

# Juridical Review Of The Accountability Of The Port Authority and The Port Authority Office (KSOP) In The Evaluation System For The Implementation Of Guidance At The Port

*by* Gahara Herawati

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## Juridical Review Of The Accountability Of The Port Authority and The Port Authority Office (KSOP) In The Evaluation System For The Implementation Of Guidance At The Port (Research Study On Batam Special KSOP)

Gahara Herawati<sup>1\*</sup>, Erniyanti Erniyanti<sup>2</sup>, Soerya Respationo<sup>3</sup>, Bachtiar Simatupang<sup>4</sup>, Darwis Anatami<sup>5</sup>

<sup>1-5</sup>Faculty Of Law, University Of Batam, Batam City, Indonesia

**Abstract.** This research is motivated by the importance of the role of KSOP in ensuring that ship guidance at the port is carried out in accordance with the set safety standards, as well as various obstacles that hinder the optimization of the implementation of these responsibilities. These obstacles include limited human resources, budgets, infrastructure, and ineffective coordination and communication. Research Objectives The purpose of this study is to analyze and evaluate the accountability of KSOP in the implementation of guidance at Batam City Port, identify the obstacles faced, and formulate efforts that can be made to overcome these obstacles. Research Methods This research uses normative juridical and empirical sociological methods. The normative juridical method is carried out through a literature study of the laws and regulations that regulate ship guidance and the responsibilities of KSOP. Meanwhile, empirical sociological methods are carried out through observation, interviews, and direct data collection from the Batam Special KSOP and other related parties. Research Results The results of the study show that the implementation of KSOP accountability in the implementation of guidance at the Port of Batam City has not run optimally. Obstacles faced include limited human resources, inadequate budgets, outdated infrastructure and technology, and lack of coordination and communication. In addition, awareness and compliance with safety procedures still need to be increased. Suggestions This study suggests increasing the recruitment and training of ship guides, optimizing budgets, modernizing navigation equipment and communication technology, simplifying regulations, and improving coordination and communication between related parties. With these steps, KSOP is expected to be more effective in supervising and ensuring the implementation of safe and efficient guidance at the Port of Batam City.

**Keywords:** Jurisprudence Review, Accountability, KSOP, Ship Guidance

### INTRODUCTION

The Batam Special Harbormaster and Port Authority Office (KSOP) has an important role in supervising and regulating pilotage activities at ports in the Batam area. Pilotage is an important process in ship navigation to and from the port that must be carried out safely and efficiently for the safety of shipping and the surrounding environment. Indonesia is the largest archipelagic country in the world consisting of 17,504 islands. The islands of Indonesia can only be connected through the seas between the islands. The sea is not a separator, but a unifier of the various islands, regions and areas of Indonesia. Shipping, which connects the islands, is the lifeblood and unifier of the Indonesian nation and state. Therefore, the development of the national shipping industry as a strategic sector needs to be prioritized in order to increase Indonesia's competitiveness in the global market, because almost all commodities for international trade are transported using maritime transportation facilities and infrastructure.<sup>1</sup> Sea Transportation (Transportation in Waters) is the activity of transporting passengers, and/or

<sup>1</sup> F.D.C. Sudjatmiko, Pokok-Pokok Pelayaran Niaga, Akademika Pressindo. Jakarta, 2009, hal. 2.

goods, and/or animals, through a water area (sea, river and lake, crossing) and certain territory (domestic or overseas), using ships, for special and general services. In an effort to realize this condition, of course the government has an important role to support smooth shipping through government agencies, namely the Harbor Master and Port Authority Office. The Harbor Master and Port Authority Office (KSOP) is a Technical Implementation Unit within the Ministry of Transportation which is under and responsible.

The implementation of pilotage at the port can involve various parties, including KSOP officers, port pilots, and ship captains. These pilotage activities must be carried out in accordance with applicable rules and standards to minimize the risk of accidents or other incidents that can endanger the safety of shipping and the surrounding environment to the Director General of Sea Transportation. The Harbormaster and Port Authority Office (KSOP) has the task of carrying out supervision and law enforcement in the field of shipping safety and security, as well as coordinating government activities at the port. The Harbormaster and Port Authority Office (KSOP) has an important role in realizing a good shipping system.<sup>2</sup> Furthermore, Article 29 paragraph (1) of the Regulation of the Minister of Transportation Number: PM 57 of 2015 concerning Ship Guidance and Towing states that "Ship guidance and towing services as referred to in Article 28 are carried out by the Port Authority, Harbor Master and Port Authority, or Port Management Unit.

In the specific context of the Batam Special KSOP Office, this research study will provide a deeper understanding of how the evaluation system for the implementation of pilotage at the port is carried out, how the performance assessment mechanism for pilots is, and how the KSOP is accountable for supervising and ensuring the implementation of safe and efficient pilotage. Based on the problems above, the author is interested in making it a scientific work in the form of a thesis with the title "Legal Review of the Accountability of the Harbor Master and Port Authority Office (KSOP) in the Evaluation System for the Implementation of Pilotage at the Port (Research Study on the Batam Special KSOP)".

Based on the background description above, the author raises several problems that will be discussed further. The problems are as follows:

1. How is the legal regulation of the responsibility and authority of the Harbor Master and Port Authority Office (KSOP) related to the evaluation system for pilotage implementation at the port?

<sup>18</sup> \_\_\_\_\_  
<sup>2</sup> Sapto Sardjono, *Beberapa Aspek Hukum Laut Privat Di Indonesia*, Mikamur Express, Jakarta, 2014, hal. 50.

2. How is the implementation of the accountability of the KSOP Office in supervising and ensuring the implementation of safe and efficient pilotage at the port?
3. What are the obstacles and efforts to implement the accountability of the KSOP Office in supervising and ensuring the implementation of safe and efficient pilotage at the port?

<sup>22</sup> Based on the formulation of the problem stated above, it can be seen that the objectives of this <sup>20</sup> research are:

1. To find out and analyze the legal arrangements of the responsibility and authority of the Harbor Master and Port Authority Office (KSOP) related to the evaluation system for the implementation of pilotage at the port. <sup>26</sup>
2. To find out and analyze the implementation of the KSOP Office's responsibility in supervising and ensuring the implementation of safe and efficient pilotage at the port.
3. To find out and analyze the obstacles and efforts to implement the KSOP Office's responsibility in supervising and ensuring the implementation of safe and efficient pilotage at the port.

## 2. LITERATURE REVIEW <sup>5</sup>

The Harbormaster and Port Authority Office (KSOP) is a technical implementing unit <sup>13</sup> under the Directorate General of Sea Transportation, Ministry of Transportation of the Republic of Indonesia. KSOP has an important role in the management and operation of ports in Indonesia, covering various aspects such as shipping safety and security, operational efficiency, and port service delivery.<sup>3</sup> As a port authority, KSOP is tasked with ensuring that all activities at the port, from loading and unloading goods, passengers, to ship maintenance, <sup>23</sup> run in accordance with applicable standards and regulations. The main tasks of KSOP include regulating ship traffic, granting permits for berthing and ship operations, managing port facilities, and supervising the implementation of shipping safety and security standards. One of the main tasks of the Harbormaster and Port Authority Office (KSOP) is the regulation of ship traffic, which includes managing the arrival, departure, and movement of ships within the port area. port area. This includes granting berthing permits for ships that will be loading and unloading goods or passengers, as well as ensuring that the ship's operation process runs smoothly and according to the established schedule.<sup>4</sup>

Through this comprehensive management and supervision, KSOP plays a vital role in

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<sup>3</sup> Kantor Syahbandar dan Otoritas Pelabuhan Kelas 1 Banten, Data Kecelakaan Kapal Tahun 2017-2018, KSOP Kelas 1 Banten:,Banten. 2018, hal. 12

<sup>4</sup> Ibid, hal. 13

maintaining shipping safety and security, while supporting efforts to improve the quality of port services in Indonesia. In addition, KSOP also plays a role in encouraging improvements in the quality of port services, including facilitating improvements to port infrastructure and superstructures, and implementing information technology in the port system to improve service efficiency and transparency.<sup>5</sup> KSOP works with various stakeholders, including port operators, shipping agents, and other related agencies, to ensure **the smooth flow of goods and passengers, and** to create a highly competitive port. In carrying out its functions, KSOP prioritizes the principles of good governance, compliance with national and international maritime regulations, and a commitment to preserving the maritime environment.<sup>6</sup>

Pilotage and towing services on waters are an essential component of maritime operations, especially in port areas and waters that require precise and safe navigation. These services are designed to ensure the safety and efficiency of ship movements when entering or leaving a port, as well as when moving through narrow or heavily trafficked waters. Pilotage Services are services provided by pilots, who are trained professionals and experienced in navigating certain waters. These pilots are responsible for guiding the ship through safe navigation routes, avoiding obstacles such as reefs, wrecks, and other dangerous areas that may not be known to the crew.<sup>7</sup> General provisions on pilotage services are set out to ensure **the safety of navigation and the protection of the maritime environment** in waters that require specialized knowledge of local conditions. These services are usually required by maritime authorities in many countries, especially in ports, narrow straits, or dangerous and congested waters. These provisions aim to standardize ship pilotage practices, ensuring that all vessels entering or leaving such waters have navigational support from individuals with in-depth local expertise and knowledge. The pilotage evaluation system in ports is an important mechanism to ensure the safety, security and efficiency of ship navigation in and around the port area. The evaluation process involves a comprehensive assessment of various operational aspects of pilotage services, including the performance of ship pilots, the quality of equipment and technology used, and compliance with applicable standards and regulations. Pilot performance evaluation is a systematic and structured process to measure the effectiveness, efficiency and safety of services provided by pilots during the pilotage process. This process aims to ensure that pilots meet the highest professional standards and can safely manage navigation challenges in port waters.

<sup>5</sup> Supit, Hengky, Pedoman Khusus Keselamatan dan Keamanan Pelayaran, Bakorkamla, Jakarta, 2019, hal. 2

<sup>6</sup> Ibid, hal. 26

<sup>7</sup> Effendy Abdullah, Brief History: Pemanduan Kapal di Indonesia, Centralis Press, Bogor, 2011, hal. 56

Implementing the results of the pilotage performance evaluation is the next critical step, which involves developing an action plan to address identified weaknesses and strengthen areas that are already performing well. This may include additional training, emergency simulations, or changes in operational procedures. In the long term, this process of continuous evaluation and improvement ensures that the pilotage service remains responsive to changing navigation conditions and technologies, and meets the safety and efficiency expectations of the global maritime community. This evaluation of ship pilot performance becomes a key component in ongoing efforts to improve shipping safety, protect the maritime environment, and support operational efficiency in ports and surrounding waters. The pilotage implementation evaluation system at the port plays a critical role in efforts to improve the quality of pilotage services, ensure the safety and efficiency of maritime transportation, and support the smooth operation of the port.

### 3. RESEARCH METHOD

The specification and/or type of research for this thesis is <sup>1</sup>normative legal research while combining it with sociological (empirical) legal research using secondary data obtained directly from the first source through field research through interviews and primary data as a source/information material in the form of primary legal materials, <sup>15</sup>secondary legal materials and tertiary legal materials.<sup>8</sup> The approach method in this study is a combination of the normative approach "legal research" with the empirical approach method "Juridical Sociologies". The research mechanism with this combined approach method is carried out by describing the explanation of the inductive research method leading to the deductive method and vice versa. This is done by the author to help explain the relationship between research variables and research objects so that it can produce an understanding that is very helpful for readers, especially researchers and academics.

The location of this research is carried out in the Riau Islands Province, precisely in Batam City. This location is determined based on the data that is the object of this thesis research. The population is all elements related to the object of research. As for the sample used by the author is the purposive sampling technique in determining respondents and informants who will be interviewed to meet the primary data needed to complete the research.

#### 4. RESULTS AND DISCUSSION

##### **Legal Regulations on the Responsibilities and Authorities of the Harbor Master and Port Authority Office (KSOP) regarding the Evaluation System for the Implementation of**

###### **a. Guidance at the Port**

The Harbor Master and Port Authority Office (KSOP) has responsibilities and authorities regulated in several laws and regulations related to the implementation of pilotage at the port. The following is a description of the legal regulations covering the legal basis for the responsibilities and authorities of KSOP:

###### **a. Law Number 17 of 2008 concerning Shipping**

Article 126 paragraph (5) of Law Number 17 of 2008 concerning Shipping stipulates that inspection and testing of ships to ensure the seaworthiness of ships and protection of the maritime environment must be carried out by authorized and competent government officials. This regulation emphasizes the importance of direct involvement of authorized and competent officials in the process of inspection and testing of ships. This aims to ensure that ships operating in Indonesian waters meet the established safety and seaworthiness standards, as well as prevent accidents and pollution of the maritime environment.

###### **b. Regulation of the Minister of Transportation Number 93 of 2014 concerning Ship Pilotage Auxiliary Facilities and Infrastructure**

Article 3 paragraph (1) of the Regulation of the Minister of Transportation Number 93 of 2014 states that pilotage aids must meet the established safety standards. This means that all equipment and facilities used in the ship pilotage process, such as pilot ships, radar, communication equipment, and navigation devices, must meet the safety requirements stipulated by maritime regulations. The aim is to ensure that pilotage operations are carried out safely and effectively, minimizing the risk of accidents at sea.

###### **c. Regulation of the Minister of Transportation Number 57 of 2015 concerning Ship Pilotage and Towing**

Article 29 paragraph (1) of the Regulation of the Minister of Transportation Number 57 of 2015 states that ship pilotage and towing services are carried out by the Port Authority, Harbor Master and Port Authority (KSOP), or Port Organizing Unit. This regulation establishes institutional responsibilities in providing essential services for ship navigation at the port, ensuring that ship pilotage and towing operations are carried out by parties who have the authority and competence in accordance with applicable regulations.

**d. Decree of the Minister of Transportation Number KM 228 of 2021 concerning Determination of Class II Mandatory Pilotage Waters in Batam Port Waters, Riau Islands Province**

Article 2 paragraph (1) of the Decree of the Minister of Transportation Number KM 228 of 2021 stipulates certain waters as mandatory pilotage waters. This means that ships operating in the designated waters are required to use pilotage services. This decision aims to improve navigation safety in waters that have a high level of risk, such as waters with heavy ship traffic, complex geographic conditions, or the presence of navigation hazards such as reefs or shipwrecks. By establishing mandatory pilotage areas, the government ensures that ships receive guidance from experienced and competent pilots, thereby reducing the risk of accidents.

**Implementation of KSOP Office Accountability in Supervising and Ensuring the Implementation of Safe and Efficient Guidance at the Port**

<sup>10</sup> The Harbormaster and Port Authority Office (KSOP) has a very important responsibility in supervising and ensuring that pilotage operations at the port are carried out safely and efficiently. This role involves direct supervision of pilotage operations, enforcement of safety standards, and coordination with various stakeholders to ensure that all procedures are followed correctly. KSOP must ensure that all pilots have the proper certification and are equipped with equipment that meets international standards. In addition, KSOP is also responsible for conducting periodic evaluations of the performance of pilotage and the effectiveness of the equipment used in pilotage.

Implementation of Accountability at Batam City Port At Batam City Port, the implementation of KSOP's responsibility in supervising pilotage can be seen through various efforts and relevant cases. For example, in 2021, KSOP Batam conducted a surprise inspection of pilotage vessels and pilotage facilities to ensure that all navigation equipment was functioning properly and in accordance with safety standards. This inspection was carried out in response to a report of a navigation system failure on one of the pilotage vessels that almost caused an accident. The inspection results showed that some equipment needed to be updated, and KSOP immediately took steps to update the equipment and improve training for ship pilots.

In addition, KSOP Batam was also involved in handling an incident where a cargo ship experienced engine failure in the middle of the port. In this emergency situation, KSOP quickly coordinated the ship towing operation to bring the cargo ship to a safe place without disrupting the busy port traffic. Good cooperation between KSOP, ship pilots, and marine rescue units

managed to prevent a larger accident and maintain smooth port operations.<sup>9</sup> The Harbormaster and Port Authority Office (KSOP) plays a vital role in overseeing and ensuring that pilotage operations at the port are carried out safely and efficiently. KSOP is responsible for implementing and enforcing maritime regulations, ensuring that pilots have the appropriate qualifications and certifications, and monitoring and evaluating pilotage performance on a regular basis. In addition, KSOP must ensure that all pilotage equipment, such as pilotage vessels and navigation systems, meet safety standards set by national and international regulations.

At Batam City Port, KSOP has successfully implemented its responsibilities through several strategic steps that ensure optimal pilotage. One of the main steps taken is the implementation of routine inspections and audits of pilotage vessels and navigation equipment. For example, KSOP Batam conducts monthly inspections to check the technical condition of pilotage vessels, including navigation systems, communications, and other safety equipment. These inspections help detect and fix potential problems before they cause operational disruptions or accidents. To support the implementation of its responsibilities, KSOP Batam also focuses on improving infrastructure and technology. This includes investing in modern navigation devices, sophisticated communication systems, and more efficient pilotage vessels. By adopting the latest technology, KSOP can improve accuracy and speed in the pilotage process, as well as strengthen operational safety at the port. In addition, KSOP is working with related parties to develop an integrated port management system, which allows real-time monitoring and rapid response to various situations in the field.

The sub-optimal implementation of KSOP's responsibilities can be seen from several incidents that occurred at Batam City Port. In 2022, a cargo ship experienced engine failure while about to dock, and the response to this incident was late due to a lack of coordination between KSOP, ship pilots, and marine rescue units. This delay was caused by communication problems and a lack of clear emergency procedures, which resulted in the ship being stranded in a dangerous area before it could finally be towed to safety. Another incident that highlighted coordination issues was a collision between two tugboats that occurred due to miscommunication and a navigation system failure. Investigations after this incident showed that some of the navigation equipment on the tugboats was not functioning properly and that communication procedures between the pilot and the captain were not properly followed. These

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<sup>9</sup> Wawancara dengan Pegawai KSOP Khusus Batam pada 4 Juni 2024.

cases highlight the need for significant improvements in the safety management system and operational coordination at the port.

**Obstacles and Efforts to Implement the Accountability of the KSOP Office in Supervising and Ensuring the Implementation of Safe and Efficient Pilotage at the Port**

Obstacles to the implementation of the KSOP Office's accountability in supervising and ensuring the implementation of safe and efficient pilotage at Batam City Port, namely:

- a. Limited Human Resources
- b. Limited Budget
- c. Inadequate Infrastructure and Technology
- d. Lack of Coordination and Communication
- e. Compliance and Safety Awareness
- f. Complicated Procedures and Regulations

To overcome these obstacles, KSOP can make the following efforts:

- a. To overcome the limited human resources, KSOP needs to recruit additional ship pilots who meet the specified qualifications. In addition, continuous training and development programs must be strengthened. This training must cover technical and non-technical aspects, including emergency situation simulations, ship maneuvers in bad weather conditions, and communication and coordination with related parties. Continued certification and periodic assessments are also needed to ensure that ship pilots are always ready to face operational challenges.
- b. KSOP needs to strive for a more adequate budget allocation for the procurement and maintenance of pilotage equipment. One way to overcome budget constraints is to seek alternative funding sources, such as cooperation with the private sector or international institutions engaged in maritime safety. In addition, the procurement process must be simplified and accelerated to ensure that the necessary equipment can be promptly updated and maintained in accordance with applicable safety standards.
- c. Updating and upgrading navigation equipment and communication technology is essential to ensure safe and efficient pilotage. KSOP should invest in modern technology, such as satellite-based navigation systems, advanced radars, and real-time communication systems. This infrastructure upgrade should also include the procurement of more modern and efficient pilotage vessels. Implementing an integrated port management system will also help in real-time operational monitoring and improve response in emergency situations.

- d. To improve coordination and communication, KSOP needs to develop clear and detailed standard operating procedures (SOPs), and ensure that all parties involved understand and comply with these procedures. Regular emergency simulation exercises should be conducted to ensure readiness and rapid response in the event of an incident. The use of more sophisticated communication technology, such as digital radio systems and maritime communication applications, can help improve the effectiveness of communication between parties.
- e. Increasing awareness of the importance of maritime safety can be done through intensive education campaigns and safety training programs. KSOP should work together with port operators, shipping companies, and other related institutions to organize seminars, workshops, and training sessions that focus on safety procedures and operational standards. Providing incentives to parties who comply with safety standards can also increase compliance and awareness of the importance of maritime safety.
- f. To address the complexity of procedures and regulations, KSOP needs to review and simplify existing regulations. Licensing and compliance processes must be made more efficient without compromising the required safety standards. Digitizing administrative processes can help speed up the licensing process and increase transparency. KSOP should also provide clear and easily accessible guidance on the procedures and regulations that must be followed by all parties involved in guiding the ship.<sup>10</sup>

## **5. CONCLUSION AND SUGGESTION**

### **12 Conclusion**

Based on the discussion in the previous chapter, the following conclusions can be drawn:

- a. Legal regulations regarding the responsibilities and authorities of the Harbor Master and Port Authority Office (KSOP) related to the evaluation system for the implementation of pilotage at the port are regulated in various comprehensive laws and regulations, including Law Number 17 of 2008 concerning Shipping and several Regulations of the Minister of Transportation. KSOP is responsible for ensuring the seaworthiness of ships and the protection of the maritime environment through inspection and testing of ships carried out by competent officials.
- b. The implementation of the accountability of the Harbor Master and Port Authority Office (KSOP) in supervising and ensuring the implementation of safe and efficient pilotage at

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<sup>10</sup> Wawancara dengan Pegawai KSOP Khusus Batam pada 4 Juni 2024.

Batam City Port has not been optimal, this is due to limited human resources, inadequate budget, outdated infrastructure and technology, and ineffective coordination and communication. Lack of compliance and awareness of safety procedures among ship pilots and port operators is also a challenge.

- c. Obstacles in the implementation of the accountability of the Harbor Master and Port Authority Office (KSOP) in supervising and ensuring the implementation of safe and efficient pilotage at Batam City Port include limited human resources, inadequate budget, outdated infrastructure and technology, and ineffective coordination and communication. Lack of awareness and compliance with safety procedures is also a significant challenge. To overcome these obstacles, KSOP needs to improve recruitment and training of ship pilots, optimize the budget, modernize navigation and communication equipment, simplify regulations, and strengthen coordination and communication between related parties.

### **Suggestion**

From this conclusion, the author can provide several suggestions, namely:

- a. KSOP must ensure that pilotage aids meet established safety standards and that pilotage and towing services are provided by authorized and competent parties.
- b. The government must allocate an adequate budget for the procurement and maintenance of pilotage equipment. The procurement process needs to be simplified and accelerated to ensure that the necessary equipment can be promptly updated and maintained in accordance with applicable safety standards.
- c. KSOP Special Batam must improve the recruitment and training of pilots and other related personnel. Continuous training programs covering technical and non-technical aspects, such as emergency situation simulations, ship maneuvering in adverse weather conditions, and effective communication, need to be strengthened.
- d. Port service users and ship operators need to improve their awareness and compliance with maritime safety procedures. Intensive education campaigns and safety training programs organized by KSOP and the government can help raise this awareness.

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