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The Supervisory Function of the Harbormaster's Office at Port Terminal Facilities Based on Law No. 17 of 2008 on Shipping.

Yusdin [1*], L.M. Ricard Zeldi Putra[2], Samsul[3]

[1,2,3] Faculty of Law, Muhammadiyah University of Buton, Indonesia

ABSTRACT

The sea is the boundary of a country with another country with a boundary point determined through bilateral or multilateral extradition which means it is also the limit of a country's power, as far as the outer line of its territory. The purpose of this study was to determine how the role of supervision of the Port Authority in the safety of shipping security and to determine the constraints of the role of the Port Authority in law enforcement and supervision of shipping security safety in the Office of the Port Authority and Class II Baubau. Port supervision is very important because the security and safety of shipping is already his job. The actions taken are in order to increase security and safety supervision on matters related to shipping. The supervisory duties carried out by the Syahbandar in the framework of regulating the facilities and infrastructure for the implementation of sea transportation operations are very important. Syahbandar in his duty must also ensure the awareness of the government of sea transportation services such as companies, ship owners, ship crews to obey the laws and regulations in force in the field of shipping safety which is generally still low. Kesyahbandaran office and Port Authority Class II Babubau is a state of fulfillment peryatan security and safety related to transport in the waters, ports and Maritime Environment (Law of the Republic of Indonesia No. 17 of 2008 on shipping Article (1) paragraph (32). Security and safety is the main thing in transportation, not only national scope, also including international. According to the law of the Republic of Indonesia No. 17 of 2008 on shipping Article (17), the safety and security of new water transportation can occur when the requirements of ship's seaworthiness and navigation are met.

Keywords: *Supervisory Function, Harbor Master, Port Terminal, Law No. 17 of 2008, Shipping*

1. Introduction

Ports are strategic nodes in the maritime transportation system that connect regional supply chains through cargo handling, passenger mobility, and vessel movements from the port of loading to the port of destination. From a transport management perspective, a port functions as an interface (the meeting point between sea and land services), a gateway (the entry and exit point for flows of people and goods), an industrial entity (an economic engine that stimulates supporting services), and a hub for multimodal integration. These roles position ports not merely as operational sites, but as public infrastructure that directly influences logistics efficiency, connectivity across an archipelagic territory, and the dynamics of the local economy. In an archipelagic country such as Indonesia, the quality of port services and the assurance of maritime safety have a dual impact: reducing logistics costs while strengthening users' trust in sea transport.(Alfarisi, 2024)

Nevertheless, the operational complexity of ports also entails substantial risks. Passenger congestion, limited terminal facilities, varying levels of user compliance, and fluctuating cargo flows may create vulnerabilities in safety and security anging from disorderly embarkation and disembarkation, the carriage of

Korespondensi: Yusdin, Email: *yusdin*@gmail.com

prohibited or hazardous items, to overcapacity and maritime accidents. At the global level, maritime safety and security have long been central concerns in international maritime governance. The International Maritime Organization (IMO) underscores the mission of "safe, secure and efficient shipping on clean oceans," reflecting a normative commitment that safety, security, and marine environmental protection must be pursued simultaneously. Major conventions such as SOLAS, MARPOL, STCW, COLREG, and the Load Lines Convention demonstrate that maritime safety is determined not only by ships and crews, but also by supervision systems, procedural compliance, and adequate infrastructure support at ports.(Wisly Deo Kawengian, Ruddy Watulingas, 2010)

In the Indonesian context, the mandate for maritime safety and security is firmly grounded in Law Number 17 of 2008 on Shipping, which affirms that the Harbormaster (Syahbandar) carries out safety and security functions encompassing implementation, supervision, and law enforcement in the fields of waterborne transport, port operations, and marine environmental protection within ports.(Skripsi, 2015) This legal framework positions the Harbormaster authority as a key actor in ensuring that terminal operations particularly those related to passenger and cargo flows are conducted in accordance with safety standards, orderliness, and accountability. Accordingly, supervision over embarkation and disembarkation is not merely an administrative routine; it is a risk-control instrument that determines public safety outcomes and the resilience of port services.(Muhammad, 2016)

In line with efforts to enhance safety, security, and public service quality, the Directorate General of Sea Transportation has designated six pilot project ports for law enforcement in shipping and the improvement of public services among them Murhum Port in Bau-Bau as part of broader initiatives to refine procedures and strengthen supervision.(Darsono et al., 2021) Official reports indicate that Murhum Port has undertaken improvements such as stakeholder socialization and coordination for the implementation of e-ticketing, and the installation of supporting equipment including toll gates/auto gates and x-ray scanners, aimed at establishing distinct zones public, restricted, and sterile within the passenger terminal. Such transformation is significant because ticket digitalization and strengthened security screening can improve queue management, reduce ticket scalping, enhance passenger traceability, and mitigate the risk of hazardous items entering restricted areas. At the same time, service system changes may generate implementation challenges, including operator readiness, user adaptation, supervisory workforce capacity, and sustained consistency in enforcing procedures.(Keselamatan et al., 2019)

This is precisely where research on the supervisory function of the Harbormaster becomes particularly relevant. The literature emphasizes that the Harbormaster's supervisory mandate is not limited to issuing documents or permits, but extends to ensuring compliance with safety standards through operational control and legal enforcement. In practice, supervision of embarkation and disembarkation often encounters recurring constraints: limited personnel, inadequate terminal capacity, seasonal passenger surges, and low levels of safety awareness among passengers.(Pidana et al., 2023) Such conditions may lead to serious operational consequences for instance, overcapacity that undermines vessel stability, disorderly passenger flows that increase the likelihood of accidents on gangways or boarding stairs, and violations of safety provisions such as excessive baggage, hazardous goods, or prohibited behavior (e.g., smoking in restricted areas). Therefore, supervision must be examined as a governance issue

that evaluates the alignment between legal norms, operational procedures, resource availability, and user behavior.(Indonesia, 2008)

More specifically, Murhum Port in Baubau holds a strategic position as a gateway for inter-island passenger and cargo mobility in Southeast Sulawesi.(Batam, 2020) Consequently, the quality of supervision at the passenger terminal becomes an issue with broad implications. The introduction of e-ticketing, auto gates, and x-ray scanners signals modernization; however, technological upgrades do not automatically guarantee supervisory effectiveness unless accompanied by organizational strengthening, inter-agency coordination, and continuous public education on maritime safety. In other words, there is a clear research gap concerning: (1) how the Harbormaster's supervisory function is implemented under Law No. 17 of 2008 at the level of port terminals; and (2) what constraints hinder law enforcement and supervision of maritime safety and security, particularly in the processes of passenger embarkation and disembarkation.

Based on this framework, this article aims to analyze the Harbormaster's supervisory function in relation to maritime safety and security at port terminals by referring to the normative provisions of Law No. 17 of 2008, and to identify key implementation barriers that arise in the supervision practices at Murhum Port, Baubau.(Annas, 2017) The expected contribution of the study is twofold. First, on a theoretical level, this article strengthens scholarly discussion on how the Harbormaster's mandate operates as a mechanism of public safety control in ports by linking normative aspects (legal rules) with empirical realities (field practices). Second, on a practical level, the findings can serve as input for improving supervision governance such as refining embarkation and disembarkation procedures, strengthening human resources and training, optimizing security screening facilities, and designing effective public education strategies to increase long-term compliance with safety standards.(Theodorus Hendrik Sadipun, 2008)

Ultimately, maritime safety and security at port terminals are shaped by the interaction of multiple variables: regulatory frameworks, institutional capacity of supervisory authorities, quality of facilities, service technologies, and user behavior. By focusing on Murhum Port in Baubau as the locus of analysis, this article seeks to provide a more systematic account of how the Harbormaster's supervisory mandate operates within a port undergoing service transformation, and how key constraints can be mapped to inform policy and operational improvements in the future.(Yanti Kirana, 2020)

2. Methods [Bookman Old Style 11pt bold]

This study employs an empirical juridical research design with a qualitative approach using field research. This design is selected to obtain an in-depth understanding of how the Harbormaster's supervisory function is implemented in the port terminal area particularly in relation to maritime safety and security based on Law No. 17 of 2008 on Shipping. The qualitative approach emphasizes narrative evidence (words, events, practices, and documents) rather than numerical measurement, enabling the researcher to explain what happens, why it happens, and how supervision is carried out in practice.

The research was conducted at the Class II Baubau Harbormaster and Port Authority Office (KSOP) at Murhum Port, Baubau City, with the timeline spanning the specified month(s) until completion. Data sources consist of primary and secondary data. Primary data were obtained directly from key informants through interviews, namely: Taher Laitupa, ST., MT (Head of KSOP Class II Baubau) and

Lianuddun (Head of the Administrative Subdivision of Harbormaster Affairs). Secondary data were collected through library research and document review, including relevant legislation, operational guidelines, and official documents supporting supervisory activities at the port.(Wisly Deo Kawengian, Ruddy Watulingas, 2010)

Data collection techniques include observation, interviews, and documentation. Observation was carried out to capture real conditions and supervisory workflows in the port terminal. Interviews were conducted using a combination of structured and unstructured formats to ensure both systematic coverage of key issues and flexibility to explore emerging themes based on informants' responses. Documentation was used to strengthen empirical evidence by examining credible records directly related to the implementation of supervision.

Data analysis followed three stages: (1) data reduction, involving sorting, grouping, and simplifying raw data from observations and interviews; (2) data display, organizing the information into a coherent narrative classified according to the main problem areas; and (3) conclusion drawing, synthesizing the processed data to formulate the core findings regarding supervisory practices and the constraints encountered in the field.(Theodorus Hendrik Sadipun, 2008)

3. Findings and Discussions

3.1 Findings The Harbor Master's Supervisory Function and Shipping Safety and Security at Port Terminals Based on Law No. 17 of 2008 Concerning Shipping

This study found that the concept of maritime safety and security at Murhum Port, Baubau, is understood and implemented by the Harbormaster and Port Authority (KSOP Class II Baubau) as a legal and operational obligation grounded primarily in Law No. 17 of 2008 on Shipping. In line with Article 1 point 32 of the Law, maritime safety and security are interpreted as a condition in which safety and security requirements related to water transport, port operations, and the maritime environment are fulfilled. The field evidence also shows that this understanding is closely connected to the notion of seaworthiness (kelaiklautan kapal) as described in Article 1 point 33, which emphasizes that a vessel must meet requirements on ship safety, pollution prevention, manning, load lines, cargo handling, crew welfare and passenger health, legal status, safety management, pollution prevention management, and ship security management before it is permitted to sail.

1) Safety and security as an integrated governance system

The findings indicate that KSOP Baubau places maritime safety and security within a broader governance framework that aligns national regulation with international maritime standards. Informants emphasized that safety is not merely a technical matter but also a regulatory regime supported by international conventions and institutions. In this regard, respondents linked safety governance to the role of the International Maritime Organization (IMO) under the United Nations, which continuously promotes safer shipping and environmental protection. From the perspective of port administration, the linkage between international safety norms and Indonesian statutory regulation serves as a reinforcing mechanism: international conventions establish global baselines, while national law mandates operational enforcement through the Harbormaster's authority at the port level.

This integrated perspective becomes more important because Indonesia's maritime space is vast and weather conditions are increasingly unpredictable.

Informants highlighted that climate variability and extreme conditions elevate risks, making preparedness, supervision, and adequate facilities indispensable. In addition, the findings confirm that safety and security in water transport are expected to be achieved only when two major pillars are fulfilled: (a) vessel seaworthiness requirements and (b) navigational safety requirements, as reflected in the legal mandate that emphasizes certification and ship documentation as evidence of compliance.

2) Core supervisory functions implemented by the Harbormaster

Field data show that the Harbormaster's supervisory work at KSOP Baubau is operationalized through a set of routine and incident-based functions that directly relate to safety and security outcomes. The study documented eight major supervisory functions that were consistently mentioned and reflected in practice:

a) Ensuring port order and sailing order, including the issuance of Sailing Approval (Surat Persetujuan Berlayar/SPB) and related port clearance processes.
b) Investigating shipping accidents, providing support for marine Search and Rescue coordination, pollution response, and handling shipwreck frameworks when necessary.
c) Supervising salvage and underwater works, including safety controls and security assurances for such operations.
d) Maintaining compliance and enforcing shipping regulations within port areas and port waters as a form of administrative and legal control.
e) Monitoring ship repair/docking activities, particularly those that may affect seaworthiness and operational readiness.
f) Conducting regulatory socialization, including dissemination of national and international maritime safety rules to stakeholders.
g) Strengthening oversight over anchored vessels and port-basin activities, with specific attention to Ship-to-Ship (STS) transfer in designated areas, given its higher safety and pollution risks.
h) Reporting supervisory activities, especially those related to inspection, manning oversight, seaworthiness checks, certification, and port order to the Directorate General of Sea Transportation.

These functions demonstrate that supervision is not limited to passenger control at terminals; rather, it includes the broader ecosystem of ship readiness, documentation integrity, port-water traffic, cargo risk management, and environmental safeguards.

3) The Harbormaster's role as the state's presence in maritime traffic

Interviews with key port officers underline a strong institutional narrative: the Harbormaster is considered the formal representation of government authority in maritime traffic and port operations. One informant (Head of the Sailing Safety Section) emphasized that maritime accidents frequently stem from neglected procedures, and therefore the Harbormaster's supervisory mandate becomes central to prevention. The study found that the informant framed the Harbormaster as an essential public authority that ensures not only private contractual relationships in shipping (between operators, agents, and service users) but also public legal control over safety and order. This view reinforces the idea that the implementation of Law No. 17 of 2008 is not symbolic—its operational meaning is realized through daily enforcement actions, especially in verifying compliance and preventing vessels from sailing under unsafe conditions.

4) Documentation control as a decisive safety gate: the SPB mechanism

A major empirical finding is the centrality of document verification and certification control in ensuring safety. According to the duty officer interviewed, one of the most visible roles of the Harbormaster is the authority to examine, store, and issue essential ship documents required for sailing and for cargo handling activities. In practice, the most decisive document is the Sailing Approval Letter (SPB). Informants explicitly referred to the legal rule that every vessel must have an SPB issued by the Harbormaster before departure, and that the SPB becomes invalid if the vessel does not depart within 24 hours after approval. Operationally, this provision functions as a compliance lock: when the SPB is no longer valid, a vessel should not depart until a new approval is issued under renewed verification.

The study found that the issuance of an SPB is not a single-step administrative act. It is preceded by a structured mechanism: the shipping company or agent submits a written request accompanied by (1) a statement of ship readiness (Master Sailing Declaration) and (2) cargo documentation and other evidence of compliance. The required compliance evidence includes proof of payments for port services and navigational services, shipping levies, and approvals from relevant agencies such as customs, immigration, health quarantine, and animal/plant quarantine. After receiving the request, KSOP officers conduct verification of ship certificates and documentation, followed by physical inspection when needed to confirm seaworthiness. Only when the vessel is declared fit to sail administratively and operationally does the Harbormaster issue the SPB.

5) Operational scope of KSOP supervision at Baubau

Finally, the findings confirm that KSOP Baubau's supervision covers a wide set of operational domains mandated by the Shipping Law. These include monitoring seaworthiness and port order; controlling vessel traffic in port waters and shipping lanes; supervising cargo transfer activities; monitoring pilotage and tugging operations; overseeing underwater works and salvage; supervising dangerous goods handling; monitoring bunkering (fueling); overseeing dredging and reclamation; and supervising construction of port facilities. This breadth indicates that the supervision of maritime safety and security is multi-layered—combining legal compliance, technical inspection, inter-agency coordination, and continuous monitoring of risk-prone operations.

3.2 Obstacles faced by the Harbor Master in enforcing the law and supervising shipping safety and security at the Class II Baubau Harbor Master and Port Authority Office

A large body of national regulations has been enacted to safeguard the governance of commercial maritime safety by requiring Harbormaster (Syahbandar) officials to possess appropriate professionalism and competence. Various references emphasize that the Harbormaster's presence is crucial because maritime safety is directly connected to the protection of human life as well as the prevention of economic losses. From this standpoint, Law No. 17 of 2008 on Shipping explicitly affirms the Harbormaster's functions and duties, as stipulated in Article 207, namely that: (1) the Harbormaster carries out maritime safety and security functions covering implementation, supervision, and law enforcement in the fields of waterborne transport, port operations, and protection of the maritime environment within ports; (2) in addition to these functions, the Harbormaster assists search and rescue (SAR) operations in ports in accordance with prevailing laws and regulations; and (3) the Harbormaster is appointed by the Minister after meeting competency requirements in maritime safety and security and harbormaster affairs.

The enactment of a newer statute, Law No. 32 of 2014 on Marine Affairs, constitutes part of the state's effort to strengthen legal certainty in maritime law enforcement while addressing overlapping enforcement systems within maritime jurisdictions. When promulgated, this law was expected not to create new problems but rather to contribute to simplifying existing challenges in enforcing law at sea. Accordingly, it is anticipated to provide clearer legal guidance for institutions vested with authority in maritime zones and to deliver legal certainty to business actors, service users, and providers of maritime transport services.

Law enforcement is not an activity that operates independently; instead, it has a close reciprocal relationship with society. Law enforcement within a community exhibits particular tendencies shaped by the community's structural characteristics. This social structure can function as both a constraint and an enabling condition either by providing social infrastructure that makes enforcement feasible, or by generating barriers that prevent enforcement from being carried out effectively and consistently.(Yanti Kirana, 2020)

At the Class II Baubau Harbormaster and Port Authority Office (KSOP), constraints in delivering Harbormaster services and conducting supervision of maritime safety and security were identified. According to an interview with Hasbi Hasim, S.Sos., Head of the Sailing Safety Section, two broad categories of constraints affect the performance of safety and security supervision: internal and external constraints.

First, internal constraints relate to the capacity and conduct of Harbormaster personnel. These include: (1) insufficient competence and technical skills among certain officers, accompanied by weak mental readiness and discipline in performing supervisory duties; (2) limited mastery or understanding of applicable provisions in shipping legislation that should guide supervisory actions; (3) negligence and lack of discipline in implementing safety and security oversight tasks; and (4) the need for systematic competency enhancement so that Harbormaster personnel can strengthen their role in supporting safe and orderly maritime operations.

Second, external constraints are associated with operational realities on board vessels and the broader navigational environment. Maritime safety is highly dependent on the shipmaster's (nakhoda's) preparedness before sailing. This preparedness includes ensuring the planned route is safe, confirming that all safety equipment and communication devices function properly, verifying that the main engine and auxiliary machinery operate normally, calculating sufficient fuel and logistics to reach the destination, and assessing weather conditions and marine hazards along the voyage. The shipmaster, as the company's representative on board, bears full legal responsibility and authority to ensure the safety of the vessel, crew, cargo, and surrounding operational environment from departure until arrival at the destination port. The shipmaster must ensure the vessel is seaworthy, evidenced by safety certificates (hull, machinery, and safety equipment certificates) issued after inspection or testing by competent certification bodies. However, adverse weather may impair the shipmaster's concentration and decision-making. Other contributing factors include an uncohesive crew, inadequate skills among crew members in executing their duties, and personnel transfers by shipping companies that require shipmasters to move to vessel types and configurations that they have not fully mastered.(Pidana et al., 2023)

Based on these constraints, the analysis suggests that supervision of shipping conducted by the Harbormaster particularly as operationalized under Minister of Transportation Regulation No. 51 of 2015 has not yet been fully optimal. This is reflected in the continued operation of certain vessels that do not meet statutory requirements, as contemplated in Article 32 of Law No. 17 of 2008 on Shipping.

Moreover, the Harbormaster's supervision has not reached all objects of oversight due to limited human resources and insufficient awareness among vessel operators regarding the obligation to guarantee passenger safety and security, including the provision of adequate life-saving appliances on board.

In addition, the study indicates that the shipmaster's legal responsibilities are not always implemented adequately. Factors contributing to this shortfall include the shipmaster's limited skills, weak mental readiness and discipline in carrying out duties during voyages, inadequate understanding of shipping legislation, and insufficient oversight by competent authorities. Environmental conditions especially severe weather also constitute a critical external factor that can reduce the shipmaster's ability to concentrate and make sound navigational decisions.

4. Conclusion

The study concludes that the Harbormaster's supervisory function at KSOP Class II Baubau is legally mandated and strategically vital for ensuring maritime safety and security in port waters and terminal operations. In practice, supervision is implemented through administrative control (especially document verification and the issuance of Sailing Approval/SPB), operational monitoring of vessel movements and port activities, and coordination with relevant agencies for port clearance. These mechanisms reflect the intent of Law No. 17 of 2008, which positions the Harbormaster as the state authority responsible for preventing accidents and enforcing compliance with seaworthiness and navigational requirements. However, the findings also confirm that supervision has not yet reached optimal effectiveness due to a combination of internal and external constraints. Internally, the main problems include uneven competence and technical skills among officers, limited understanding of applicable regulations, and weaknesses in discipline that may reduce consistency in inspections and enforcement. Externally, safety outcomes are strongly influenced by the shipmaster's preparedness, crew capability, the adequacy of safety equipment, and environmental factors such as adverse weather and marine hazards. In some cases, organizational issues within shipping companies such as frequent transfers to unfamiliar vessel types also affect shipmaster performance. Overall, improving maritime safety at Murhum Port requires strengthening human resources, enhancing regulatory literacy and discipline, ensuring adequate supervision coverage, and reinforcing operator compliance and safety culture across all stakeholders.

References

Alfarisi, S. (2024). *Peran Syahbandar Dalam Pengawasan Pengangkutan Barang Khusus Atau Berbahaya (Studi Di Kantor Kesyahbandaran Dan Otoritas Pelabuhan Kelas III Lembar)*. *3*(1).

Annas, M. (2017). *FAKULTAS HUKUM UNIVERSITAS MUHAMMADIYAH SURABAYA KEGIATAN USAHA PT . PELABUHAN INDONESIA PASCA PERSAINGAN USAHA*. *1*(2).

Batam, P. K. (2020). *Zona Keadilan : Program Studi Ilmu Hukum (S1) Universitas Batam*. *10*(03), 1–15.

Darsono, N., Syibli, Y. M., & Fajar, M. A. (2021). *KHUSUS BATAM DALAM IZIN PEMBANGUNAN TERMINAL KHUSUS*. *3*(2), 41–49.

Indonesia, R. (2008). *UNDANG-UNDANG REPUBLIK INDONESIA NOMOR 17 TAHUN*

2008.

Keselamatan, M., Dan, K., Penumpang, K., & Pelabuhan, D. I. (2019). *Efektivitas pengawasan syahbandar dalam upaya mewujudkan keselamatan, keamanan dan ketertiban penumpang di pelabuhan tual*.

Muhammad. (2016). *Harmonisasi Pengaturan Tentang Kewenangan Dalam Penerbitan Surat Persetujuan Berlayar (Spb) Kapal Ikan Di Pelabuhan Belawan Ditinjau Dari Undang-Undang Nomor 17 Tahun 2008 Tentang Pelayaran Dan Undang- Undang Nomor 45 Tahun 2009 Tentang Perikanan*. *9*(2), 136–153.

Pidana, P., Usaha, P., Terkait, J., Bongkar, K., Barang, M., Tidak, Y., & Perizinan, M. (2023). *Jurnal Media Hukum*. *11*(September), 99–117.

Skripsi, A. (2015). *Lex et Societatis , Vol. III/No. 3/Apr/2015*. *III*(3), 25–36.

Theodorus Hendrik Sadipun, S. (2008). *Pelaksanaan Fungsi Pengawasan Syahbandar dalam Meningkatkan Keamanan dan Keselamatan Pelayaran Kapal Wisata di KSOP Kelas III Labuan Bajo*.

Wisly Deo Kawengian, Ruddy Watulingas, H. S. M. (2010). *KEBIJAKAN HUKUM PIDANA DALAM MENANGGULANGI PELANGGARAN PELAYARAN MENURUT UNDANG-UNDANG NO. 17 TAHUN 2008 TENTANG PELAYARAN*. *17*.

Yanti Kirana, B. (2020). *Analisis Pertanggungjawaban Syahbandar Dalam Keselamatan Pelayaran Di Tinjau Dari Undang-Undang No 17 Tahun 2008 Tentang Pelayaran Di Wilayah Indonesia*. *IV*(2), 168–176.