

Implementation of Supervision Policies on Service Procedures for Issuance of Sailing Approval

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Abstract. One of the conditions for a ship to be able to make a voyage is to issue a sailing approval letter. This is done to check the seaworthiness of a ship in carrying out a voyage. The method used is to combine normative legal research and empirical legal research, which is intended to be a procedure used to solve research problems by examining secondary data first and then continuing by conducting research on primary data in the field. Secondary data is obtained by studying and reviewing library materials in the form of legal materials, both primary legal materials, secondary legal materials, and tertiary legal materials. Primary data is direct data obtained from data sources in the field and obtained by using observations and interviews presented descriptively. The results of this study are that the issuance of sailing approval letters is not in accordance with the mechanism expected by the law due to the lack of employees and also the low understanding of employees about the duties and functions so that quality, ability and expertise are still needed to be improved through training and education.

Keywords: Implementation, Supervision, Issuance of sailing approval

1 Introduction

As the largest archipelagic country in the world, it is not surprising that Indonesia desperately needs sea transportation to reach islands that cannot be passed by land or air transportation and Indonesia as a country that develops transportation countries as a means to assist development in the economic field which tends to be wider and wider. more rapidly in contrast to developed countries which are more developed for transportation innovation [1]

What is meant by shipping according to Law Number 17 of 2008 concerning Shipping, namely in Article 1 Paragraph (1) it is stated that "shipping is a unified system consisting of transportation in waters, ports, safety, and security as well as protection of the marine environment". In order for this to run well, the government through agencies that play an important role in conducting supervision [2]

Supervision in developing countries such as Indonesia is under orders because it is one of the most important things for private and government agencies. It is hoped that properly carried out supervision will produce clear goals for employees at work.

As a country that adheres to an open economy, the role of the sea port is between countries and broadly development. So, the relationship between seaports and seaports is very clear and interesting both in terms of theory and practice.

Supervision of the responsibilities of the relevant agencies and supervision in Merauke Regency is carried out by the Merauke Class IV port authorities and authorities whose function is to prevent inter-island accidents when the ship enters the Merauke port, the ship will leave the port and when the ship operates to sea.[3]

When the ship is about to enter a port, the captain of the ship must be visited by the arrival of his ship at the port and submit documents and ship reports to the harbormaster to carry out inspections and when the ship is about to sail, the portmaster will give the ship's approval letter to the captain along with the documents and ship reports that are stored back based on Article 213 Paragraph (2) of Law Number 17 of 2008 concerning Shipping. Which reads "Every ship entering the port is obliged to submit letters, documents, and ship reports to the harbormaster immediately when the ship arrives at the port for inspection" [4]. Then it is continued with Paragraph (2) which reads: "After carrying out the inspection as referred to in paragraph (2) the letters, documents, and news of the ship are kept by the harbormaster to be handed back together with the issuance of the Sailing Approval Letter"

Inspection of ship documents is done manually and can be done through internet services (online) using the domain address <http://inaportnet.dephub.go.id>. As a form of supervision, the harbormaster as an agency has the authority to depart for shipping because it does not

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meet the seaworthiness of the ship or because of the weather, this is strictly regulated in Article 219 paragraph (4) of Law Number 17 of 2008 concerning shipping.

The harbormaster's office as the agency responsible for shipping safety and security is expected to be careful in checking documents to avoid things that are not desirable considering that the State of Indonesia is an archipelagic country that relies heavily on sea transportation to carry out economic development, especially for islands that have no land transportation or air transportation. [5]

The desire of the community is fully supported by the DPR, namely by continuing to urge the government to increase supervision, especially in terms of issuing a sailing permit (SIB) in the shipping sector so that it can be more stringent so that this can avoid the potential for accidents that occur at sea.

In addition to increasing supervision over the provision of SIB, the government is also expected to enforce regulations in accordance with the provisions regarding shipping that have been in effect so far.

The procedure for granting SIB has been regulated through the Decree of the Minister of Transportation (KM) No. 82/2014 concerning Procedures for Issuing Sailing Approval Letters. However, this procedure is often not carried out due to weak supervision so that the ship gets permission to sail without a physical inspection.

Seaworthy ships must have been inspected and are in a condition that meets the applicable regulations to obtain a sailing approval letter from the harbormaster. Matters that need to be considered and monitored include ship safety, prevention of water pollution from ships, manning, loading lines, loading, welfare of ship crews and health of passengers, legal status of ships, safety management and prevention of pollution from ships, and ship safety management for sailing. in certain waters.

One form of prevention so that ship accidents do not occur, the ships that will travel must comply with all applicable regulations regarding safety based on the provisions of the legislation in force both nationally and international conventions that have been ratified by Indonesia. The harbormaster and government officials at the port are expected to be able to work well together to inspect the ship's seaworthiness in order to prevent unwanted things from happening.

The principles in the implementation of government services and licensing that must be considered are simplicity in terms of procedures that are easy to understand, cost certainty, clarity of requirements and timeliness, openness to service information, can provide security and comfort during the service process and can provide legal certainty.

In the implementation of the granting of a sailing permit at the Merauke harbormaster sometimes there are still those that are not in accordance with the principles of service and licensing implementation where the completion of the issuance of the sailing permit is not timely. This is because the processing of sailing licensing documents is carried out on all ships entering and leaving the Merauke [6] port while the technical

staff who will provide these services are very limited so sometimes it has to take up to 2 hours. only one patrol officer went to the field to supervise the order of the ship, and there was still a lack of ticket checks, because there were still passengers who did not have tickets so that the Syahbandar [7] had difficulty in monitoring the number of passengers because many passengers were still not orderly in carrying out sailing provisions.

It can be seen in table 1 that the number of employees at the Merauke[8] Class IV Port Authority and Harbormaster Office is 85 people and this number is still very low when compared to the working area. With the issuance of the Regulation of the Minister of Transportation of the Republic of Indonesia Number PM 154 of 2015 concerning Services for Online Sailing Syahbandar Approval Letters, it is hoped that this can facilitate and speed up services for ships entering and leaving ports because with online services, proof of payment, Documents no longer need to be submitted directly to the harbormaste[9] but only by uploading the required data and will be verified by the technical team then a physical examination will be carried out.

This online service sometimes becomes hampered due to unsupported internet signals, so they return to using the service manually.

The purpose of this study is to analyze the implementation policy of supervising the process of Issuance of Sailing Approval Letters at the Office of the Harbor Master and the Merauke Port Authority.

Table 1. Number of Employees Based on Education Level and Group

Level Education	Amount	Group	Amount
S1	14	IV	1
D-IV	8	III	38
High school	63	II	46
	85		85

2 Research Methods

The method used in this study is empirical juridical research [9] which is a procedure used to solve research problems by examining secondary data first and then proceeding with conducting research on primary data in the field. secondary data is obtained by studying and reviewing library materials in the form of legal materials [10], both primary legal materials, secondary legal materials, and tertiary legal materials. primary data is direct data obtained from data sources in the field and obtained by using observations and interviews.

This research uses analytical descriptive [11]. descriptive method is problem solving by describing or giving an overview of everything related to the object of research based on the existing reality. meanwhile, in analysis, it contains the meaning of grouping, connecting, comparing and giving meaning associated with existing legal theories relating to the object to be studied. analysis of the data used in this study is qualitative data analysis, namely the process of collecting data obtained from research results is analyzed without using statistical formulas but is presented in the form of concepts and descriptions so that in the end it can be drawn into a conclusion.

3 Results and Discussion

Supervision is a process to ensure that all activities carried out are in accordance with what has been planned. Republic of Indonesia in 1945 which can be formulated both materially and formally juridically. The material formulation of the Pancasila legal state is based on the perspective (paradigm) of the Indonesian nation in a state that is integralistic in characteristic of Indonesia, namely the principle of kinship, which means that it is announced that it is the people at large, but that human dignity and respect are still respected, and the paradigm of law that functions as protection. namely upholding democracy, including democratizing the law, social justice, and humanity[12]

Based on PM 34 of 2012 article 16 paragraph 2 concerning the Organization and Work Procedures of the Main Harbormaster Office, it is explained that the Issuance of SPB under the head of the Sailing Order section in the field of Sailing Safety has the following duties: (1) Supervising the orderly sailing of traffic in and out of ships; (2) Supervise the ship (port state control); and (3) Supervise ships of the national flag state (flag state control); (4) Carry out the fulfillment of the requirements of the ship's seaworthiness and the issuance of SPB.

One form of supervision of SPB, the government issues a regulation regarding the issuance of SPB online. SPB online is one part of the service of the Inaportnet System which is regulated in the Regulation of the Minister of Transportation of the Republic of Indonesia Number PM 157 of 2015 dated October 13, 2015 regarding the implementation of the Inaportnet System for ship and goods services at ports. The implementation of the Inaportnet System is carried out by the Directorate General of Sea Transportation, Ministry of Transportation of the Republic of Indonesia and comes into effect on January 13, 2016 or 3 (three) months since its promulgation. The application of the Inaportnet System to service ships and goods at the port is carried out in accordance with the duties, functions, authorities and responsibilities of each government agency and stakeholders related to the port in accordance with the provisions of the legislation [13][14]

The policies issued by the government should pay attention to the situation and conditions of each region and must also be supported by the capacity of human resources, according to Mrs. Merry, an employee at the harbormaster in an interview on 22 May 2022 saying that SPB issuance cannot be carried out online due to several obstacles including signals in Merauke is not good and also lacks human resources so it needs adjustment but it is hoped that by mid-2022 it can be done online.

In order to fulfill the provisions for the safety and security of water transportation, the conditions that must be met must be in accordance with the laws and regulations that must be checked before the issuance of a sailing permit as can be seen in the table below.

Table 2. Terms of Fulfillment of Water Safety and Security

Condition	
Shipworthiness	Navigation
1. Ship Safety;	1.Sailing-Navigation
2. Prevention Of Pollution from Ships Manning of Ships;	Assistance Facilities;
3. Shiploading And Loading Lines;	2.Telecommun cations Sailing;
4. The Welfare of The Crew of The Ship and The Health of Passengers;	3.hydrography and meteorology;
5. The Legal Status of The Ship;	4. lanes and crossings;
6. Management Of Safety and Prevention of Pollution from Ships; And	5. dredging and reclamation;
7. Ship Safety Management	6. scouting;
	7.ship skeleton handling; and
	8. salvage and underwater work.

For the seaworthiness of the ship, it needs to be equipped with documents as evidence such as certificates.

Although in fact there are many regulations governing the role of a porter in ship approval, however, there are frequent accidents in sea transportation which are deemed not seaworthy and whose capacity exceeds the provisions, many occur in Indonesian waters, this is clearly caused by human error (human carelessness). For example, the KM Zahro Express ship that served crossings from the waters of Muara Angke, Dis Hub Kaliadem port, North Jakarta to Tidung Island, Thousand Islands [12], North Jakarta sank due to a ship not operating but still sailing the ship so this case occurred. in this case it is not solely the fault of the captain because in terms of shipworthiness it is not only the captain who is responsible but the ship owner and also the harbormaster as the institution responsible for supervising and checking ships or marine vessels that will operate at sea, overloading is often due to manifest required as a condition for obtaining a ship permit does not match the actual number of passengers.

The duties and responsibilities of the harbormaster in Merauke Regency are very important in providing a letter of seaworthiness for ships, shipping permits, safety and security, as well as all shipping activities in Merauke seas in order to minimize accidents at sea. As the agency most responsible for safety and security in the waters, the human resources owned by the harbormaster really have the ability and expertise in accordance with their field.

According to the results of an interview with an employee who issued a permit to sail, said that "the responsibility of the porter is very heavy but we still lack human resources so that in issuing ship permits it is still far from expectations, the number of ships that enter Merauke causes sometimes physical inspections cannot be carried out because of the time." which is very tight and lacks human resources owned by the Merauke harbormaster".

Another problem faced by the harbormaster of Merauke is that most of the employees owned by the

port master of Merauke [15] are public high schools and do not have the expertise and expertise in the field of harbourmaster so that training and education needs to be carried out so that employees are able to carry out their duties and responsibilities optimally.

Syahbandar Merauke In addition to supervising transport ships, there are also traditional building ships used as fishing boats, used by fishing communities in the coastal area of Merauke, ships that were built traditionally used as fishing vessels and for fishing vessels. -the ship must also be monitored closely as is done for the transport ships mentioned above to avoid accidents when carrying out activities at sea.

The most accidents that occur in Merauke waters are accidents with traditional buildings used to catch fish, according to the interview results that in 2021 there will be 4 sea accidents on fishing boats. Fishing boat accidents often happen because the boats are not equipped with adequate safety equipment and it is rather difficult to supervise because many do not report their activities and do not register their boats.

Relevant authorities at fishing ports need to carry out joint inspections to examine aspects of occupational safety and health on board such as buoys, live jackets, and radio communications owned by fishing vessels and provide strict sanctions for vessels operating without going through applicable procedures. Therefore, to support this task, it is necessary to be supported by qualified human resources and have expertise in the field of syahbandaran.

Supervision needs to be improved so that human error does not occur. The harbourmaster in carrying out his duties as the port master is obliged to carry out a physical inspection if it meets the requirements, the port master issues a shipping permit and issues a seaworthiness certificate. ships that are fit for sailing must pass the Classification class exam by the Indonesian shipping bureau.

According to the author, the existence of ships that experience accidents such as sinking due to overload will not occur if supervision is carried out regularly, coaching and understanding of employees needs to be improved so that in issuing SPB really guided by the applicable mechanisms and rules. regulation. The Minister of Transportation must also prepare a tool that can detect the number of ship passengers leaving the port so that there is no excess of passengers to be dispatched and if it is found that there is manipulation of passengers, strict sanctions must be given to the captain of the ship. in charge of the ship.

The existence of a ship that is actually not seaworthy but has a Sailing Approval Letter is an old case that has often happened in Indonesia and has become a phenomenon that is considered normal. Safety and security in shipping is the responsibility of port officers, because ship accidents in shipping are often influenced by the ability and expertise of port officers in carrying out their obligations. both in carrying out all duties at the port as well as in carrying out cooperation or relationships. with other business entities in charge of supervising shipping in their territory.

4 Conclusion

Supervision in granting sailing approval letters must be continuously improved so that SPB permits must go through a mechanism based on the applicable law, especially having to carry out physical checks to avoid accidents at sea and also to avoid incompatibility of the data submitted with the facts on the ground. It is necessary to increase the number of HR in charge of issuing Sailing approval letters and it is necessary to improve the quality and expertise of HR through training and education to support the implementation of tasks and functions. The Ministry of Sea Transportation must have a device that can detect the number of passengers on board the ship so that if it exceeds the passenger capacity, there will be a warning sign.

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