

## Legal review of airport pass service at the airport authority office in region ii medan when entering the security restricted area

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### ABSTRACT

Airport Pass is an entry permit sign for individuals, vehicles, cargo and posts that will enter the Security Restricted Area, the requirements for obtaining which have been regulated in regulations issued by the Government. The purpose of this research is to conduct a legal review of the Airport Pass service at the Airport Authority Office in Region II Medan when entering the Security Restricted Area. The type of research in this paper is normative with a statutory and conceptual approach. While the specification of the research is analytical descriptive, namely explaining the problem according to the research title. The data used is secondary data which consists of primary legal materials in the form of Law No. 25 of 2009, Law No. 1 of 2009, Permenhub No. PM 33 TAHUN 2015, Permenhub No. PM 167 Year 2015, Permenhub No. PM 178 of 2015 and secondary legal materials in the form of books, journals, electronic news, and opinions of legal experts, laws and regulations, and writings related to research titles. Legal review of Airport Pass services at the Airport Authority Office in Region II Medan as a public service provider. Therefore, it is suggested to all partners or certain parties who already have an Airport Pass to always use it when entering the airport location and follow the usage regulations that have been set according to the mandate of the law regarding public services. Administrative sanctions for those who violate it for the sake of creating security and order in carrying out services in the Airport Region II Medan area.

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### ABSTRAK

Pas Bandara adalah tanda izin masuk bagi orang perseorangan, kendaraan, kargo, dan pos yang akan memasuki Daerah Keamanan Terbatas, yang persyaratan untuk memperolehnya telah di atur dalam regulasi yang di terbitkan oleh Pemerintah. Tujuan penelitian adalah untuk melakukan tinjauan hukum terhadap pelayanan Pas Bandara pada Kantor Otoritas Bandara di Wilayah II Medan ketika memasuki Daerah Keamanan Terbatas. Jenis Penelitian dalam tulisan ini adalah normatif dengan pendekatan perundang-undangan dan konseptual. Sedangkan spesifikasi penelitian adalah deskriptif analitis yaitu menjelaskan tentang permasalahan sesuai dengan judul penelitian. Data yang digunakan data sekunder yang terdiri dari bahan hukum primer berupa UU No. 25 Tahun 2009, UU No. 1 Tahun 2009, Permenhub No. PM 33 TAHUN 2015, Permenhub No. PM 167 Tahun 2015, Permenhub No. PM 178 Tahun 2015 dan bahan hukum sekunder berupa buku-buku, jurnal-jurnal, berita elektronik, dan pendapat ahli hukum, peraturan peundang-undangan, dan tulisan-tulisan yang berhubungan dengan judul penelitian. Tinjauan hukum terhadap pelayanan Pas Bandara pada Kantor Otoritas Bandara di Wilayah II Medan sebagai penyelenggara pelayanan publik sudah sesuai dengan prosedur yang berlaku, dalam rangka meningkatkan keamanan di Bandar udara khususnya di Daerah Keamanan Terbatas. Oleh karena itu, disarankan kepada seluruh mitra atau pihak tertentu yang sudah memiliki pas bandara agar selalu menggunakannya saat masuk ke lokasi bandara dan mengikuti regulasi pemakain yang sudah ditetapkan sesuai amanah undang-undang tentang pelayanan publik. Begitu pentingnya Pas Bandara sebagai akses masuk sehingga diberikan sanksi administratif bagi pihak yang melanggar demi terciptanya keamanan dan ketertiban dalam melakukan pelayanan di wilayah Bandara Wilayah II Medan.

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## I. INTRODUCTION

An airport is a facility where aircraft take off and land. In this case the airport is a restricted security area based on the Regulation of the Minister of Transportation (Permenhub) Number 167 of 2015 which is an amendment to the Regulation of the Minister of Transportation Number 33 of 2015 concerning Access Control to Security Restricted Areas at Airports. It contains several articles governing airport security areas, controlling access to airports and administrative sanctions for violating airport security regulations. The intended security area at the airport consists of a Security Restricted Area, a Sterile Area, a Restricted Area and a Public Area. (Aini et al., 2020).

According to Law Number 1 of 2009 concerning Aviation, it states that an airport is an area on land and/or waters with certain boundaries that is used as a place for aircraft to land and take off, take passengers on and off, load and unload goods, and place of transfer. Intra and inter-modal transportation equipped with aviation safety and security facilities as well as basic facilities and supporting facilities. Then Article 228, states that the airport authority has the duties and responsibilities: paragraph (a) to guarantee safety, security, smoothness and comfort at the airport; (b) ensure the implementation and fulfillment of the provisions of aviation safety and security, smoothness and comfort at the airport. (Indonesia, 2009b)

The airport acts as a hub for air transportation, described as an airport location point where several flight networks and routes meet according to the airport hierarchy. Gate of economic activity, aims to encourage development, growth and economic stability, as well as harmony between national development and regional development, which is described as the place and area around the airport, which is a place for entry and exit of economic activities. (Candra, 2022)

Viewed from the security aspect, the occurrence of disturbances of security and order at airports in the form of crimes such as theft of passengers' luggage and violations such as carrying prohibited items (drugs), this certainly needs to be considered in order to reduce the level of criminal incidents. In order to prevent unlawful acts from occurring, of course, it requires a level of capability of airport security officers, sufficient equipment facilities and accompanied by airport security systems and procedures. Security supervision at an airport for passengers, goods and vehicles should start from the public area where everyone is still free to go in and out without having to show identification cards or terms at the airport called the Airport Pass, this is necessary to create a more secure situation for every passenger and anyone who carries out activities in the airport area. Where, the Security Check Point (SCP) is a security check point for passengers, people, aircraft personnel and goods that will enter the restricted security area and/or waiting room at the airport terminal building. (Sugianto & Kurniawan, 2020)

Of course, as an international standard airport, it must have systematic and modern regulations in managing a facility as a public service provider. According to Law Number 25 of 2009 concerning Public Services, so-called Public Services are activities or series of activities in the context of meeting service needs in accordance with statutory regulations for every citizen and resident for goods, services and/or administrative services provided by public service provider. (Indonesia, 2009a)

Bureaucratic reform aims to provide the best possible service to the community by improving the quality of human resources so as to provide welfare and a sense of justice to the general

public. The process of reform must be carried out by the bureaucratic structure is not an easy thing because it has to critically and corrective upgrading of almost the entire bureaucratic structure and order from the all-feudal sacred to the bureaucracy with a rational configuration of authority which at the empirical level of the culture of asking to be served becomes culture of serving as a public servant.(Sadi, 2017)

With the issuance of the Public Service Law, it is hoped that public services carried out by the Government or corporations can effectively strengthen democracy and human rights, promote economic prosperity, social cohesion, reduce poverty, increase environmental protection, be wise in the use of natural resources, and deepen trust. in Government and Public Administration, where one of the obligations of the state is to serve citizens and residents to fulfill their basic rights and needs within the framework of public services which is the mandate of the Constitution 1945 of the Republic of Indonesia, building public trust in public services must be carried out by the State as public service providers in line with the expectations and demands of all citizens regarding the improvement of public services. (Sadi, 2017)

With the Regulation of the Minister of Transportation Number 167 of 2015 concerning Access Control to the Security Restricted Area at the airport, it is necessary to limit entry and exit at the airport by making an airport pass. Airport Pass is an entry permit sign for individuals, vehicles, cargo and posts that will enter a restricted security area, the requirements for obtaining it are regulated in regulations issued by the Government. The government in question is the Ministry of Transportation of the Republic of Indonesia through the Directorate General of Civil Aviation. In this case, the authority to make, issue and revoke airport passes is the Airport Authority Office in Region II Medan. The Airport Authority Office in Region II Medan is a Technical Implementation Unit within the Ministry of Transportation which is under and directly responsible to the Minister of Transportation through the Directorate General of Civil Aviation. This means that it is the extension of the Minister of Transportation in that each region has or is built an Airport Authority Office which is further divided into predetermined work areas. One of the activities carried out is to provide public services to the public by using an airport pass so that they can enter and exit the airport area according to the interests of each user. (Aini et al., 2020)

Therefore, the Airport Pass as an entry permit is one of the public services carried out by the Airport Authority Office in Region II Medan for Security Restricted Areas, which is only applied to certain areas within the airport and outside the airport. which are identified as high-risk areas for the use of Aviation Security interests, airport administrators, and other interests for the use of aviation interests where the area is monitored and Security Checks are also carried out for entry.(Indonesia, 2015a) So that with the enactment of the Airport Pass regulations, security and order will be created.

For this reason, with this research journal, the authors are interested in conducting a legal review of Airport Pass services at the Airport Authority Office in Region II Medan, whether they are in accordance with the regulations issued by the Government, be it laws regarding public services or transportation government regulations issued by the Government. already set. So that we can know whether the Airport Pass service is the right solution in maintaining security and order at the Airport of Region II Medan to provide convenience for related parties as public service providers, especially in the Security Restricted Area.

## II. RESEARCH METHOD

The type of research in this paper is normative with a statutory and conceptual approach. While the specification of the research is analytical descriptive, namely explaining the problem according to the research title. The data used is secondary data which consists of primary legal materials in the form of Law no. 25 of 2009, Law no. 1 of 2009, Permenhub No. PM 33 TAHUN 2015, Permenhub No.PM 167 Year 2015, Permenhub No. PM 178 of 2015 and secondary legal materials in the form of

books, journals, electronic news, and opinions of legal experts, laws and regulations, and writings related to the research title.

The technique of collecting legal material is done by studying library books to obtain secondary legal material which is done by taking an inventory and studying and quoting from books, articles and related laws and regulations. After the legal material is collected, it is recorded, summarized and reviewed according to the problem. Then, when legal material is collected, a qualitative analysis is carried out, namely a discussion that is carried out by combining literature research as well as interpreting and discussing. (Purwati, 2020)

This study aims to determine how much influence the quality of the Airport Pass service has for the creation of security and order in carrying out services in the Medan Region II Airport area as a public service provider, especially in the Security Restricted Area.

### III. RESULT AND DISCUSSION

#### **3.1 Duties and Functions of Public Services at Medan Region II Airport**

According to Hardiyansyah, service quality is something related to meeting customer expectations/needs, where service is said to be of high quality if it can provide products and services (services) in accordance with customer needs and expectations. The level of service quality cannot be assessed from the company's point of view but must be viewed from the customer's point of view. Therefore, in formulating service strategies and programs, companies must be oriented towards customer interests by paying attention to service quality components. (Hardiyansyah, 2011) (Alisa & Hilal, 2022)

Public service is one of the important tasks that cannot be ignored by local governments because if the service component stagnates (congestion) it is almost certain that all sectors will have an impact on congestion. provided by the central government to local governments. (Abdussamad, 2019)

In order to carry out public services, the government forms an Organizing Organization. Organizers are any state administration institutions, corporations, independent institutions established by law for public service activities, and other legal entities formed solely for public service activities. The administrator and all parts of the organizing organization are responsible for the incompetence, violation and failure to provide services. (Sadi, 2017)

In the provision of services at airports there must be a balance between the growth of users of air transportation services and the provision of infrastructure and facilities that support airport services, including services and information for consumers who use airport services (Hastono, 2008). The passenger terminal is one of the main components in the airport system because it is the place where all passenger activities take place. The performance of this passenger terminal needs to be evaluated periodically in line with the increasing number of people using airplanes as a mode of transportation. (Subekti, 2014).

Service Standard is a benchmark used as a guideline for service delivery and a reference for evaluating service quality as an obligation and promise of administrators to the community in the framework of quality, fast, easy, affordable and measurable services. (Achmad Zultan Mansur et al., 2020)

The Airport Authority Office in Region II Medan is a Technical Service Unit within the Ministry of Transportation which is under and responsible to the Minister of Transportation through the Director General of Air Transportation, who is in charge of carrying out regulation, control and supervision of flight activities at airports. Those who have a commitment will provide services in accordance with service standards set by the government.

The duties of the Airport Authority Office are to carry out arrangements, control and supervision of flight activities at the airport. while the functions carried out by the Medan Region II Airport Authority Office are (Otban, 2018) :

1. Implementation of regulation, control and supervision of the safety, security, smoothness and comfort of flights at airports;
2. Implementation of coordination of government activities at airports;
3. Implementation of regulation, control and supervision in the field of airport facilities, services and operations;
4. Implementation of arrangements, control and supervision of the use of airport land and/or waters in accordance with the master plan;
5. Implementation of regulation, control and supervision of the use of Flight Operations Safety Areas (KKOP) and Work Environment Areas (DLKr) as well as Airport Interest Environment Areas (DLKP);
6. Implementation of regulation, control and supervision of the implementation of operational performance standards for airport services, air transportation, flight security, aircraft and flight navigation;
7. Implementation of arrangements for controlling and supervising the implementation of airport environmental preservation;
8. Implementation of regulation, control and supervision in the field of air transportation, airworthiness and aircraft operation at airports;
9. Implementation of provisions regarding aircraft maintenance organizations, as well as competency certificates and aircraft operating personnel licenses;
10. Issuance of continuous airworthiness certificates for non-transport category or non-commercial aircraft. Implementation of regulation, control and supervision in the field of aviation security and emergency services at airports;
11. Implementation of administrative and household affairs at the Airport Authority Office.

### **3. 2 Types of Airport Passes for Security Restricted Areas**

Based on Law Number 1 of 2009 concerning Aviation, Regulation of the Minister of Transportation Number 33 of 2015 as amended by PM 167 of 2015 concerning Access Control to Security Restricted Areas at Airports, it has been stipulated that each airport must designate airport security restricted area for the sake of aviation security, airport administrators, and other interests. (Indonesia, 2015b)

One of the methods to enter the restricted security area of the airport is a sign of permission to enter the restricted security area in the form of an Airport Pass which is determined through a procedure. Airport Pass procedures contain procedures for requesting the issuance, renewal and extension of Airport Passes, evaluation of applications for Airport Passes, types and working areas of Airport Passes, determination of Airport Pass quotas, granting of aviation security awareness, design of Airport Passes, design updates Airport Pass, Obligations of Airport Pass holders, sanctions, and supervision of Airport Pass.

In Article 3 paragraph 1 of the Regulation of the Minister of Transportation Number PM 33 of 2015, that a Security Restricted Area is an area used for activities:

- a. aircraft movement;
- b. movement of employees or employees, and work equipment for aviation activities;
- c. movement of passengers and baggage that will board the aircraft;
- d. movement of cargo and post to be loaded onto the aircraft; And
- e. vital installations/objects directly related to aircraft operations.
- f. Means the Airport Pass for a Security Restricted Area, is only used if entering a certain area where the activities mentioned above are carried out. This is done in order to maintain security and order in the airport area.

In Article 22 of the Regulation of the Minister of Transportation Number PM 33 of 2015, the Airport Pass is given to (Indonesia, 2015a):

- a. individuals who carry out activities within a security restricted area; And
- b. vehicles that will operate within a security restricted area.

The type of Airport Pass for individuals as stated in article 23 of the Regulation of the Minister of Transportation Number PM 33 of 2015 is given to:

- a. for permanent individuals. In this case it is given to individuals but there must be provisions by the work area and it is given based on; level of risk, field of work (field of business), and accessibility.

So the intended individual:

1. Airport Management Units and Airport Business Entities;
  2. Air Transportation Business Entity;
  3. Legal entities conducting activities at the airport;
  4. Government agencies that carry out government activities at airports; And
  5. Member of the airport security committee.
- b. for temporary individuals (visitors). In this case it is given to individuals for activities; official visits, surveys and/or education and training practices.

For the record, while in a security restricted area, temporary Airport Pass users (visitors) must be accompanied by personnel who have permanent (permanent) passes that are valid and in accordance with the work area (Article 27 Permenhub No. PM 33 of 2015).

The type of Airport Pass for the vehicle stated in Article 28 is given to:

- a. for permanent vehicles. In this case determined by the time period. As for the Airport Pass that is permanent (permanent) is given to operational vehicles for activities: fuel supply, catering, maintenance, airport patrol, supporting the construction and development of airports, and executors of aviation activities.
- b. incidental vehicles. In this case it is given to vehicles for activities; medical assistance, government at the airport in addition to fostering aviation activities, government in the field of law enforcement and state protocol.

The use of the Airport Pass for incidental vehicles while in the Security Restricted Area must:

1. placing the Airport Pass on the vehicle;
2. guided by a security patrol vehicle; And
3. Accompanied by airport security personnel.

### **3.3. Security Examination Officer at Medan Region II Airport**

Air transportation has a function as a supporting element (servicing sector) and a driving element (promoting sector). The function as a supporting element is related to the ability of air transportation to provide effective and efficient transportation services. The function as a driving element is the ability of air transportation to open up isolated areas and remote areas and islands (Sartono et. al, 2017). This function as a driving element is very important in realizing connectivity in Indonesia. This relates to the geographical conditions of Indonesia where most of its territory consists of islands and archipelagos.(Lestari et al., 2020)

The air transportation system in Indonesia is increasingly playing a role in economic development. It is the authority of air transportation to be able to serve the entire archipelago, especially in relation to accelerating the flow of information, goods, passengers and so on. Airports are a very important supporting infrastructure for air transportation because areas that were previously difficult to reach by land transportation can now be reached through air transportation to connect in the fields of economy, government, tourism and others. (Susanto et al., 2019)

In order to prevent unlawful acts from occurring, of course, it requires a level of capability of airport security officers, sufficient equipment facilities and accompanied by airport security systems

and procedures. Viewed from the security aspect, the occurrence of disturbances of security and order at airports in the form of crimes such as theft of passengers' luggage and violations such as carrying prohibited items (drugs), this certainly needs to be considered in order to reduce the level of incidents.(Susanto et al., 2019)

Those who become airport security officers are called Aviation Security or abbreviated as AVSEC. AVSEC is the unit responsible for the security of flight operations and facilities at the airport which includes the security of passengers, goods, aircraft, facilities, vital objects, land and air sides, etc. especially those within the airport perimeter area. AVSEC or Aviation Security is not Security in general like Security Guards, Security Banks, and Security Malls. However, AVSEC has special education to gain expertise in the field of security. AVSEC can also be called the Airport Police where the duties and responsibilities are to secure, protect as well as ward off disturbances that could endanger flight regulations. AVSEC must have a special proficiency mark or called a LISENCE/CERTIFICATE/STKP (Officer Competency Certificate). (Bate'e, 2021)(Susanto et al., 2019)

AVSEC officers are critical in the aviation industry to protect civil aviation against unlawful acts and disturbances for the safety of all passengers, crew, ground personnel and the general public. Safety and Security in the Aviation industry is very Important because the global aviation industry contributes to economic development. The aviation industry is an important contributor to economic development. The aviation industry has experienced very rapid development, this is evidenced by the soaring number of passengers and airlines since the introduction of aviation industry regulations. (Utama et al., 2021)(Wicaksono et al., 2022)

Security supervision at an airport for passengers, goods and vehicles starts from the public area where everyone is still free to go in and out without having to show an identification card, this is necessary to further create a safe situation for every passenger and anyone carrying out activities in the airport area . But for a Security Check Point (SCP) it is a security check point for passengers, people, aircraft personnel and goods that will enter the Security Restricted Area and/or the waiting room at the airport terminal building. Based on SKEP 2765/ XII/2010 the security check point (SCP) is divided into 2 (two) areas, namely(Susanto et al., 2019) :

1. The first security check point (Security Check Point / SCP-1), located at the entrance to the area around the departure reporting area (counter check-in and Must have at least 1 (one) inspection line.
2. The second security check point (Security Check Point/SCP2), located at the entrance area to the waiting room and the inspection line that uses aviation security equipment must have security equipment at least including a checked baggage x-ray machine; metal detector gate (Walk Through Metal Detector/WTMD); and a handheld metal detector (HHMD).

Where AVSEC's duties are regulated include: Examination of documents, baggage and cargo, inspection at check-in, inspection of flight crew, transfer and transit passengers, handling of dangerous objects such as weapons, handling of baggage, and also cabin baggage, supervision of flight paths aircraft passengers from check-in to the aircraft lounge and also to the airside. Supervision is also carried out on the paths leading to the aircraft and from existing aircraft. Control of cargo, sorting, packaging, shipping, and supervision are all carried out by Aviation Security.

AVSEC's next task is to handle if there are materials and goods that indicate danger to many people, postal items and also other diplomatic shipments. The safety of passengers, flight crew, ground personnel and the general public should be the primary objective of each Member State in all matters relating to the handling of security against acts of unlawful interference in aviation

#### **3.4. Legal Review of Airport Pass Service at the Medan Region II Authority Office When Entering a Security Restricted Area**

According to the Big Indonesian Dictionary, the word review comes from the word review which means to see, visit, examine and examine and then draw conclusions. Then the review is the result

of reviewing activities, views, opinions (after investigating or studying). So a review is a careful examination, investigation, data collection activities, processing, analysis and presentation of data carried out systematically and objectively to solve a problem.

In Article 33 of the Regulation of the Minister of Transportation Number PM 33 of 2015, it is the Airport Authority Office that issues the Airport Pass. So Issuance of Airport Passes as referred to in this case is the the Airport Authority Office in Region II Medan. Of course, issuing an airport pass is not easy for anyone, it must have procedures and requirements. For airport pass holders, there are obligations that they must do so that they keep holding the airport pass, namely (Indonesia, 2015a)

- :
- a. maintaining security and order at the airport;
  - b. protect the Airport Pass from unauthorized use;
  - c. comply with the use of the Airport Pass according to the provisions;
  - d. return the Airport Pass that has finished its use or expired to the Airport Administration Unit or Airport Business Entity;
  - e. comply with the rules and other provisions in the Security Restricted Area for holders of Airport Passes for vehicles.

Besides that, the work unit of the airport authority will block the Airport Pass if:

- a. Airport Pass that has expired;
- b. Airport Pass that is invalid and revoked;
- c. Lost airport pass.

The reason for implementing the Airport Pass as entry access is to maintain safety, security and comfort in the airport area. But will imposing an Airport Pass for interested people not hamper activities at the airport or will it be inconvenient for those who want to enter the airport? Especially if someone's permanent Airport Pass that is used to entering is suddenly lost or left behind, or due to forgetting to re-register because it has expired.

When entering the airport, we will meet the aviation security personnel on duty at the access control point and are stationed at each access control point. So that it will be difficult for interested partners to enter the airport if the airport pass is lost, left behind or expires, because it will not be allowed by the Security Officer.

As a public service provider, they must strictly carry out the applicable procedures according to directions from the airport authority.

#### IV. CONCLUSION

Legal review of the Airport Pass service at the Airport Authority Office in Region II Medan as a public service provider, is in accordance with applicable procedures, in order to improve security at airports, especially in Security Restricted Areas. Therefore, it is suggested to all partners or certain parties who already have an airport pass to always use it when entering the airport location and follow the usage regulations that have been set in accordance with the mandate of the law on public services. The airport pass is so important as entry access that administrative sanctions are given to those who violate it in order to create security and order in carrying out services in the Medan Region II Airport area. Hopefully, with the enactment of airport passes at access control points and placed at each access control point in a disciplined and systematic manner, it is hoped that aviation safety and security will be achieved and preventing unlawful acts with the capabilities of professional airport security officers.

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