

Tinjauan Hukum Mengenai Instrumen Jaminan Volume Kendaraan Minimum (Minimum Traffic Guarantee) dalam Pembangunan Infrastruktur Jalan Melalui Kerjasama Pemerintah dan Swasta = The Legal Analysis of Minimum Traffic Guarantee Instrument in Toll Road Infrastructure Development Through Public Private Partnership

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Abstrak

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Infrastruktur merupakan faktor terpenting dalam pertumbuhan ekonomi suatu negara, salah satunya pembangunan infrastruktur jalan tol yang dapat mendukung dan meningkatkan perekonomian Indonesia. Pembangunan infrastruktur merupakan kewajiban pemerintah sebagai penyelenggara negara, namun dalam hal ini pihak swasta dapat membangun proyek infrastruktur tersebut dengan skema Kerjasama Pemerintah dan Swasta (KPS). Skema KPS merupakan alternatif sumber pendanaan utama infrastruktur karena terbatasnya anggaran negara untuk pembangunan infrastruktur. Pendapatan tol sangat dipengaruhi oleh volume lalu lintas kendaraan yang melalui jalan tol. Sehingga, permasalahan volume kendaraan minimum merupakan salah satu tantangan terbesar dalam kontrak konsesi jalan tol. Untuk itu, penelitian ini akan membahas mengenai instrumen jaminan volume kendaraan minimum di Indonesia. Tujuan dari penelitian ini adalah untuk mengetahui pembagian risiko yang diatur dalam KPS, mengetahui ketentuan hukum mengenai pembangunan infrastruktur jalan melalui KPS di Indonesia dan mengetahui apakah Indonesia telah menerapkan instrumen jaminan volume kendaraan minimum dalam perjanjian KPS.

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ABSTRACT

Infrastructures are the most important factor of the economic growth in a country, one of them is the toll road infrastructure development, which can support and increase the economy of Indonesia. Infrastructure development is the responsibility of Indonesian Government, but in this case the private sector can build the infrastructure projects with Public Private Partnership (PPP) scheme. PPP scheme is a major source of alternative financing, because the state has a limited budget for infrastructure development. The toll road revenue is influenced by the volume of traffic that pass through the toll road. Thus, the problem of minimum traffic is one of the biggest challenges in toll road concession contract. To that end, this research will discuss the minimum traffic guarantee instrument in Indonesia. The purpose of this research was to determine the risk-sharing which regulated in a PPP scheme, knowing the legal provisions concerning the infrastructure development of toll road through PPP scheme in Indonesia and determine whether Indonesia has implemented the minimum traffic guarantee instrument in PPP agreement.;

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