

## Utilization of the River for Crossing Business by Taeng Village Communities in Gowa Regency

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### ABSTRACT

The research objective to analyze permits for the use of rivers used as crossing businesses and analyze and analyze the responsibilities of ferry service managers to users of crossing services in the event of an accident. The research used the empirical legal research, is a type of legal research that functions to be able to see the law in a real sense. Sources of data were obtained through primary and secondary sources, as well as interviewing the Head of the Pompengan Jeneberang River Basin Office, the Head of the River, Lake and Ferry Transportation Office and the Crossing Business Owner in Taeng Village. This research was then analyzed qualitatively after the data analysis was completed, the results were presented descriptively. The research result indicates that the responsibility of the manager of the ferry service to the user of the ferry service in the event of an accident has 3 responsibilities, the first is civil responsibility on the basis of acts against law, the second is the responsibility of the carrier in the event of damage resulting from the transportation and moral responsibility and legal protection provided preventive and repressive.

### ABSTRAK

Penelitian ini bertujuan untuk menganalisis izin terhadap pemanfaatan sungai yang dijadikan usaha penyeberangan dan menganalisis tanggung jawab pengelola jasa penyeberangan terhadap pengguna jasa penyeberangan bila terjadi kecelakaan. Penelitian ini menggunakan tipe penelitian hukum empiris, berupa jenis penelitian hukum yang berfungsi untuk dapat melihat hukum dalam artian nyata. Sumber data diperoleh melalui sumber bahan primer, sekunder, serta mewawancarai Kepala Kantor Balai Besar Wilayah Sungai Pompengan Jeneberang, Kepala Kantor Angkutan Sungai, Danau, dan Penyeberangan dan Pemilik Usaha Penyeberangan di Desa Taeng. Penelitian ini selanjutnya dianalisis secara kualitatif setelah analisis data selesai, hasilnya disajikan secara deskriptif. Hasil penelitian ini menunjukkan bahwa tanggung jawab pengelola jasa penyeberangan terhadap pengguna jasa penyeberangan bila terjadi kecelakaan terdapat 3 tanggung jawab, yang pertama tanggung jawab secara perdata dengan dasar perbuatan melawan hukum, yang kedua Tanggung jawab pengangkut bilamana terjadi kerusakan yang ditimbulkan akibat dari pengangkutan itu dan tanggung jawab secara moral dan perlindungan hukum yang diberikan preventif dan represif.

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## I. INTRODUCTION

The ideals to be achieved by the Indonesian nation is to realize the welfare and prosperity of the community. This is manifested in the utilization of the earth, water and their contents (Jabatan, 2006). In this regard, Article 33 Paragraph (3) of the 1945 Constitution of the Republic of Indonesia (hereinafter referred to as the 1945 Constitution) stipulates that "Earth, water and the natural resources contained therein are controlled by the State and used as much as possible for the prosperity of the people."

A more concrete embodiment related to the ideals of the Indonesian people can be in the form of using rivers as public transportation businesses, such as ship crossing businesses that arise because of the community's need for more efficient access from villages to cities or vice versa (Pudyatmoko, 2009). This has encouraged community initiatives to create river crossing businesses that transport motorized vehicles and individuals.

A transport is said to be good when *First*, the travel time is fast enough or there is no traffic jam, *second*, sufficient frequency of service, and *third*, safe and comfortable service conditions. To achieve such an ideal condition is determined by various factors that are components of transportation, namely the condition of the infrastructure and its network system, the condition of the facilities, and what is no less important is the mental attitude of the users of the transportation facility itself (D, 2005).

Furthermore, the rules regarding permits for riverbanks are regulated in Article 57 Paragraph (1) and Paragraph (2) of Government Regulation Number 38 of 2011 Concerning Rivers (hereinafter referred to as PP No. 38/2011), which stipulates that "everyone who carries out activities in the river area is required to obtain a permit", and the activities referred to in Paragraph (1) include Construction implementation in river space; Implementation of construction that changes the flow and/or river channel; Utilization of riverbanks and borders; Utilization of former rivers; Utilization of river water other than for daily basic needs and smallholder agriculture in the existing irrigation system; Utilization of the river as a provider of hydropower; Utilization of rivers as transportation infrastructure; Utilization of rivers in forest areas; Discharge of water to the river; Collecting mining commodities in the river, and Utilization of rivers for fisheries using cages or floating nets."

One of the utilization of riverbanks can be found in Gowa Regency, South Sulawesi, where the technical arrangements can be seen in Article 79 Paragraph (3) of the Gowa Regency Regional Regulation Number 15 of 2012 concerning the Gowa Regency Spatial Plan for 2012-2032 (hereinafter referred to as Regional Regulation). RTRW of Gowa Regency) which stipulates that "the general provisions of zoning regulations for river border areas as referred to in Paragraph (1) letter b include: Activities that are allowed according to the designation include activities to utilize riverbanks for Green Open Space (RTH), installation of stretches of electric power transmission networks, telephone cables, drinking water pipes, construction of water traffic infrastructure, water intake and disposal buildings, supporting buildings for city infrastructure systems, activities to provide locations and evacuation routes for disasters, as well as construction of buildings for the purpose of monitoring disaster threats; Activities that are permitted with conditions include agricultural cultivation activities with plant species that do not reduce the strength of the soil structure and other activities other than those referred to in letter a which do not interfere with the function of the river border as a local protected area, including the activities of placing billboards and bulletin boards, constructing restricted buildings. only for buildings supporting river transportation activities, water recreation activities, as well as inspection roads and river water level monitoring buildings; And Activities that are not allowed include activities that change the landscape, activities that interfere with soil fertility and durability, hydrological and hydraulic functions, preservation of flora and fauna, preservation of environmental functions, activities of utilizing standing products, activities that block and/or close evacuation spaces and routes.

disasters, waste disposal activities, and other activities that disrupt the function of the riverbank as a local protected area.”

Based on the provisions above, every activity or business carried out on the riverbank is required to have a permit from the local government. In this study, the business of crossing the Jenebereng River in Taeng Village must have a permit as stipulated in PP No. 38/2011 *because*. Regional Regulation on Regional Spatial Planning for Kab. Gowa. Regarding the use of rivers, this is also regulated in Article 3 Paragraph (1) and Paragraph (2) of the Regulation of the Minister of Public Works and Spatial Planning Number 28 of 2015 (hereinafter referred to as PermenPUPR No. 28/2015) which stipulates that: "The use of rivers and lakes is intended as an effort so that activities for the protection, use and control of the resources in the rivers and lakes can be carried out in accordance with their objectives." Determining river boundary lines and lake boundary lines aims to: the function of rivers and lakes is not disturbed by the activities that develop around them; utilization activities and efforts to increase the value of the benefits of existing resources in rivers and lakes can provide optimal results while preserving the functions of rivers and lakes; And the destructive power of river and lake water on the environment can be limited.

Based on this regulation, if it is related to the use of rivers in Kab. Gowa, it is necessary to study the regulations issued by the Regional Government of Kab. Gowa in the form of Regional Regulation on Regional Spatial Planning for Kab. Gowa, where in Article 12 Paragraph (1) letter b it is regulated that the river transportation network system, and crossings in Kab. Gowa is a river port and a ferry port. Article 15 of the Regional Regulation *a quo* arrange that: "The river and ferry transportation network system as referred to in Article 12 Paragraph (3) in Gowa Regency is developed to serve the movement of passengers and goods in and out that connects Gowa Regency with settlement centers in Takalar Regency; The river and ferry transportation network system as referred to in Paragraph (1) in Gowa Regency is developed on the Jeneberang River; Ferry transportation nodes in the form of ferry piers include Ferry port in Taeng Village, Pallangga District; Ferry port in Bontoramba Village, Somba Opu District; And The ferry port in Tamanyelleng Village, Barombong District”.

The operation of river and ferry transportation is regulated in accordance with the provisions of laws and regulations. Therefore, based on the observations of researchers as a community of Taeng Village and supported by various information on community activities that run the ferry business, river transportation in Taeng Village, Kab. Gowa is not in accordance with applicable regulations. Furthermore, researchers conducted pre-research in Taeng Village by conducting interviews with Mr. Nurdin Yasin as the Head of Taeng Village who stated that: (Yasin, 2022)

"Actually the crossing business on the Jeneberang River has had a very positive impact on the people in Taeng Village, one of which is to facilitate access from Taeng Village to Makassar City which avoids traffic jams. It's just that through the administrative aspects, in this case, crossing business permits do not yet exist or are still available *illegal*".

The crossing business on the Jeneberang River needs to be studied from the aspect of valid permits issued by the Regional Government of Kab. Gowa because this is considered *urgent* to protect crossing businesses and service users, for example if one day an accident occurs. This was reinforced by interviews conducted by researchers with Mr. Daeng Rurung as the owner of the crossing business manager in Taeng Village who stated that: (Rurung, 2022)

"It is true that there are currently 4 (four) crossing businesses in Taeng Village, but in 2015 there was a ship accident which resulted in losses for service users and 2 (two) people died. The captain of the ship was then sentenced to a prison sentence because he was deemed to have committed negligence." According Mr. Daeng Rurung.

Because a ship accident had occurred, the owner of the crossing business in Taeng Village took action by adding parachutes or buoys on each side of the ship in order to protect users of the

crossing service if an accident occurs in the future. It's just that, according to researchers, it is not sufficient enough to protect boat service users on the Jeneberang River, there should be a policy from the Regional Government of Kab. Gowa, in responding to crossing businesses, for example, is taking preventive and repressive measures and according to researchers, it is better if there is a regional regulation specifically for ferry permitting business in order to create legal certainty and legal protection.

However, in reality the government has not carried out socialization in the form of education on efficient and effective transportation services or supervision. Thus the business actors do not know about the rules and feasibility in running the crossing business so that no cooperative relations are established. Since the operation of the Jeneberang River crossing business, there have been many casualties and property losses due to the sinking of the service provider's ship and the users of the crossing services will be harmed. This is what prompted the author to research related to the supervision carried out by the government and the implementation of river crossing businesses by business actors.

## II. RESEARCH METHODS

This research uses empirical research methods. The empirical legal research method is a legal research method that functions to be able to see the law in a real sense and research how the law works in society (Irwansyah & Yunus, 2015). To obtain data and information related to problems discussed, this research was carried out in Gowa Regency namely at the Office of Public Works and Public Housing (PUPR) at the Balai Besar Pompengan Jeneberang River in Gowa Regency as well as in Pallangga District, Taeng Village with the consideration of being locations that have the role of the district government in utilization river in field of crossing business. The selected research location has a direct relationship with the object of researchers are more easy to obtain data and information. The types and sources in this study divided into two types of data primary directly from the field research by interviewing the head of Balai Besar Office Pompengan Jeneberang River Region and Legal Officers and Supervision, crossing service users and Entrepreneurs River crossings in Gowa Regency, especially in the District Pallangga Taeng Village and secondary data is obtained through library research, books, internet, laws and regulations and documents is relevant to this research. The research will be carried out by collecting data by reading and examining some literature, books, laws and regulations related to the problem under study to obtain secondary data to make it easier to analyze existing problems and also field research, research conducted through interviews (*interview*) namely by conducting questions and answers directly to the informant (S & Nurbani, 2013), namely to the Head of the Office of the Balai Besar Wilaya Pompengan Jeneberang River and Officials in the Field of Law and Supervision. in this research analyzed qualitatively ie outlining and systematically compiling the data obtained from interviews with informants, to achieve clarity of the issues discussed. After the data analysis is complete, the results are presented descriptively, namely by describing in detail the problems of using the river used as a crossing in Gowa District, Pallangga District, Taeng Village, in order to provide a clear and directed understanding of the research results. From these results, a conclusion is then drawn which is the answer to the problems in this research.

## III. RESULTS AND DISCUSSIONS

### 1. Responsibilities of Crossing Service Managers for Crossing Service Users in the Event of an Accident

#### Crossing Service Manager Responsibilities

Legal responsibility or *liability* often interchanged with *responsibility*. *Liability* is a broad legal term that designates almost any character of risk or responsibility, which depends on or may include all the actual and potential character of rights and obligations such as losses, threats, crimes, costs or

conditions that create the duty to implement the law immediately or in the future (Darus, Hukum Notariat dan Tanggungjawab Jabatan Notaris, 2017). *Responsibility* means things that can be accounted for obligations, and includes decisions, skills, abilities and skills including also being responsible for the laws that are implemented. In understanding and practical use, the term liability refers to legal responsibility, while responsibility refers to political responsibility (Sutedi, 2015).

Civil law liability based on unlawful acts (*unlawful act*) is based on the existence of legal relations, rights and obligations (Miru, 2017). The conception of unlawful acts in Indonesia is based on Article 1365 of the Civil Code which contains the rule that: "Every act that violates the law and brings harm to another person, obliges the person who caused the loss because of his mistake to compensate for the loss"

So that an act is said to be an unlawful act and can be held accountable for paying compensation if it fulfills the following elements: Act, The element of action as the first element can be classified into two parts, namely actions that are intentional (performed actively) and actions that are negligence (passive/not intending to do so). According to civil law experts as well as criminal law agree that the act (*deed*) is not only a positive deed, in the sense of the word doing something, but also a result of not doing something. This means that not only intentional acts but also negligent acts (Darus, 2017).

In relation to the actions taken by business actors crossing the Jene'berang river in Gowa Regency, in other words, making use of the river, it is very clear that they have a legal obligation to apply for a location permit for the utilization of the Jene'berang river in Gowa Regency because of the Jene'berang river crossing activity. berang as mandated in Government Regulation Number 38 of 2011 concerning Rivers and Minister of Transportation Regulation Number 61 of 2021 concerning the Organization of River and Lake Transportation (Abubakar, 2011).

A person who deliberately does not carry out an effort is obliged to do so, is equated with someone who commits a prohibited act and therefore violates the law. As well as expressly regulated in Article 1366 BW contains rules that:

"Every person is responsible not only for losses caused by his actions, but also for losses caused by his negligence or lack of care."

Against the Law, Since 1919 in the Netherlands there has been a widespread understanding of tort following the *Lindenbaum vs. Cohen*. An unlawful act is then interpreted not only as an act that violates written norms, namely an act that is contrary to the legal obligations of the perpetrator and violates the principles of the subjective rights of others, but also an act that violates unwritten rules, namely the rules governing morality, propriety, thoroughness and caution that a person should have in social life in society or towards the property of community members. This unlawful element is interpreted in the broadest sense, which includes the following matters: (a) Acts that violate the law. (b) (Violating the rights of others guaranteed by law. (c) Actions that are contrary to the legal obligations of the perpetrator. (d) Acts contrary to morality. (e) Actions that are contrary to good attitudes in society to pay attention to the interests of others.

Based on this, the researcher reveals the meaning of actions carried out by legal subjects must be against the law by violating applicable regulations or legal rules, both written and unwritten, which are considered law, this shows that it is clear that business actors are making use of rivers that are used as crossing businesses. the Jene'berang river in Taeng Village, Gowa Regency, has violated Government Regulation Number 38 of 2011 concerning Rivers and Minister of Transportation Regulation Number 61 of 2021 concerning the Implementation of River and Lake Transportation.

There was an Error on the Part of the Offender, Article 1365 BW requires an element of "error" (*debt*) in an Unlawful Act, it is necessary to know how the scope of the elements of the error is. An

action is deemed by law to contain an element of error so that it can be held legally responsible if it fulfills the following elements: (a) There is an element of intent, or (b) here is an element of negligence (*negligence, culpa*), and (c) There are no excuses or excuses (*justification*), as is the case for *majeur*, self-defense, insane, etc.

Mistakes that are intentional, for example is that the perpetrator did something other than what he should have done. Meanwhile negligence means not doing something that should be done or neglecting one's obligations. The error problem has 2 (two) possibilities, namely: (a) The person who is harmed also has the blame for the loss. In this case, part of the loss is borne by him, (b) unless the unlawful act is done intentionally. Losses incurred by several makers. In this case, according to the Hoge Raad, then each person is responsible for the occurrence of the said act, can be prosecuted in its entirety. However, it is not clear whether only one of the perpetrators could be punished to pay compensation, even though the perpetrators consisted of several people.

Thus, the researchers concluded that the mistake in utilizing the Jene'berang River, Gowa Regency, was used as a river crossing business, namely that there was an element of intent, where the business actors who carried out the river crossing business in Taeng Village, Gowa Regency did not comply with the provisions of Government Regulation No. 38 of 2011 concerning Rivers and Regulation of the Minister of Transportation Number 61 of 2021 concerning the Organization of River and Lake Transportation.

There is a Loss, Article 1365 of the Civil Code determines the obligation of the perpetrator of the unlawful act to pay compensation. However, there are no further arrangements regarding the compensation. Article 1371 paragraph (2) of the Civil Code provides a few guidelines for this by stating that compensation is assessed according to the position and ability of both parties and according to circumstances. Furthermore, guidelines can be found in Article 1372 paragraph (2) of the Civil Code which states that in assessing one or another, the judge must pay attention to the severity of the insult, as well as the rank, position and ability of both parties, and the circumstances.

Material losses are losses in the form of materials, such as damage to goods, no profits, loss of goods, and so on. Meanwhile, moral/immaterial losses involve honor, self-esteem, etc (Aspan, Arifin, Ilyas, & Yunus, 2019). and are valued in money according to the plaintiff's social status. Therefore, the researcher relates this to the actions of business actors who use the river as a business crossing the Jene'berang River in Taeng Village, Gowa Regency, it is very clear that their actions have caused losses to the Regional Government of Gowa Regency because there is no regional original income (PAD). which is due to the absence of regional regulations in accordance with the Principles *No Taxation Without Representation* that the collection of mandatory taxes from regional regulations passed by parliament as well as losses arising from the utilization of the Jene'berang river and on environmental health along the Jene'berang river, Gowa Regency.

There is a Causal Relationship between errors and losses, In an unlawful act, the element of causality is very important, where it must be proven that the fault of a person causing harm to another person or the loss of another person is really caused by the fault of the person being sued. So that mistakes and losses have a close relationship and are an inseparable unit.

So according to the researchers this is in line with the widespread use of the river which is used as a business for crossing the Jene'berang River which occurred in Taeng Village, Gowa Regency without having a business permit for the location of river utilization from the local government of Gowa Regency, the Regional Government of Gowa Regency will suffer losses as a result of not having revenue for the local treasury.

Civil law liability on the basis of unlawful acts and default is compensation. However, there is a difference between the two, that is, the ultimate goal or result of the unlawful act is compensation

as a means of recovery as it was before the unlawful act occurred. The responsibility of the carrier if there is damage caused by the transportation. Basically the carrier is responsible for the destruction, loss or damage to the goods transported since it is received by the carrier from the sender or the owner of the goods, which is a consequence of the transportation agreement that has been made between the carrier and the passenger or the owner of the goods or the sender of the goods, which is in accordance with Article 40 of the Law No. 17 of 2008. The responsibilities contained in article 40 of Law no. 17 of 2008 is clarified again in article 41 of Law no. 17 of 2008 which determines as follows, The responsibility referred to in article 40 can be incurred as a ship operation, in the form of: (a) Death or Injury to Passengers being transported, Responsibility for the death or injury of passengers caused by an accident during transportation and occurred in the business of crossing the Jene'berang River in Taeng Village, Gowa Regency which occurred due to bad weather which resulted in the ship / katinting at that time experiencing instability resulting in the sinking of the ship which was it takes its toll. So that at that time, the regional government of Gowa Regency in following up on the ship accident case, took action for criminal confinement of the ship captain who at that time was carrying the ship during bad weather in accordance with applicable regulations. (b) Destroyed, Lost or Damaged goods transported, Responsibility for the destruction, loss or damage of the goods being transported, this responsibility is in accordance with the transportation agreement which has been regulated in the laws and regulations. In terms of the utilization of the Jene'berang river which is intended for river crossing business, this is only by agreement of the parties or usually carried out according to customary law as a family.

Apart from civil responsibility, further according to the researchers there is also a moral responsibility given by the business owner of the Jene'berang River crossing in the form of material compensation (in this case costs) as if a boat accident occurs which results in damage to the service user's vehicle, the solution will be conduct deliberations between vehicle owners and business owners to come up with a solution to provide compensation as a form of responsibility of the crossing service owner.

## **2. Legal Protection for Crossing Service Users**

Water transportation is the main means that is widely used by the community. Transportation by water transportation continues to experience development. One of the reasons is the cost of sea, lake and river transportation is quite affordable for the public, access to tickets is easy, it is only natural that every year the public interest in using water transportation continues to increase from year to year. With the condition of passengers experiencing an increase, the business developed by the local community of Taeng Village, Gowa Regency as an individual company as a transportation operator should really provide legal protection as emphasized in Law Number 17 of 2008 concerning Shipping and Government Regulation Number 20 of 2008 2010 concerning Water Transportation.

However, the facts show that the business of crossing the Jene'berang River, Gowa Regency, which is located in Taeng Village, is an individual business which is declared illegal by law because in its existence this business does not have a business license issued by the regional government of Gowa Regency or PT. ASDP which is the shelter for river, lake and crossing transportation. This is in accordance with the researcher's interview with Mr. Syamsuddin Tanassy as regional 4 operations and service business manager, as follows:

"Indeed we are PT. ASDP which is basically for river, lake and crossing transportation. From us, of course, we have company standards for issuing crossing permits, one of which is that we have SOPs for issuing permits, for example the ships used, the depth of the river, and our distance according to our company's standards. For this reason, the Jene'berang river crossing business is not in accordance with our SOP, so we do not have the authority to issue permits" (Tanassy, 2023).

For this reason, the researchers revealed that the business of crossing the Jene'berang River in Taeng Village, in fact, does not have binding regulations because it does not have the proper permits, thus causing an ambiguity of legal protection for passengers and carriers. Furthermore, there are also problems or obstacles that occur in the community in terms of transporting the Jene'berang river in Taeng Village, Gowa Regency, including those that are often complained of by passengers can be seen in the table below.

**Table 1.** Obstacles With the Jene'berang river crossing business in Taeng Village, Gowa Regency

| No     | Alternative Answers   | Amount |
|--------|---|--------|
| 1      | Sometimes passengers do not get a seat (ship is overloaded) | -      |
| 2      | The cleanliness of the ship is sometimes not noticed        | -      |
| 3      | The absence of permits causes concern for passengers        | -      |
| 4      | Answers 1,2, and 3  | 10     |
| Amount |   | 10     |

*Source: Processed Empirical Data, 2023.*

Based on the findings of the researchers through the existing questionnaire in Table regarding the obstacles to the Jene'berang river crossing business in Taeng Village, Gowa Regency, it shows that 10 respondents stated that all respondents stated that the obstacles experienced were due to the Jene'berang river crossing business in Taeng Village, Gowa Regency, due to the full load on the ship, the cleanliness of the ship is sometimes not paid attention to and there is no permit, causing concern for passengers. This is supported by the results of interviews with researchers with Daeng Nombong as passengers on the Jene'berang river crossing business and also residents in Taeng Village as follows.

"The problem that occurs in this crossing business is that it is full of passenger ships so we are sometimes worried that the ship will sink and usually we have our own fears because this business is not official according to applicable law but we accept this business because it makes it easier to transport from Gowa Regency to Makassar City" (Nombong, 2023).

From some of the problems above, it must really get a guarantee of legal protection. Through repressive and preventive legal protection, the above problems can be overcome, for this it is very important for the Jene'berang river transportation business in Gowa Regency to implement the mandate of Law Number 17 of 2008 concerning Shipping in conjunction with Government Regulation Number 20 of 2010 concerning Water Transportation.

Legal protection is synonymous with guaranteed rights and obligations in an agreement between the two parties. Legal protection is used in an effort to protect the interests of the parties in a legally valid agreement. The forms of legal protection for sea transport passengers are divided into two, namely preventive legal protection and repressive legal protection. Preventive legal protection is an action taken by the carrier before social deviations occur so that an act of organizing can be dampened or prevented, for example socialization in the form of directing passengers to buy tickets at the place provided not through brokers because it is illegal.

In addition, providing guidance to passengers in terms of obtaining safety before the ship departs, including directions on using buoys so that they can be used properly if unwanted things occur while traveling on the Jene'berang river, Gowa Regency. The most important rights that must be paid attention to by water transport carriers are given since boarding the ship until the passengers disembark at their destination. The system is designed to ensure the implementation of effective protection from possible risks and hazards that can be foreseen and anticipated as a cause of injuries, deaths, health problems, property and environmental damage that should not occur. This form of repressive legal protection has not run optimally or has not been effective due to only preparing life jackets which only have 2 pieces on board and other life-saving equipment not functioning properly and lack of cleanliness on the ship so that passengers feel uncomfortable.



## IV. CONCLUSION

The responsibility of the manager of ferry services to users of ferry services in the event of an accident occurs through civil law liability based on acts against the law (*unlawful act*), The responsibility of the carrier in the event of damage resulting from the transportation and the moral responsibility given by the owner of the Jene'berang river crossing business is in the form of material compensation. Preventive legal protection is an action taken by the transport party before social deviations occur so that an act of organizing can be dampened or prevented, for example socialization in the form of directing passengers to buy tickets at the place provided not through brokers because it is illegal and repressive legal protection has not been implemented effectively. maximum or not yet effective due to only preparing life jackets which only have 2 pieces on board and other life-saving equipment not functioning properly and lack of cleanliness on the ship so that passengers feel uncomfortable. So that in permitting the business of crossing the Jene'berang River which located in Gowa south sulawesi, the government of gowa regency should pay attention which is more through the licensing and supervision so that the implementation of the river crossing business can be carried out safely, regularly and obediently. In addition, to effort crossing the river the regional government of the regency issued the policy for the river crossing business is included in the agency regionally owned enterprises (BUMD) to have a positive impact in the form of income for the region against regional original income and income for business owners crossing the Jene'berang river.

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