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Authority of Harbormaster's Office and Port Authority in Handling of Shipping Crime in the Water Area of Meulaboh

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Abstract

This research aims to discuss the authority of the Harbor Master's Office and Port Authority in handling shipping crime cases in the Meulaboh Water Area. This is based on the fact in practice that it is found that ships are used when carrying out activities at the port that do not have the approval of the Harbor Master's Official. Ships are often used to load goods beyond their capacity without permission. This is often done even though there is a prohibition from authorized officials or statutory regulations

that regulate it and can be subject to sanctions as a result of the actions carried out by the perpetrators in carrying out their actions. In the jurisdiction of West Aceh Regency, there have been several cases related to transshipment activities in port pools without the Harbor Master's permission, such as what happened in October 2019 with the defendant in the name of Dasril alias Mucin Bin Anshari, who was the Master of the KM Ship. ESKA JAYA I from Mahyudistra Pratama Perkasa Company.

Keywords: Harbor Master's Office, Port Authority, Shipping Crime

Introduction

Indonesia is the largest archipelagic country in the world, with a sea area of 3,257,483 km² or 70% of its territory. Ships are a very important means of transportation for the Indonesian population and have strategic value in supporting the success of sea transportation, so the seaworthiness of a ship is an absolute thing that must be considered in shipping safety. Shipping plays a big role in various sectors, Indonesia is an archipelagic country with ships as one of the transportation needed to connect one island to another, apart from being profitable it is also suitable for implementation.¹

Shipping as a mode of transportation in the form of sea vessels or river vessels, lake and cross-local, inter-regency and inter-provincial crossings as well as international vessels is organized with the aim of facilitating the flow of movement of people and/or bulk goods and liquid goods. By prioritizing safety and protection for local, national and international shipping, in implementing it, every ship that will sail must have a letter of approval to sail from the Harbor Master as the highest official in the port environment. The basic concept of shipping safety is that a ship that wants to sail must be in a seaworthy condition, which means that the ship in question has been technically inspected and deemed fit to sail, and to face various risks that will occur when the ship is about to sail.²

Shipping safety and protection is very important, especially in the waters of the Malacca Strait, which is crossed every year by more than 50,000 cargo ships.³

¹ Redho Karunia, "Peranan Kantor Kesyahbandaran dan Otoritas Pelabuhan Kelas II Tanjung Pinang Terhadap Penyelenggaraan Keselamatan dan Keamanan Pelayaran di Tanjungpinang", *Faculty of Social and Political Science Universitas Maritim Raja Ali Haji*, Vol.1, No.2, hlm. 411.

² Simon Ito, "Kewenangan PPNS Syahbandar Dalam Tindak Pidana Pelanggaran Undang-Undang Nomor 17 Tahun 2008 tentang Pelayaran", *Jurnal Banua Law Review*, Vol.3, Issue.2, 2021, hlm. 229.

³ Dahlan Ali, Mustakim, Mahfud, Suhaimi, State Responsibility for the Waters of the Malacca Strait in Relation to the Prevention of Transnational Crime, *International Journal of Multicultural and Multireligious Understanding*, Volume 10, Issue 3, 2023, pp.85-92.

Harbormaster is the highest government official at the port, who has the authority to handle ships that will carry out berthing or departing activities, and ensures the ship is in a seaworthy condition, based on Article 207 of Act No. 17 of 2008 concerning Shipping (hereinafter referred to as the Shipping Act) stating the functions, duties and the authority of the Harbormaster is:

1. Carry out shipping security and safety functions including implementation, law enforcement and supervision of water transportation, ports, and protection of the maritime environment at ports.
2. Assist in carrying out rescue and search at the port in accordance with applicable regulations.

In carrying out the safety and security functions as intended above, the Harbormaster's duties according to Article 208 of the Shipping Law are; supervising ship seaworthiness, security, safety and order at the port, supervising orderly ship traffic in shipping lanes and in port waters, supervising transshipment activities in port waters, supervising salvage activities and underwater work, supervising ship towing activities, supervising pilotage, supervising loading and unloading activities for dangerous goods and dangerous and toxic waste, supervising refueling, supervising passenger embarkation and disembarkation activities, supervising port facility construction activities, supervising dredging and reclamation, carrying out search and rescue assistance, leading pollution control and fire fighting at the port and oversee the implementation of protection.⁴

Based on the supervisory function stated in the provisions of the law above, the Harbormaster's Office and Port Authority are divided into several sections to carry out supervision, as regulated in the Minister of Transportation Regulation No. 36 of 2012 concerning the Organization and Work Procedures of the Harbormaster's Office and Port Authority. The position of agencies in ports is due to the port's function as an economic gateway, where relations between countries have different interests with different regulations.

The Meulaboh Class IV Harbor Master and Port Authority Office is the office of the jurisdiction of West Aceh Regency (Meulaboh) which is led by the Harbor Master, where the Harbor Master is appointed by the Minister and has the authority to carry out monitoring of the implementation of statutory regulations to guarantee the safety and security of shipping in his area, this is based on Article 1 No. 56 of the Shipping Act and Article 1 (1) of the Minister of Transportation Regulation No. 36 of 2012.

The legal subject of the Shipping Act has provisions specifically for those who have certain positions or professions, namely captains, pilots, ship owners and ship crew. These provisions are not aimed at everyone, but specifically for Masters, Ship Crew, Ship Owners and Harbormaster officials who can be categorized as professions, so these provisions relate to those who act as professionals. In carrying out their actions, perpetrators always involve their expertise in the form of intentionality, negligence, *dolus*, or violations of professional disciplinary laws, both internal ones enforced by shipping professional organizations and those controlled by the government in external supervision. Professional ethics is very dominant, because professional ethics is seen as a norm, the use of professional ethics is seen as an evaluative or normative norm for assessing professions, professionals and their

behavior, this differentiates it from ordinary norms that can be applied to everyone.⁵

In law enforcement in the shipping jurisdiction, one of the authorities is given to Civil Servant Investigators (PPNS) who are certain civil servant officials who, based on statutory regulations, are appointed as investigators and have the authority to carry out investigations of criminal acts within the scope of the law as stated in the law. Article 282 (1) of the Shipping Act states. Article 282 (1) and Article 282 (2) of the Shipping Act states that:

1. Apart from the National Police (Polri) and other investigators, PPNS within agencies whose scope of duties and responsibilities include the shipping sector, this law grants special authority as investigators in the shipping sector.
2. The PPNS referred to in paragraph (1) in carrying out their duties are under the coordination and supervision of Polri investigators.

In carrying out investigations, PPNS coordinates with National Police officials, in accordance with the provisions of PPNS duties and responsibilities stated in Article 283 (1) of the Shipping Act. Next, the PPNS conveys the results of the investigation to the public prosecutor through the National Police officials.

One of the ship activities that requires the Harbor Master's approval is transshipment activities in the port pool as confirmed in Article 216 (1) of the Shipping Law which states that: "Vessels carrying out repair activities, sailing trials, transshipment activities in the port pool, postpone, and loading and unloading of dangerous goods must obtain approval from the harbormaster," and if this continues, the perpetrator can be threatened with imprisonment for a maximum of 6 months or a fine of a maximum of IDR 100,000,000. This is a rule that should limit perpetrators so that criminal acts of transshipment in the port pool without the harbormaster's approval are not carried out in order to achieve safety and comfort in shipping.

Some of the ships currently used do not have approval from Harbormaster officials when carrying out activities at the port. Ships are often used to load goods beyond their capacity without permission. This is often done even though there is a prohibition from authorized officials or statutory regulations that regulate it. To meet economic needs, humans are capable of violating the provisions that have been regulated. Even though there were witnesses, as a result of the actions carried out, the perpetrators continued to carry out their actions.

In the jurisdiction of West Aceh Regency there have been several cases related to transshipment activities in port pools without the harbormaster's permission. As happened in October 2019, the defendant was named Dasril alias Mucin Bin Anshari, who was the captain of the KM ship. ESKA JAYA I from the Mahyudistra Pratama Perkasa Company, was charged under Article 322 of the Shipping Act with a fine of IDR 5,000,000. Then there is also the same case, namely the defendant in the name of Syahrizal alias Ateng Bin M. Salim who is the captain of the KM ship. ESKA JAYA was loaded with approximately 5 tons of palm oil (CPO) from the Mahyudistra Pratama company which carried out transshipment activities without the Harbor Master's permission. The defendant was charged with a

⁴ Simon Ito, *Loc. Cit.*

⁵ *Ibid.*

similar article, namely Article 322 of the Shipping Act, with a fine of IDR 5,000,000,

Based on the problems above, there has been an unloading and unloading of cargo in the port pool without the approval of the Meulaboh Port Harbormaster, so it was deemed interesting to carry out research entitled "Authority of the Harbormaster's Office and Port Authority in Handling Shipping Crime Cases in the Meulaboh Water Area".

Research Methods

Based on the problems raised, this research uses empirical juridical research methods. Empirical juridical legal research is legal research regarding the application of normative legal provisions (codification, laws or contracts) in action to each specific legal event that occurs in society.⁶ Empirical legal research or what is commonly called sociological legal research or also known as field research. Empirical legal research is based on primary/basic data, namely data obtained directly from the community as the first source through field research, namely by conducting interviews.⁷

This research approach is to collect primary data through interviews with respondents and informants. Meanwhile, secondary data was obtained from literature studies, statutory regulations, journals and scientific research results. The location of this research was carried out in the jurisdiction of the Harbormaster's Office and Class IV Meulaboh Port Authority. Determining the location revealed several cases related to shipping crimes. The population in this research is the Head of the West Aceh Police Criminal Investigation Unit (Kasatreskrim), the West Aceh Police Criminal Investigation Unit Investigator, the Head of Class IV Meulaboh Harbormaster and Port Authority Office (KSOP) and the Head of Security, Patrol and Investigation Section as well as PPNS at Class KSOP IV Meulaboh.

Meanwhile, the respondents and informants in this research were:

1) Respondent

- a) West Aceh Police Criminal Investigation Unit (Satreskrim) 2 people
- b) 2 PPNS at KSOP Class IV Meulaboh.
- c) Head of Guard, Patrol and Investigation KSOP Class IV Meulaboh. 1 person

2) Informant

- a) Head of the Criminal Investigation Unit (Kasatreskrim) West Aceh Police 1 person.
- b) Head of Class IV Meulaboh Harbormaster and Port Authority (KSOP) Office 1 person.

Data analysis was carried out using a descriptive method, namely providing a real picture of the realities found in practice by presenting the results of field research accompanied by a basic description of the applicable law, based on existing laws and regulations and linking it with library data.

Then a data management analysis is carried out and after the data is processed and deemed sufficient, it is then presented in narrative form and ends by drawing conclusions and suggestions from all the research results. With the draft proposal above, it is hoped that it can produce an analysis

that is able to answer all the problems that have been formulated.

Results and Discussion

1. Reasons why the Harbormaster's Office and the Meulaboh Port Authority have not been able to carry out port governance optimally

Shipping as a mode of transportation in the form of sea or river vessels, lake and cross-country crossings, local, inter-district and between provinces as well as international vessels, is carried out with the aim of facilitating the flow of movement of people and/or foreign goods and liquid goods. By prioritizing safety and protection for local, national and international shipping, in implementing it, every ship that will sail must have a letter of approval to sail from the harbormaster as the highest official in the port environment.⁸ The basic concept of shipping safety, for ships wishing to sail must be in a seaworthy condition, which means that the ship concerned has been technically inspected and deemed fit to sail, and to face various risks that will occur when the ship is about to sail.

Legislation is needed to realize safety in the shipping sector, namely Shipping Act. This is because considering the important and strategic role of shipping which controls the lives of many people, shipping is controlled by the state whose guidance is carried out by the government. Shipping development carried out by the government takes into account all aspects of people's lives and is directed at facilitating the mass movement of people and/or goods through waters safely, securely, quickly, smoothly, in an orderly and orderly manner, comfortably and efficiently, at affordable costs. by people's purchasing power.⁹

Port development is currently a major issue in encouraging national and regional economic competitiveness. A port according to Shipping Act is a place consisting of land and/or waters with certain boundaries as a place for government activities and business activities which are used as a place for ships to dock, boarding and disembarking passengers, and/or loading and unloading goods, in the form of a terminal and ship anchorage equipped with shipping safety and security facilities and port supporting activities as well as a place for intra- and inter-mode transportation transfers. Ports can also support the local and national economy, encourage industrial development, provide employment opportunities both directly and indirectly for local residents, and generate income for local governments.¹⁰ All landing, trade and distribution activities of goods to consumer areas between regions are carried out through ports.¹¹

The position of the Harbor Master in the conception of international maritime law is as the main commander or leading sector to maintain the safety and security of the

⁸ Simon Ito, *Op. Cit.*, hlm. 229.

⁹ Tommy H. Purwaka, *Pelayaran Antar Pulau Indonesia*, Jakarta, Bumi Aksara, 1993, hlm. 17

¹⁰ Richardson, J. A., & Heidelberg, R. L. (2012). The economic impact of the ports of Louisiana. Prepared for the Ports Association of Louisiana. Diakses dari <http://www.portsoflouisiana.org/wp-content/uploads/documents/2012-final-report.pdf>. diakses tanggal 3 Februari 2024.

¹¹ Lubis, E, *Pelabuhan perikanan*, Bogor, IPB Press, 2012, hlm. 26.

⁶ Abdulkadir Muhammad, *Hukum dan Penelitian Hukum*, Citra Aditya Bakti, Bandung, 2004, hlm. 134.

⁷ *Ibid.*

country's territory, in this case the marine environmental area.¹² The role of ports in economic development is increasing along with the increasing importance of ports in logistics activities, especially intermodal or multimodal transportation.¹³ Good logistics performance will have implications for lowering the cost of transporting goods, thereby increasing economic competitiveness.¹⁴

Most of the export commodities from the agricultural sector from Aceh Province have been exported through Belawan Port in North Sumatra. Aceh Province is estimated to experience potential economic losses of up to IDR 14,435 billion per year due to export transactions through ports outside Aceh Province.¹⁵ This shows that public ports in Aceh Province cannot yet compete with ports outside Aceh Province. Meersman¹⁶ stated that the inter-port competition that occurred was actually competition between port logistics chains.

In order to obtain quality human resources, the Transportation Department needs to make HR plans to meet the need for reliable personnel to support work success. HR planning is systematic by connecting HR needs in port management with port strategy and objectives. Apart from that, Transportation Service companies also need to ensure that the human resources they have are adequate, qualified and competent.

At ports in the administrative area of the Harbormaster's Office and Meulaboh Port Authority, it appears that human resource planning has not been running optimally, reflected in the number of officers which is not ideal. This can happen

because HR planning for Port Management is centralized in the Aceh Provincial Transportation Service which is located in the provincial capital. Ideally there is an HR planning mechanism that is carried out independently by the Port because the Port's HR needs are better known and understood by Port managers. The results of the independent planning must be competent and a priority when submitted to the Provincial Transportation Service. From the results of the researcher's interview with the Port coordinator, a request for additional officers has been submitted through a letter of request and verbally, but until now there has been no response from the provincial Transportation Service.

The use of ports outside Aceh Province also results in low loading and unloading activities at public ports operated in Aceh Province, so that ports are indicated to not play a significant role in the regional economy. Park and Seo¹⁷ stated that cargo ports will play a role in the local economy when the flow of loading and unloading goods at the port is high.

2. Obstacles Faced by the Harbormaster's Office and Meulaboh Port Authority in Handling Shipping Crime Cases

Direct supervision is when the leader of an organization carries out the activities being carried out by his subordinates himself. Direct supervision can change from direct inspection, direct on-site observation, and making on-site reports. Obstacles in monitoring ships at ports are often a problem. As a regulatory party that implements provisions in the form of orders from the center to the regions regarding transporting dangerous goods, this has not been maximized in accordance with the provisions and PM No. 16 of 2021 concerning procedures for handling and transporting dangerous goods at ports. So it is necessary to provide direction and firmness to harbormaster officers who carry out direct supervision in the field of service users to comply with rules that can provide comfort and order.

In an interview with the head of the Harbor Master's Office and Port Authority, Mr. MS, he commented on the obstacle factors faced by the Harbor Master's Office and the Meulaboh Port Authority in handling shipping crime cases as follows:

1) Lack of human resources

The lack of human resources at the harbormaster's office and port authority has resulted in the handling of shipping criminal cases being hampered. It is known that the Harbor Master's office and the Meulaboh Port Authority still have class IV, which means that there are no Subsidy and Head of Section positions including the legal field in Structural, which is different from the Harbor Master's Office and Port Authority in Banda Aceh.

2) Inadequate Facilities and Infrastructure

The existence of the Harbor Master's Office and Port Authority is very dependent on the need for Facilities and Infrastructure, if the Facilities and Infrastructure are inadequate it can hinder progress at the office.

3) Thuggishness

¹² Purwendah, Elly Kristianti, "Peran Syahbandar dalam Penegakan Hukum Pencemaran Minyak di Laut Oleh Kapal Tanker", *Perspektif*, 20:1, Purwokerto, Fakultas Hukum Universitas Wijayakusuma, 2015, hlm. 34

¹³ Bryan, J., Munday, M., Pickernell, D., & Roberts, A. 2007, Assessing the economic significance of port activity: Evidence from ABP Operations in industrial South Wales. *Maritime Policy & Management*, 33(4), 371–386. DOI: <https://doi.org/10.1080/03088830600895600>.

¹⁴ Patunru, A. A., Adrison, V., Azar M. S., Usman, Huda, A., Samosir, A. H. T., & Aryandani. (2010). *Transportasi Barang di Nusa Tenggara Timur: Permasalahan dan Biaya*. Jakarta: LPEM-FEUI dan The Asia Foundation. Diakses dari <https://asiafoundation.org/resources/pdfs/GoodsTransportationNTT.pdf>. diakses tanggal 3 Februari 2024.

¹⁵ Anwar, K. (2012). Peluang, tantangan dan hambatan ekspor melalui Pelabuhan Krueng Geukuh. *Proceeding of Aceh Development International Conference (ADIC) 2012*, 494–504. Kuala Lumpur, 26–28 March 2012, International Islamic University Malaysia. Diakses dari <http://repository.unimal.ac.id/1002/1/5.%20Seminar%20Internatioan%20ADIC%20%20ISBN%20978-967-5742-03-3%20Maret%202012.PDF>.diakses tanggal 3 Februari 2024.

¹⁶ Meersman, H., Steenssens, C., & Van de Voorde, E. (1997). Container throughput, port capacity and investment. *SESO Working Papers 1997020*. Faculty of Applied Economics University of Antwerp. Diakses dari [https://www.uantwerpen.be/images/uantwerpen/container1244/files/TEW%20-%20Onderzoek/Working%20Papers/SESO/1997/SESO-1997-020%20\(353\).pdf](https://www.uantwerpen.be/images/uantwerpen/container1244/files/TEW%20-%20Onderzoek/Working%20Papers/SESO/1997/SESO-1997-020%20(353).pdf).diakses tanggal 3 Februari 2024.

¹⁷ Park, J. S., & Seo, Y. J. (2016). The impact of seaports on the regional economies in South Korea: Panel evidence from the augmented Solow model. *Transportation Research Part E: Logistics and Transportation Review*, 85, 107–119. DOI: <https://doi.org/10.1016/j.tre.2015.11.009>.

The existence of thuggery in the port area really disturbs the comfort and security of the port. One of the behaviors carried out by thugs is illegal levies (extortion), so it is hoped that the optimal presence of the National Police and Indonesian Navy will be there to eradicate these thugs.

3. Koordinasi Antarlembaga Yang Berwenang Dalam Menangani Tindak Pidana Pelayaran

Indonesia, under the leadership of President Soekarno, declared the Archipelago Insight on December 13 1957, known as the Djuanda Declaration, which viewed the sea as a territorial integrity with land, this was the starting point for the nation's revival after Indonesian independence. The Indonesian government continues to continue this policy because it concerns state sovereignty over maritime areas and the sources of wealth contained therein.¹⁸

Fisheries resources are all kinds of components that are useful inputs so that fisheries activities can occur. In capture fisheries, namely the type of activity that involves collecting or catching fish in the wild, these inputs include fish biological resources, human resources, technology and institutional instruments in the form of policies, regulations and institutions. This understanding applies an understanding of a system where there are a number of inputs, processes and outputs, and the process is capture fishery activities, while the output is the fish caught. Capture fisheries activities will not occur if the fish that are the target of capture do not exist, as well as if there are no fishermen, fishing vessels and equipment, as well as capture fisheries policies.

Investigations at sea almost always occur in cases where criminal acts are caught red-handed. Therefore, the authority for law enforcement at sea granted by statutory provisions includes investigative authority, so that if violations or crimes are found at sea, immediate action can be taken for follow-up. KUHAP distinguishes between legal actions called investigations and investigations, although investigation is not an independent function and is separate from the investigative function. Article 1 of the KUHAP defines an investigation as a series of investigations in terms and according to the methods regulated in the KUHAP to search for and collect evidence, which with this evidence makes it clear about the criminal act that occurred and in order to find the suspect. The meaning of investigation at sea is that because of the nature of the situation and because of the conditions at sea itself, it is not possible to carry out it after a criminal act has been committed.

The large number of PPNS in the water area apart from PPNS from the Harbor Master's Office and Port Authority, of course this will make it easier to investigate and reveal criminal acts. However, on the other hand, the large number of Civil Servant Investigating Institutions will also have the potential to create a tug of war between institutions, especially if each investigative institution prioritizes sectoral egos which could lead to delays in the law enforcement process, this could even raise concerns about disharmony or friction between officers. In carrying out law enforcement operations at sea, especially in the area of the Harbor

Master's Office and Meulaboh Port Authority. This situation has the potential to give rise to conflicts of authority in law enforcement, even though conflict of authority is a very unfavorable situation and reflects weak and suboptimal law enforcement, thus impacting the existence of criminal acts in marine waters with quite high frequency.

Apart from being able to give rise to a conflict of authority, this situation is also a weakness in procedural law, where this arrangement of authority provides a clear gap in the criminal process for conducting pre-trials to test the validity of the authority of investigators carrying out the investigation process so that the pre-trial process takes a long time.

Investigators who have the authority to carry out investigations are PPNS, Police, Indonesian Navy, Ministry of Maritime Affairs and Fisheries, and Customs and Excise. This overlap in investigative authority is an obstacle for PPNS because the various law enforcement agencies have clear authority in carrying out investigations. The possibility is that there are differences in interpreting the laws and regulations regarding their respective fields. Another possibility is the lack of synchronization between statutory regulations and unwritten law or customary law. Sometimes there is a discrepancy between recorded law and customary law and so on.

In the Standard Procedures Book (Protap) for Handling Crime at Sea by the Indonesian Navy, the meaning of investigation is a series of actions by investigators to search for and find an incident that is suspected of being a criminal act in order to determine whether or not an investigation can be carried out according to the methods regulated in the KUHAP and the law. certain. The definition of investigation according to Protap is a series of investigative actions in accordance with the KUHAP and special provisions regulated in certain laws and is aimed at searching for and collecting evidence in order to shed light on the criminal act that occurred and to find the suspect. In the case of an investigation, the Indonesian Navy does not recognize Locus Delicty in the sense that the suspect ship can be taken to the nearest port or port where the case can be processed further.

The meaning of law enforcement on the one hand and enforcement of sovereignty on the other hand can be differentiated, but the two cannot be separated because enforcement of sovereignty at sea includes law enforcement at sea only. Enforcement of sovereignty can be carried out not only within the scope of the state, but can also extend beyond state borders, while law enforcement at sea can take the form of arresting and investigating cases arising from violations of laws applicable at sea, both national law and international law, so that in its implementation the enforcement of sovereignty and law enforcement at sea are carried out simultaneously. Law enforcement at sea cannot be separated from the issue of upholding sovereignty at sea. Thus, there is a difference between law enforcement and sovereignty enforcement depending on the intensity of the threat faced. As long as the threat is considered to endanger the existence of a country, the action that can be taken to deal with this threat is in the form of upholding sovereignty.

That in efforts to secure and enforce law in Indonesian maritime areas, there are three authorized investigators and each is supported by a separate law. The three investigators are the National Police (Polri), the Harbor Master's Office

¹⁸ Dewan Kelautan Indonesia, *Evaluasi Kebijakan Dalam Rangka Implementasi Konvensi Hukum Laut Internasional (UNCLOS 1982) di Indonesia*, Departemen Kelautan dan Perikanan Sekretariat Jenderal Satuan Kerja Dewan Kelautan Indonesia, 2008, hlm, 7

and the port authority, in this case namely PPNS and also investigators from the Indonesian National Army.

Investigation of shipping crimes by PPNS is outlined in Shipping Act, then a derivative of this regulation is Regulation of the Minister of Transportation No. 36 of 2012. (KSOP) class IV Meulaboh is given the authority to carry out patrols under the sub-section of sailing safety guard and patrol (KBPP), in carrying out law enforcement, investigations into shipping crimes are carried out by PPNS.¹⁹

The implementation of law enforcement that has been carried out so far is no longer running as it should because law enforcement officers in the shipping sector are no longer guided by regulations, resulting in overlapping authority between fellow law enforcement officers in the waters, resulting in no legal certainty created through justification of wrongful behavior. And deviant, in other words, the law is only an instrument for justifying wrong behavior.

Agencies authorized to handle criminal acts at sea include the Indonesian Police, PPNS Ministry of Health, PPNS Directorate General of Customs and Excise, Ministry of Finance, PPNS Ministry of Forestry, PPNS Directorate General of Immigration, Ministry of Law and Human Rights, PPNS Directorate General of the Ministry of Maritime Affairs and Fisheries, PPNS Directorate General of Transportation, Ministry of Transportation, PPNS Ministry Environment, PPNS Ministry of Culture and Tourism and Bakamla.²⁰

The involvement of other agencies in its development often faces various obstacles and problems. For example, the obstacles faced are related to issues of investigative authority, investigative jurisdiction, handling of suspects and evidence, and even problems of maintaining and auctioning evidence. Apart from that, law enforcement at sea involves many other elements or agencies due to the vastness of the national jurisdictional sea area and the division/arrangement of different sea area zones.

Investigators from each agency have their own duties and responsibilities, however, in fact, there are still disputes over investigative authority in the field. This is due to various reasons, both related to the legal basis (legal standing) and the substance of the criminal act. According to Lufsiana, this conflict of law enforcement authority is that each agency has the authority to handle the same case and operates independently without an integrated system in its implementation, meaning that they both have the authority to carry out investigations without a clear and strict division of authority without a clear working mechanism.²¹

According to Hartono, the main duties of PPNS at the Technical Implementation Unit of the Directorate General of Maritime Relations or PPNS UPT Directorate General of Maritime Affairs are:²²

- a. Carry out investigations into criminal cases that occur and take legal action in accordance with the provisions.
- b. Report at the first opportunity to the Director General of Relations/Dit. KPLP/PPNS at the start of the Investigation.
- c. Carrying out a case study on the case being handled by involving the PPNS UPT superiors and PPNS Dit. KPLP Ditjen Hubla.
- d. Coordinating with relevant agencies in the implementation of shipping crime investigations
- e. Propose the termination of the investigation to the Director General/Dit. KPLP/PPNS in cases where there is insufficient evidence to carry out an investigation and to bring in expert witnesses are reported/consulted to the KPLP Director.
- f. Participate on a KPLP Patrol Vessel (on board) in the context of Patrol/Operations activities in Waterways as needed
- g. Reporting the new position/assignment on the Transfer Decree received to the PPNS for changes to the SK as Investigator in accordance with the new assignment placement
- h. Report the contents of the Court's decision which has permanent legal force regarding the case being handled to the Director General of Civil Affairs/Dit. KPLP/PPNS.

If the suspect receives a pretrial lawsuit through an advocate/lawyer, the suspect/owner must immediately report it to the Director General of Civil Affairs.

Conclusion

At ports in the administrative area of the Harboormaster's Office and Meulaboh Port Authority, it appears that human resource planning has not been running optimally, reflected in the number of officers which is not ideal. This can happen because HR planning for Port Management is centralized in the Aceh Provincial Transportation Service which is located in the provincial capital.

The obstacles faced by the Harboormaster's Office and the Meulaboh Port Authority in handling shipping crime cases are the lack of PPNS at the Harboormaster's Office and the Meulaboh Port Authority and the factor of inadequate facilities and infrastructure as well as the existence of thuggery in the Port area which is very disturbing. Port comfort and security, one of the behaviors carried out by thuggery is illegal levies (extortion).

Coordination between authorized institutions in handling shipping crimes in the administrative area of the Harbor Master's Office and the Meulaboh Authority is still weak. Each investigative institution prioritizes sectoral egos which can lead to obstruction of the law enforcement process, this can even raise concerns about disharmony or friction between officers in carrying out law enforcement operations at sea, especially in the area of the Harbor Master's Office and the Meulaboh Port Authority.

Suggestions

It is hoped that good port governance in Meulaboh through structuring human resources, improving Aceh port governance in the aspects of human resources, facilities and infrastructure, and budget will ensure the realization of security, order and comfort for the community in enjoying port public services and improve the economy of Meulaboh Regency.

¹⁹ Rosadi Jamhur, *Pola Penyidikan Polair dan Patroli Perairan*, Jakarta, Lemdikpol, 2005, hlm. 67.

²⁰ Galih Umbara, "Kewenangan Penyidik TNI Angkatan Laut dalam Memberantas Tindak Pidana Pelayaran di Wilayah Negara Kesatuan Republik Indonesia," *Aktualita (Jurnal Hukum)* Vol. 1, No. 1, 2018, hlm. 153

²¹ Lufsiana, *Konflik Kewenangan Penegakan Hukum Perikanan*, Cakrawala, 2008, hlm. 395

²² Hartono, *Penyidikan & Penegakan Hukum Pidana Melalui Pendekatan Hukum Progresif*, Jakarta, Sinar Grafika, 2012, hlm. 112.

It is recommended that PPNS at the Harbor Master's Office and the Meulaboh Port Authority maximize their efforts in handling shipping crimes. It is then hoped that the PPNS of the Harbormaster's Office and the Meulaboh Authority can send their employees to investigative training so that the investigative team can increase and develop in carrying out the investigation process. Weak coordination between law enforcers is a very significant obstacle in law enforcement efforts for shipping crimes.

References

1. Redho Karunia. Peranan Kantor Kesyahbandaran dan Otoritas Pelabuhan Kelas II Tanjung Pinang Terhadap Penyelenggaraan Keselamatan dan Keamanan Pelayaran di Tanjungpinang. Faculty of Social and Political Science Universitas Maritim Raja Ali Haji. 1(2):411.
2. Simon Ito. Kewenangan PPNS Syahbandar Dalam Tindak Pidana Pelanggaran Undang-Undang Nomor 17 Tahun 2008 tentang Pelayaran. Jurnal Banua Law Review. 2021; 3(2):229.
3. Dahlan Ali, Mustakim, Mahfud, Suhaimi. State Responsibility for the Waters of the Malacca Strait in Relation to the Prevention of Transnational Crime. International Journal of Multicultural and Multireligious Understanding. 2023; 10(3):85-92.
4. Simon Ito, Op.Cit, 234.
5. Ibid.
6. Abdulkadir Muhammad. Hukum dan Penelitian Hukum, Citra Aditya Bakti, Bandung, 2004, 134.
7. Ibid.
8. Simon Ito. Kerenangan PPNS Syahbandar Dalam Tindak Pidana Pelanggaran Undang-Undang Nomor: 17 Tahun 2008 tentang Pelayaran. Universitas Lambung Mangkurat. 2021; 3(2):229.
9. Tommy H Purwaka. Pelayaran Antar Pulau Indonesia, Jakarta, Bumi Aksara, 1993, 17.
10. Richardson JA, Heidelberg RL. The economic impact of the ports of Louisiana. Prepared for the Ports Association of Louisiana, 2012. Diakses dari <http://www.portsoflouisiana.org/wp-content/uploads/documents/2012-final-report.pdf> diakses tanggal 3 Februari 2024.
11. Lubis E. Pelabuhan perikanan, Bogor, IPB Press, 2012, 26.
12. Purwendah Elly Kristianti. Peran Syahbandar dalam Penegakan Hukum Pencemaran Minyak di Laut Oleh Kapal Tanker. Perspektif, 20:1, Purwokerto, Fakultas Hukum Universitas Wijayakusuma, 2015, 34.
13. Bryan J, Munday M, Pickernell D, Roberts A. Assessing the economic significance of port activity: Evidence from ABP Operations in industrial South Wales. Maritime Policy & Management. 2007; 33(4):371-386. Doi: <https://doi.org/10.1080/03088830600895600>.
14. Patunru AA, Adrison V, Azar MS, Usman Huda A, Samosir AHT, Aryandani. Transportasi Barang di Nusa Tenggara Timur: Permasalahan dan Biaya. Jakarta: LPEM-FEUI dan The Asia Foundation, 2010. Diakses dari <https://asiafoundation.org/resources/pdfs/GoodsTransportationNTT.pdf>. diakses tanggal 3 Februari 2024.
15. Anwar K. Peluang, tantangan dan hambatan ekspor melalui Pelabuhan Krueng Geukuh. Proceeding of Aceh Development International Conference (ADIC) 2012, 494-504. Kuala Lumpur, 26-28 March 2012, International Islamic University Malaysia, 2012. Diakses dari <http://repository.unimal.ac.id/1002/1/5.%20Seminar%20Internationa%20ADIC%20%20ISBN%20978-967-5742-03-3%20Maret%202012.PDF>. Diakses tanggal 3 Februari 2024.
16. Meersman H, Steenssens C, Van de Voorde E. Container throughput, port capacity and investment. SESO Working Papers 1997020. Faculty of Applied Economics University of Antwerp, 1997. Diakses dari [https://www.uantwerpen.be/images/uantwerpen/container1244/files/TEW%20-%20Onderzoek/Working%20Papers/SESO/1997/SESO-1997-020%20\(353\).pdf](https://www.uantwerpen.be/images/uantwerpen/container1244/files/TEW%20-%20Onderzoek/Working%20Papers/SESO/1997/SESO-1997-020%20(353).pdf).diakses tanggal 3 Februari 2024.
17. Park JS, Seo YJ. The impact of seaports on the regional economies in South Korea: Panel evidence from the augmented Solow model. Transportation Research Part E: Logistics and Transportation Review. 2016; 85:107-119. Doi: <https://doi.org/10.1016/j.tre.2015.11.009>.
18. Dewan Kelautan Indonesia. Evaluasi Kebijakan Dalam Rangka Implementasi Konvensi Hukum Laut Internasional (UNCLOS 1982) di Indonesia, Departemen Kelautan dan Perikanan Sekretariat Jenderal Satuan Kerja Dewan Kelautan Indonesia, 2008, 7.
19. Rosadi Jamhur. Pola Penyidikan Polair dan Patroli Perairan, Jakarta, Lemdikpol, 2005, 67.
20. Galih Umbara. Kewenangan Penyidik TNI Angkatan Laut dalam Memberantas Tindak Pidana Pelayaran di Wilayah Negara Kesatuan Republik Indonesia. Aktualita (Jurnal Hukum). 2018; 1(1):153.
21. Helmi Abdul Azis, Dahlan Ali, Suhaimi, Tindak Pidana Penipuan Dengan Menggunakan Sarana Akta Perjanjian Yang Dibuat Di Hadapan Notaris, AT-TASYRI. 2018; 10(1):23-40.
22. Lufsiana. Konflik Kewenangan Penegakan Hukum Perikanan, Cakrawala, 2008, 395.
23. Hartono. Penyidikan & Penegakan Hukum Pidana Melalui Pendekatan Hukum Progresif, Jakarta, Sinar Grafika, 2012, 11.