

## ABSTRACT

**ZULFIKAR: LEGAL CERTAINTY OF INFRASTRUCTURE GUARANTEE IN THE TOLL ROAD SECTOR IN INDONESIA.** This dissertation was under the guidance of Prof. Dr. Faisal Santiago, SH., MM., As the Adviser and Dr. Wiwik Sri Widiarti, SH., MH., As the Co-Adviser.

Financing is a problem that is often encountered in infrastructure provision. Public Private Partnership (PPP) is an alternative for infrastructure financing that involves the participation of business entities. In order to accelerate infrastructure development, Presidential Regulation Number 38 of 2015 concerning Government Cooperation with Business Entities in the Provision of Infrastructure was issued.

The problems in this dissertation are as follows: 1. How is infrastructure guaranteed in the toll road sector in Indonesia? and 2. How is the legal certainty for infrastructure guarantee in the toll road sector in Indonesia? and 3. Does the government and business entity / PPP cooperation infrastructure agreement in the toll road sector in Indonesia provide legal certainty for the parties?

The research method in writing a dissertation is juridical and empirical normative research. In normative research, the study is based on the legitimacy of statutory regulations and empirical research is the approach to things that occur in the field by conducting interviews with resource persons related to the author's research.

The results of the study are as follows: 1) There are constraints in the guarantee of infrastructure in the toll road sector in Indonesia, namely the condition of force majeure in the current condition is the Covid-19 pandemic, thus hindering the implementation of infrastructure development in the toll road sector in Indonesia. 2) The Government and Business Entity Agreement (PRP) in the toll road sector in Indonesia is in the form of a template, so it does not provide legal certainty because it is not based on the concept of freedom of contract and the principle of balance contradicts article 1320 of the Civil Code and the principles of the agreement. 3) Legal certainty of the Public Private Partnership Infrastructure Agreement (PPP) in the Toll Road Sector in Indonesia for the parties, based on the *das sollen das sein* 3 (three) agreements so as to provide legal certainty for the parties, namely First, the Master Agreement is Government and Business Entity Cooperation Agreement (PPP / Toll Road Concession Agreement) and Second, Guarantee Agreement, Third, Regress Agreement.

Keywords: Government Cooperation with Business Entities, Regress Rights, Legal Certainty.