

## Subsidi angkutan udara kargo dalam kerangka program jembatan udara sebagai kewajiban pelayanan publik di Indonesia = Cargo air transport subsidy in air bridge programs framework as public service obligation in Indonesia / Muhammad Ikram Afif

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### Abstrak

#### **ABSTRAK**

Negara wajib memberikan subsidi angkutan udara kargo kepada Badan Usaha Angkutan Udara berbentuk Badan Usaha Milik Negara (BUMN) dan non-BUMN. Pemberian ini dilakukan dengan pemberlakuan kewajiban pelayanan publik. Subsidi angkutan udara kargo sebagai bagian dari program Jembatan Udara dilaksanakan oleh pemerintah melalui penugasan kepada BUMN yang bergerak di bidang angkutan udara dan/atau Badan Usaha Angkutan Udara melalui pemilihan penyedia jasa lainnya sesuai dengan ketentuan peraturan perundang-undangan. Penelitian ini mencoba untuk menganalisis permasalahan terkait penerapan pemberian subsidi angkutan udara kargo sebagai kewajiban pelayanan publik berdasarkan kerangka hukum pelayanan publik di Indonesia; perbandingan pelaksanaan subsidi angkutan udara kargo di Indonesia dengan pelaksanaan kewajiban pelayanan publik di Uni Eropa, Malaysia, dan Australia; dan kaitan antara penerapan subsidi angkutan udara kargo terhadap Badan Usaha Angkutan Udara non-BUMN dengan kerangka kewajiban pelayanan publik di Indonesia. Penelitian ini merupakan penelitian yuridis normatif dengan cara menarik asas hukum tertulis maupun tidak tertulis dan perbandingan terhadap pelaksanaan subsidi angkutan udara kargo di Indonesia dengan pelaksanaan kewajiban pelayanan publik di Uni Eropa, Malaysia, Australia. Simpulan penelitian ini yaitu subsidi angkutan udara kargo merupakan bagian dari kewajiban pelayanan publik di Indonesia sesuai dengan kerangka hukum pelayanan publik di Indonesia; terdapat perbedaan antara subsidi angkutan udara kargo di Indonesia dengan kewajiban pelayanan publik sejenis di Uni Eropa, Malaysia, dan Australia berdasarkan sistem pemilihan badan usaha angkutan udara, penyelenggara, dan bentuk subsidi yang diberikan; dan kaitan antara pemberian subsidi angkutan udara kargo terhadap badan usaha angkutan udara non-BUMN dalam Kerangka Kewajiban Pelayanan Publik di Indonesia dapat dilihat melalui pergeseran paradigma pelayanan publik di Indonesia dan berdasarkan konsep tindakan hukum pemerintah berdasarkan hukum administrasi negara di Indonesia.

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#### **ABSTRACT**

The state is obliged to subsidize cargo air transport to Air Transport Business Entities in the form of State-Owned Enterprises (SOEs) and non-SOEs. This provision is carried out by the application of public service obligation. Cargo air transport subsidy as part of the Air Bridge program are carried out by the government through assignments to SOEs engaged in air transportation and/or Air Transport Business Entities through the selection of other service providers in accordance with statutory provisions. This study attempts to analyze the problems related to the implementation of subsidized cargo air transport as a public service obligation based on the legal framework of public services in Indonesia; comparison of the implementation of cargo air transport subsidy in Indonesia with the implementation of public service obligation in the European Union, Malaysia and Australia; and the connection between the application of

cargo air transport subsidy to non-SOEs Air Transport Business Entities with the framework of public service obligations in Indonesia. This research is a normative juridical method by drawing written and unwritten legal principles and comparing the implementation of cargo air transport subsidy in Indonesia with the implementation of public service obligations in the European Union, Malaysia, and Australia. The conclusions obtained from this study are that cargo air transport subsidy are part of the public service obligation in Indonesia in accordance with the legal framework of public services in Indonesia; there is a difference between cargo air transport subsidy in Indonesia and similar public service obligation in the European Union, Malaysia and Australia based on the system of selecting air transport business entities, organizers, and the form of subsidies provided; and the link between providing air cargo air transport subsidy to non-SOEs air transport business entities in the Public Service Obligation Framework in Indonesia can be seen through the paradigm shift in public services in Indonesia and based on the concept of government legal action based on administrative law in Indonesia.</p>