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RESEARCH ARTICLE

LEGAL CONSTRUCTION OF TRAINING SHIP MANAGEMENT OWNED BY THE HUMAN RESOURCE DEVELOPMENT AGENCY FOR INDONESIAN TRANSPORTATION BASED ON DIGNIFIED JUSTICE VALUES

Wahyu Wibisono¹, Gunarto² and Anis Mashdurohatun²

1. Doctorate Student of Faculty of Law Sultan Agung Islamic University Semarang, Indonesia.
2. Faculty of Law Sultan Agung Islamic University Semarang, Indonesia.

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Abstract

In addition to the problem of making policies on the management of training ships for shipping schools / academies, as an educational institution that prepares prospective sailor, the quality of the education of cadets in Indonesia are of course greatly influences the success and safety of shipping. The making of policies regarding the management of training ships for shipping schools / academies is one of the interesting things to be discussed and reviewed because it is one of the factor of improving the quality of education for the shipping cadets themselves. therefore the author then discusses this matter more deeply into a study with the main issue of What are the Weaknesses of the Management of Training Ships Owned by the Human Resources Development Agency for Transportation (BPSDMP) in Indonesia Today and What are the Ideal Construction of Law Management of the Training Ships Belonging to the Resources Development Agency Human Transportation (BPSDMP) in Indonesia Based on the Value of Dignified Justice. The study was done using the constructivism paradigm and the type of research is a qualitative study with a socio-legal approach. Research shows that the Weaknesses of the Management of Training Boats Owned by the Human Resources Development Agency for Transportation (BPSDMP) In Indonesia Currently are the complexity of regulations for training ships, Supervision of the safety of cadets who use training ships as media for field laboratories, SOP vacancies, and also the Weak implementation of regulations the training ship itself. To overcome this, it is necessary to have an Ideal Construction of the Law of Management of Training Ship Owned by the Human Rights Development Agency (BPSDMP) in Indonesia Based on Dignified Justice Value which includes establishing new regulations relating to the Regulation of the Minister of Transportation of the Republic of Indonesia concerning the Operation of State's Training Ship and Organization and Ship Management.

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Corresponding Author:- Wahyu Wibisono

Address:- Doctorate Student of Faculty of Law Sultan Agung Islamic University Semarang, Indonesia.

Introduction:-

The Human Resources Development Agency (BPSDMP) of the Ministry of Transportation of Indonesia in coordination with the Minister of Maritime Affairs and the Minister of Transportation have ordered 6 (six) units of training ship for cadets, each of which are around 1200 GT (Gross Tonnage) with a capacity of up to 300 people which were built at the shipyard and domestic industry by Corporation (PT) of Steadfast Marine Pontianak. This training ship is intended for a shipping school under the auspices of the Ministry of Transportation's Human Resources Development Agency (BPSDMP) of Indonesia..

The construction of 6 training ships began in December 2015 and was completed in stages over a period of 2 years with multi-year state budget financing until 2019. Head of BPSDM of the Ministry of Transportation, Dr. WahjuSatrioUtomo explained that the order for the training ships was in accordance with the work contract, so all the training ships must be sent to the government until the end of 2017 with details of two ships coming in March-April, two more ships in September and two remaining ships in December.

In addition, there have been four (4) Training Ships that have passed the Cruise Trial such as KL Bung Tomo, owned by Poltekpel Surabaya, which made their first voyage on 3 February 2018 with a two-day travel time. The first voyage began with the PT Steadfast Marine shipyard in Pontianak, Kalimantan and arrived at Tanjung Perak Harbor on February 8, 2018. Three other Training Ships have also been launched and made their first voyage to the location of their respective schools, namely Laksamana Malahayati KL, owned by Poltekpel Malahayati Aceh on December 26, 2017 to the Port of Malahayati Aceh and KL Mohammad HusniThamrin of the School of Shipping (STIP) Jakarta on December 29, 2017 to the Port of TanjungPriok, and KL Frans Kaisiepo owned by BP2IP Sorong towards the Port of Sorong on February 2, 2018.

Head of BPSDMP, Djoko Sasono, explained that the construction of six (6) Training Ships is part of the Strengthening of Character Education (PPK), which is the character of the industry. He explained that the function of the training ship is as a place for education, training, demonstration and simulation at sea and as a class for educational and teaching activities that shape and develop and enhance knowledge, skills, understanding and experience as well as attitude in the commercial shipping technology and technology family. The granting of the training ship management rights to certain shipping schools / academies is expected to be able to utilize the ship for educational needs in both institutional and inter institutional, moreover it can generate income. But still the ownership of the Training Ship remains as the property of the Ministry of Transportation.

The minister of transportation and maritime explained that the construction and supply of the six training ships also provided private maritime schools the opportunity to be able to use the training ship including practical facilities in it. With a training ship, it will certainly be easier, including being able to help private schools and shipping academies that do not have a training ship.

However, in reality these ships are dominated and only focused on six Kemenhub-owned shipping schools, namely the Malahayati Aceh Polytechnic, STIP Jakarta, Surabaya Poltekpel, Makassar PIP, South Minahasa BP2IP, and Sorong West Papua BP2IP, resulting in other shipping schools / academies both public and the private sector cannot use it as a means of practice and training.

This is because there are no training ship management regulations that have been provided by the Ministry of Transportation. Of course the above must be a concern for the Ministry of Transportation and BPSMP, especially also for the government to immediately synergize with related institutions to formulate and compile training ship governance regulations for shipping schools / academies in Indonesia. So that social jealousy between institutions can be minimized and justice can be felt in all shipping schools / academies in Indonesia.

In addition to the issue of policy making regarding the management of training ships for shipping schools / academies as educational institutions that prepare prospective sailor, of course the quality of cadet education to related parties, especially education in the port area, greatly influences the success and safety of shipping. The making of policies regarding the management of training ships for shipping schools / academies is one of the interesting things to be discussed and reviewed because of the factor of improving the quality of education for the shipping cadets themselves.

Seeing from the problem presented above, the writer discussed the problem in this article with the main problems studied, as follows:

1. What are the Weaknesses of the Management of Training Ship Owned by Transportation Agency for Human Resources (BPSDMP) in Indonesia currently ?
2. What are the Ideal Construction of Legal Management of a Training Ship Owned by the Human Resources Development Agency for Transportation (BPSDMP) in Indonesia Based on Dignified Justice Values?

Method of Research:-

The paradigm that is used in the research this is the paradigm of constructivism which is the antithesis of the understanding that lay observation and objectivity in finding a reality or science knowledge. Paradigm also looked at the science of social as an analysis of systematic against Socially Meaningful Action through observation directly and in detail to the problem analyzed.

The research in writing this dissertation is a qualitative research . Writing aims to provide a description of a society or a certain group of people or a description of a symptom or between two or more symptoms.

Approach (approach) the research is to use the approach of Socio-Legal , which is based on the norms of law and the theory of the existing legal enforceability of a sociological viewpoint as interpretation or interpretation .

As for the source of research used in this study are :

1. Primary Data, is data obtained from information and information from respondents directly obtained through interviews and literature studies.
2. Secondary Data, is an indirect source that is able to provide additional and reinforcement of research data. Sources of secondary data in the form of: Primary Legal Material and Secondary Legal Materials and Tertiary Legal Material.

In this study , researchers used data collection techniques, namely literature study, interviews and documentation. In this study, the researcher is a key instrument that is the researcher himself who plans, collects, and interprets the data. Qualitative data analysis is the process of searching for, and systematically compiling data obtained from interviews, field notes and documentation by organizing data into categories, describing it into units, synthesizing, compiling into patterns, selecting important names and what will be studied and make conclusions.

Research Result and Discussion:-

Weaknesses of the Management of Training Ship Owned by Transportation Agency for Human Resources (BPSDMP) in Indonesia currently:

In the management of training ships owned by the human resources Department in the transportation sector in Indonesia, there are still many weaknesses that the author has stated as follows :

Management and Operation of Training Ship When It Still Using Budget from Public Service Agency (Blu) And Orin Pure Rupiah By Unit Training

The current training ship management methods are as follows :

Requires a routine budget every month , including:

In Relation to output activities :

1. Implementation of guard services for officers and training crew .
2. Activity of Training Ship (On Board training)of cadets on the training ship .
3. Activity of Training Ship (On Board training)of Vocational Youth/ Private Academy aboard the ship.
4. Activity stabilization shipping activities for Students / Officers Students in aboard the training ships.
5. Ship repair and maintenance supervision activities.

Non- operational goods expenditures which includes :

1. The cost of administration and the purpose foreveryday neccessity aboard the training ship.
2. Work clothes / Workpack / Overall
3. Work shoes / Safety Shoes
4. Rain Coat

5. Food / consumption of train crew
6. Procurement of fresh water / clean water
7. Appropriate Ship Service in harbor
8. Crew's Salary

Activities carried out in accordance with the needs and adjust the activities of others include:

1. Equipment and machinery maintenance costs.
2. Ship fuel oil
3. Engine-lubricating oils and auxiliary engines
4. Maintenance of decks and ship engines
5. Repair costs (docking)

Absence of a Training Ship Management Center:

It is Indeed, that to date there has never been a special SATKER in our country that deals with the management of training ships at the Ministry of Transportation or other Ministries, but we can see in other countries such as Japan where in the management of training ships in Japan using an independent administration system system called "The National Institute for Sea Training "(same as Indonesia's SATKER Specifically for the management of training ships) the management is as follows:

Management of training ships) the management is as follows :

Organizational Structure and Work Procedure:

1. The training ship hall as an echelon III unit
2. Financial Management Unit
3. Unit of operations aboard training ship
4. Education and training unit
5. QMR unit
6. Units that are assigned to management of the ship in order to support the sea-toll program/ as a captain, entered in the division of development and business

Power Cost Source (Budgeting):

In carrying out its duties, the Training Ship Management funding comes from :

1. State Funds (APBN) through DIPA and initial BLU balance
2. Subsidies in the form of scholarships
3. subsidies in the form of duty- students of the institution related and stakeholders
4. Funds from people that does not violate the law.

There is Still no Cooperation even in the Form of MoU With State-Owned Enterprises Shipping Companies

As is the case with the training ship management system, MOU system with a state-owned shipping company has not been done (in the case of training ship management), although cooperation between other private company is running well, such as cooperation between ship owners and shipping companies, in terms of cooperation between ship owners and shipping companies there are several types of cooperation (Charter Party), one of which is "bareboat charter" in this agreement the shipping company is given the right to operate the ship, but also given the responsibility for manning and maintaining the ship.

Weak Training Management Model By Training Unit:

The Training Ship Unit is a support unit that has the task of preparing training ships for academic activities and research activities. The training ship is optimized as a training facility for cadets as well as for practicing theories that have been obtained in class, so that cadets have the knowledge, understanding and skills in the shipping field and have high professional integrity. This is in accordance with the education system in Education Unit which is divided into two learning activities, namely: 40% theory and 60% practice. With the implementation of training using a training ship, it is expected that Prospective Sailors (Cadets) are ready to compete in the global market. Examples of training ship management by educational institutions can be seen at Korean Maritime and Ocean University which has two training ships named T/S Hanbada and T/S Hannara.

In order for these activities to take place effectively and efficiently, the training ship must be equipped with adequate facilities and infrastructure for the safety of the Sailing Ship, such as:

- a. The ship's navigation and machining equipment requires routine maintenance where spare parts must always be available.
- b. Train Ship Operational Needs such as ship logistics like fuel, fresh water, lubricants, food ingredients, ship's necessity and office stationery, etc.

Preparation of Standard Operational Procedure For Training Ship Management are Still In Process

In operating a Training Ship it is necessary to make Standard Operating Procedures (SOPs) that refer to national and international regulations, and to make the duties and responsibilities of all people working on board a ship and the duties and responsibilities in emergency training to be more coordinated with both, and also in the context of the need for the organization of maritime education and training organized by the Technical Implementation Unit (UPT) of the Sea Education and Training Agency within the Transportation Human Resources Development Agency and in accordance with the work programs of the Nautical and Technical majors, it is felt to be very important to make Operational Procedures, Introduction and Training to support the enhancement of the knowledge and skills of the Department of Nautics and Engineering and for those who use the Training Ship of the Human Resources Development Agency for Transportation.

Efforts to improve the knowledge and skills of cadets, in addition to through lecture activities in the classroom and practice in the lab / simulator, can also be done by providing co-curricular activities for cadets. One form of the curricular activities is in the form of introduction and training using training ships. During the Introduction and Training with the training ship, cadets also participated in learning and training on the training ship. This will provide direct experience for cadets in operating the ship and practicing the knowledge gained during lectures. Furthermore, this activity will have an impact on improving knowledge and skills and being able to deal with emergencies in personnel for cadets and for anyone using the Training ship owned by the Human Resources Development For Transportation.

Ideal Construction of Legal Management of a Training Ship Owned by the Human Resources Development Agency for Transportation (BPSDMP) in Indonesia Based on Dignified Justice Values

By looking at the weaknesses mentioned above, it is necessary to make efforts to anticipate these things. From the government there is actually a strategy of the Transportation Human Resources Development Agency which was prepared in order to support the Management of Training Ships Owned by the Human Resources Development Agency for Transportation (BPSDMP) in Indonesia Based on Dignified Justice Values described as follows:

Arranging Transportation HR Man Power Planning in Collaboration with the Transportation Research Agency:

This activity aims to get a comprehensive picture of the number and competencies of the Transportation Human Resources, both the apparatus and non-apparatus (community) human resources that will be used as main data in the implementation of various education, training and counseling programs to provide and develop human resources for Transportation as needed..

Arranging Training Needs Analysis (TNA) in Transportation HR in collaboration with the Transportation Research and Development Agency:

Transportation training that has been implemented so far is not yet fully coordinated with the sub-sector, especially in exploring the needs of human resources both competencies and the quantity needed, so that the implementation of the training is still not effective, efficient and right on target. For the future BPSDMP expects that the education and training program will be one of the main components in determining HR for human resource planning.

Developing the Quality and capacity of Transportation HR training:

In an effort to develop education and training capacity, improvements are made to the quality and quantity of education and training facilities and infrastructure through improvement, construction, modernization and optimization of education and training facilities and infrastructure. Repair and / or infrastructure development within the Transportation Human Resources Development Agency can be done in a systematic, planned, measurable and sustainable manner, with indicators of meeting the standards of infrastructure in accordance with national and international conventions.

The strategy of developing education and training facilities and infrastructure is carried out based on consideration of the equal opportunity to obtain education in the Unitary Republic of Indonesia for training in land, sea, air and railways. In addition to the construction of a new campus, development is also carried out in the form of campus development within the Human Resources Development Agency for Transportation Unit in order to increase capacity in achieving the target of meeting the needs of Transportation HR. To support the implementation of the training, BPSDM Transportation conducts procurement, improvement and rehabilitation of training facilities such as practice tools, simulators and other IT-based supporting facilities especially electronics in line with the development of science and technology.

Teaching staff and training methods are other important factors in the framework of developing the capacity of Transportation HR training. Teachers in the Transportation BPSDM environment consisting of Lecturers, Lecturers and Instructors need to be regularly upgraded skills and competencies to keep in line with the developments in science, technology and world transportation issues so that the quality of graduates produced is in line with expectations and developments in the world of transportation.

In addition, other strategies need to be carried out by considering the needs and development of information technology in the field of transportation, i.e; Develop the Quality and capacity of Transportation HR training as seen below:

1. Improvement of curriculum in schools under BPSDMP with percentage of curriculum: 70% practice and 30% theory.
2. Improving the quality of lecturers (apprenticeships and Doctoral scholarships);
3. Changing the method of education by promoting e-learning education systems, utilizing information technology, and forming LSP-1;
4. Increasing educational cooperation between BPSDMP with universities and other institutions;
5. Organizing Community Empowerment Training.
6. Arranging regulations for the implementation of Transportation HR training;

The form, structure, system and organization must always adjust to the needs and developments that occur. One of the supporting efforts to develop Transportation HR is the Institutional Restructuring of Technical Implementing Units (UPT) within the Transportation Human Resources Development Agency accompanied by the preparation of regulations on the administration of education, training and extension of transportation HR.

Improving the education and training governance and graduate quality:

Human Resources Development Agency For Transportation is an organization that is dynamic, so that efforts are needed that always pay attention and analyze the dynamics of the existing strategic environment, both national strategic issues and international strategic issues.

One of the supporting efforts to develop Transportation HR is the Institutional Restructuring of Technical Implementing Units (UPT) within the Transportation Human Resources Development Agency accompanied by the preparation of regulations. Institutional restructuring includes improving the status of educational institutions and financial management patterns of Public Service Bodies (BLU) throughout the UPT of the HR Development Agency for Transportation, upgrading Education and Training Centers to Higher Education (Polytechnics / Academies), and Echelonization or echelon improvement (echelon enhancement) for some Technical Implementation Unit (UPT), perfecting the organization of the High School into an Institute and must also be open to multi mode transportation organizations in order to support the national logistics system and the formation of units within the organization that specifically handle and manage the performance of BPSDM Transportation employees.

Increasing the absorption of transportation training graduates.

Increased absorption of education and training graduates can be done by conducting an inventory of transportation education graduates data through the preparation of a training graduates database in the BPSDM Transportation environment, as well as optimal promotion and outreach efforts on a broader scale. Joint commitment and cooperation with stakeholders, both on a national and international scale needs to be done as an effort to accelerate the absorption of transportation training graduates.

Development of government and private cooperation in the development of transportation human resources:

In the implementation of the development of human resources for transportation sector, there are still constraints in terms of both the quality and quantity of HR as well as in financial terms, because it requires a solution to the problem by involving various stakeholders, such as private parties, communities, non-governmental organizations, and Non-Governmental Organizations (NGOs), and others. The involvement of these various parties has an important role to help remember not all HR development activities can be done alone, especially in terms of availability of quantity, HR skills and its financial.

The things mentioned above according to the author are still not very effective as can be proven from the many obstacles that arise as seen in the previous sub-chapter. Therefore the Ideal Construction of Legal Management of Training Ships Owned by the Human Resource Development Agency for Transportation (BPSDMP) Based on Dignified Justice Values is needed by forming new regulations related to:

1. Regulation of the Minister of Transportation of the Republic of Indonesia concerning the Operation of State Trained Boats;
2. Ship Management.

Conclusion:-

1. The Weaknesses of Management of Training Boats Owned by the Human Resources Development Agency for Transportation (BPSDMP) in Indonesia currently are the complexity of regulatory regulations for training ships, Supervision of the safety of cadets using training Ships as media for field test, the absence of SOP, Weak implementation of supporting regulations regarding the training ship itself.
2. Ideal Construction of Legal Management of Training ship Owned by the Human Resource Development Agency for Transportation (BPSDMP) Based on Dignified Justice Value among others by establishing new regulations related to:
 - a. Regulation of the Minister of Transportation of the Republic of Indonesia concerning the Operation of State Trained Boats;
 - b. Ship Management.

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