 relating to special assignment to SOEs to perform the functions of public benefit (Universal Postal Service).

Considering The Act Number 38 Year 2009 Concerning Post has been valid since October 14, 2009, therefore the government should immediately set the selection method to designate the Universal Postal Service providers as well as post needs to be done to restructure the corporation PT. Pos Indonesia in order to face the competition;The Issued of Act Number 38 Year 2009 Concerning Post has brings a change in the paradigm of post activity in Indonesia, including the implementation of the Universal Postal Service. The purpose of the study is to analyze the regulation of the Universal Postal Service and the correspondence between the implementation of Act Number 38 Year 2009 Concerning Post by Act Number 19 of 2003 Concerning State-Owned Enterprises and the assignment of the Universal Postal Service. The study also analyzed the mechanism of the implementation of the Universal Postal Service after Indonesian Government ended assignment of the PT. Pos Indonesia (Persero) on October 14, 2014, as well as analyzing restructure State-owned Enterprise of Post by government as the mandate of Article 51 of Act Number 38 Year 2009 Concerning Post. In order to preparing this study, the authors used normative research method.

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