



## Juridical Analysis of Law Enforcement Against Terminals for Self-Interest (TUKS) in Tanjung Pinang City

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**Abstract** Law enforcement against the Self-Interest Terminal (TUKS) in Tanjung Pinang City is an important issue in the context of shipping safety and environmental protection. The background of this research is based on various violations that occur in the field, such as lack of facility maintenance, non-fulfillment of safety standards, and environmental pollution, which shows the absence of suboptimal law enforcement by the Tanjung Pinang Class II Port Authority (KSOP). The purpose of this study is to assist the legal arrangements that regulate TUKS, identify obstacles in law enforcement, and provide suggestions to overcome these obstacles to improve the effectiveness of law enforcement. The research method used is a normative juridical approach with an analysis of applicable laws and regulations, including Law No. 17 of 2008 concerning Shipping, Law No. 32 of 2014 concerning Marine Affairs, and Regulation of the Minister of Transportation Number PM 51 of 2011. In addition, an empirical juridical approach is carried out by interviews and observations to obtain empirical data on the application of law enforcement. The results of the study show that law enforcement by KSOP Class II Tanjung Pinang faces several significant obstacles, such as limited human resources and facilities, lack of coordination between agencies, complicated bureaucratic related procedures, and low awareness and compliance of companies with applicable regulations. These obstacles result in the supervision and enforcement of violations in TUKS not running effectively. To overcome these obstacles, this study suggests several strategic steps. First, increase the capacity and resources of KSOP by increasing protected labor and providing modern equipment. Second, strengthen coordination between agencies through the formation of special forums or committees and the implementation of bureaucratic procedures to accelerate the handling of violations. Third, increasing the awareness and presence of the company through socialization and education programs and involving the public in reporting violations. For this reason, it is recommended to increase the allocation of resources, strengthen coordination between related agencies through the formation of forums or special committees, the community, especially companies that operate TUKS, must actively participate in socialization and education programs organized by KSOP Class II Tanjungpinang and the government and for the Civil Servant Investigator Position to be included in the Position Map within the Technical Implementation Unit of the Directorate General of Sea Transportation of the Ministry Transportation at KSOP Class II Tanjungpinang.

**Keywords:** Juridical Analysis, Law Enforcement, TUKS, Tanjung Pinang

### 1. INTRODUCTION

Law enforcement at the Self-Interest Terminal (TUKS) in Tanjungpinang City has not been implemented optimally due to the lack of implementation of safety standards, vulnerability to transnational crime, inability to deal with technological developments and lack of human resources and non-compliance with regulations. Terminals for personal use were found to not meet the safety standards stipulated in the law, such as lack of safety equipment, inadequate evacuation procedures, or lack of training for terminal officers. The port as one of the Terminal facilities for personal use is often an entry point for illegal trade, smuggling of drugs, weapons, and/or humans entering the territory of the Republic of Indonesia in connection with the Riau Islands Province, especially Tanjungpinang City, which is very strategically located and directly adjacent to countries in Asia, in this case Singapore and Malaysia, so that lawbreakers occur by using sophisticated technology to deceive law enforcement officers.

Lack of access or understanding of the necessary technology can be an obstacle, and law enforcement agencies at the port lack adequate personnel, equipment, or budget to carry out their duties effectively. Terminals for personal use were found to not comply with the provisions stipulated specifically in Law Number 17 of 2008, whether related to terminal operations, shipping safety, environmental protection, or other aspects that result in violations and criminal acts. Given the importance of transportation, it is necessary to organize sea transportation as a mode of transportation in the national transportation system that is organized uniformly. It is appropriate to provide balanced transportation services based on the level of demand and availability of reliable, high-quality, sufficient capacity, timely, easily accessible, organized, and safe transportation services. (Hamzah A, 2014) A terminal for personal use (TUKS) is a terminal located within the company's scope of work in the scope of work where it is used to support all the main business activities in the company which are used for the company's needs or for export or import activities and supplying goods to other places.

Special Terminals (TERSUS) and Terminals for Self-Interest (TUKS) are built and operated, only to support the company's main activities. The construction of the Port is only intended to support the main business of the company. The main business activities include: mining, energy, forestry, agriculture, fisheries, industry, tourism, and docks and shipyards. Terminals for Self-Interest (TUKS) are intended to support certain businesses or activities within the work environment and the port interest area. In this case, it is usually used to support subsidiary businesses according to the same type of principal and suppliers of raw materials and supporting production equipment for the needs of the relevant business entity. These specific activities include mining, energy, forestry, agriculture, fisheries, industry, tourism, docks and shipyards and other activities that in the implementation of their main activities require dock facilities. (Muctahrudin Siregar)

The legal reasons in the analysis of law enforcement against Terminals for Self-Interest (TUKS) in Tanjung Pinang City are very important to understand in the context of Indonesian maritime law. First of all, these legal reasons relate to the need to ensure compliance with the rules and regulations governing the management and operation of marine terminals. Furthermore, the legal reasons in this study also include aspects of balance between the interests of private parties who own TUKS and the public interest of the community served by TERSUS. In practice, problems often arise when the economic interests of private parties override or even harm the public interest. With a deeper understanding of the legal aspects of law enforcement against marine terminals in Tanjung Pinang City, this study is expected to contribute to strengthening legal protection for the community and users of terminal services.

The results of this analysis are expected to be a basis for the government and related parties in taking more effective and fair legal steps, so that the management of marine terminals in the area can run in accordance with the rules and general interests of the community.

Several cases show practices that are detrimental to certain parties, unfair access for other parties, and allegations of extortion involving related parties. In addition, the government's performance in enforcing the law against marine terminals is also a serious concern, because it must ensure compliance with rules and regulations and maintain a balance between private and public interests. Therefore, this study aims to conduct a legal analysis of law enforcement against Terminals for Self-Interest (TUKS) in Tanjung Pinang City. This study will examine the laws and regulations governing the management and operation of marine terminals, trace the potential for violations of the law or abuse of authority in the management of TUKS, and evaluate the government's performance in enforcing the law related to marine terminals in the region.

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

1. What are the legal regulations related to Terminals for Self-Interest (TUKS) in Tanjung Pinang City?
2. How is the implementation of law enforcement against Terminals for Self-Interest (TUKS) in Tanjung Pinang City?
3. What are the obstacles and efforts to enforce the law against Terminals for Self-Interest (TUKS) in Tanjung Pinang City?

Based on the formulation of the problem stated above, it can be seen that the objectives of this research are:

1. To find out and analyze the legal regulations related to Terminals for Self-Interest (TUKS) in Tanjung Pinang City.
2. To find out and analyze the implementation of law enforcement against Terminals for Self-Interest (TUKS) in Tanjung Pinang City.
3. To find out and analyze the obstacles and efforts to enforce the law against Terminals for Self-Interest (TUKS) in Tanjung Pinang City.

## **2. LITERATURE REVIEW**

In the current era of modernization and globalization, law enforcement can only run well if various parts of legal life always work together and in harmony with each other. In this context, civil morality based on actual values in a civilized society must be maintained. Law

enforcement is a process that involves various parties, including the community, to achieve certain goals. (Soerjono Soekanto, 2010) Every person who commits a violation must be held accountable through the legal process because Indonesia is a country of law. Law enforcement considers a crime as an act that is prohibited by law and is accompanied by a threat or sanction in the form of a certain criminal penalty. In accordance with Article 1 paragraph 3 of the 1945 Constitution of the Republic of Indonesia, which states firmly that Indonesia is a country of law. Therefore, the purpose of national legal development is to provide stability, order, and legal protection based on truth and justice and to provide a sense of security and tranquility.

The criminal justice system is a network of justice that uses criminal law, both material, formal and implementation. However, this important institution must be seen in a social context. Injustice will arise from an overly formal nature if used only for the sake of legal certainty. Therefore, material standards based on general principles of justice must be considered in law enforcement to achieve what is called proper justice. (Romli Atmasasmita, 2016) In a broad sense, law enforcement includes the enforcement of all standards of social order. However, in a narrow sense, law enforcement is defined as judicial actions that ensure the implementation of the law in the daily life of society, which is very important for achieving the goals of law. Peace and order are the goals of law; otherwise, law will only function in the life of society. Such legal regulations will disappear by themselves. (H. Riduan Syahrani) Law enforcement of Terminals for Self-Use (TUKS) involves strict supervision and implementation of regulations by relevant authorities to ensure that TUKS operations comply with established safety, security, and environmental protection standards.

Port authorities and government agencies, such as the Ministry of Transportation and the Ministry of Environment and Forestry, collaborate in auditing and reviewing TUKS operations periodically, evaluating aspects such as waste management, hazardous material management, facility security, and pollution prevention. Violations of operational or environmental provisions can result in severe legal sanctions, including fines, suspension of operations, or even revocation of operating permits. This law enforcement is not only intended to ensure compliance with regulations but also to protect the public interest and maintain the sustainability of natural resources and the environment. Maritime law enforcement in Indonesia is regulated by a series of comprehensive laws and regulations, reflecting the complexity and diversity of challenges faced by the world's largest archipelagic country. The main legal basis governing maritime law enforcement in Indonesia is Law Number 17 of 2008 concerning Shipping, which covers various aspects related to shipping safety and security, protection of the maritime environment, and enforcement of sovereignty and law in Indonesian waters. (

Surya Wiranto,2016)

Terminal for Self-Use (TUKS) is a special terminal facility used by its owner to handle the loading and unloading of goods for the operational interests of his own company, not for the public interest. TUKS is usually built by companies that have a large volume of loading and unloading activities and require separate facilities for operational efficiency and effectiveness. These facilities are generally included in the category of non-public terminals and operate based on special regulations and permits from the government. Terminal for Self-Use (TUKS) is part of the maritime transportation infrastructure whose function is specifically designed to support the logistics activities of the owner's company. TUKS provides facilities and infrastructure to carry out the process of loading and unloading goods from and to ships, storing goods, and other related activities that are directly related to the company's operations. ( Gurning, Raja Oloan Saut dan Eko Hariyadi Budiyanto,2017)

The licensing process begins with the submission of a proposal by the company to the relevant authorities, such as the Ministry of Transportation or a local government agency that has the authority. The proposal must include details regarding the terminal design, operational capacity, types of goods to be transported or unloaded, and an environmental and social impact analysis of the terminal's operations. Meanwhile, security standards relate to the protection of TUKS from security threats, both internal and external. This includes preventing unauthorized access, theft, vandalism, and terrorism threats. Companies must implement a comprehensive security system, which may include CCTV camera surveillance, security escorts, access control systems, and cyber security for the IT infrastructure used in terminal operations.

The location of the TUKS must be strategic and allow easy access to and from the company's operational area. Choosing a strategic location for the construction of a Terminal for Self-Interest (TUKS) is the main key that determines the effectiveness and efficiency of terminal operations in the long term. The location must be chosen based on considerations of accessibility to major transportation routes, both sea and land, to ensure smooth distribution of goods. A strategic location also means ease in connecting TUKS with suppliers and customers, reducing transportation time and costs, and minimizing the risk of late delivery. ( Sasono, Budi Herman,2012) In addition to technical and operational factors, considering the social and environmental impacts of TUKS development at a particular location is also very important. This includes assessing potential disruptions to local ecosystems, surrounding communities, and land use.

TUKS must be equipped with adequate supporting facilities, including loading and unloading equipment, storage areas, and logistics management systems. Supporting facilities

play a crucial role in the operation of Terminals for Self-Interest (TUKS), ensuring that the terminal can operate efficiently, safely, and effectively. These facilities cover various aspects, from modern loading and unloading equipment capable of handling various types of goods quickly and safely, an integrated logistics management system to track and manage inventory of goods in real-time, to basic infrastructure such as access roads, lighting, and drainage systems. Regulations regarding TUKS in Indonesia are regulated in various regulations and policies issued by the Ministry of Transportation and other related institutions.

Regulations on Terminals for Self-Use (TUKS) in many countries, including Indonesia, are designed to ensure that these terminals are operated in a safe, efficient and sustainable manner, while complying with applicable safety and security standards. In Indonesia, regulations on TUKS are primarily regulated within the framework of transportation and maritime regulations, which are set by the Ministry of Transportation. (Triatmodjo,2020) One of the key documents that is the legal basis for the operation of TUKS is the Regulation of the Minister of Transportation which regulates the granting of permits for the construction and operation of TUKS, as well as the requirements and obligations that must be met by companies operating TUKS. This regulation explains in detail the licensing process, including the documents required for the application for a permit, such as a feasibility study, environmental impact analysis, and detailed technical plans for the terminal. Thus, the regulation on TUKS aims to create a safe and efficient operating environment that supports economic growth while ensuring protection of the environment and surrounding communities. Compliance with this regulation is not only a legal obligation but also part of the company's commitment to responsible and sustainable business practices.

### **3. RESEARCH METHOD**

The specification of this research only carries out analysis up to the level of synthesis, namely analyzing and presenting facts systematically so that they can be more easily understood and concluded.( Irawan Suhartono,2019) The specification and/or type of this thesis research is 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, secondary legal materials and tertiary legal materials.

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 the Port of Tanjung Pinang 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. The sample used by the researcher is a random technique to find out for sure related to the research to be studied. As for the sample used by the author is a 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 for Terminals for Self-Interest (TUKS) in Tanjung Pinang City**

Regulation and licensing of Terminals for Self-Use (TUKS) in Indonesia are regulated by various laws and regulations issued by the Ministry of Transportation and other related institutions. One of the key documents that serves as the legal basis for the operation of TUKS is the Regulation of the Minister of Transportation which regulates the granting of permits for the construction and operation of TUKS as well as the requirements and obligations that must be met by companies operating TUKS. This regulation explains in detail the licensing process which includes the submission of an application by the company to the relevant authorities, such as the Ministry of Transportation or a local government agency that has the authority. The proposal must include details regarding the terminal design, operational capacity, types of goods to be transported or unloaded, and an analysis of the environmental and social impacts of the terminal operation.

In addition to the Regulation of the Minister of Transportation, other relevant regulations are Law Number 17 of 2008 concerning Shipping, which regulates shipping routes, terminal definitions, and operational requirements for marine terminals including TUKS. Law Number 32 of 2014 concerning Maritime Affairs also provides a framework for sustainable management of marine and coastal resources and protection of the maritime environment. This operational permit usually includes certain conditions that must be complied with by the company during the operation of the TUKS, including environmental management, shipping safety, and periodic reporting to the competent authorities.

- a. Law No. 17 of 2008 concerning Shipping

- b. Law No. 32 of 2014 concerning Maritime Affairs
- c. Regulation of the Minister of Transportation No. 51 of 2011 concerning Special Terminals and Terminals for Self-Interest
- d. Licensing Process
- e. Safety and Security Standards

### **Implementation of Law Enforcement against Terminals for Self-Interest (TUKS) in Tanjung Pinang City**

Law enforcement against Terminals for Self-Interest (TUKS) in Tanjung Pinang City is carried out by the Class II Tanjung Pinang Harbormaster and Port Authority Office (KSOP). KSOP is responsible for ensuring that every TUKS operating in this area complies with applicable laws and regulations, including Law Number 17 of 2008 concerning Shipping, Law Number 32 of 2014 concerning Maritime Affairs, and Regulation of the Minister of Transportation Number PM 51 of 2011 concerning TUKS. KSOP's duties include operational supervision, routine inspections, and imposing sanctions on violations that occur. The implementation of law enforcement by KSOP must be carried out through field inspections, verification of licensing documents, and evaluation of the implementation of safety and security standards.

The Port Authority and Harbor Master Office (KSOP) Class II Tanjung Pinang has a central role in ensuring compliance with regulations governing Terminals for Self-Interest (TUKS). KSOP is responsible for conducting inspections and supervision of all TUKS operating in its territory. The supervision process begins with the verification of licensing documents that include feasibility studies, environmental impact analysis (AMDAL), and operational plans for the terminal. (Ridwan Chaniago,2024)KSOP also conducts field inspections to ensure that TUKS facilities and infrastructure meet established technical and safety standards. In addition, KSOP provides technical guidance to TUKS managers regarding the implementation of safe and efficient operations, and ensures that all emergency response and safety procedures are properly implemented. During operations, KSOP conducts periodic supervision and surprise inspections to ensure that TUKS continues to comply with applicable regulations.

This supervision includes inspections of fire protection systems, routine maintenance of facilities, and compliance with environmental procedures such as waste management. KSOP also coordinates with related agencies such as the Ministry of Environment and Forestry, the Indonesian Navy, and the Police to address issues that require cross-sectoral action. If violations are found, KSOP has the right to impose administrative sanctions, including written

warnings, fines, or operational permits. If serious violations occur, KSOP can recommend the revocation of operational permits to the Minister of Transportation. Although the laws and regulations have been clearly established, the implementation of law enforcement by KSOP Class II Tanjung Pinang still faces various challenges in the field. Several facts indicate that the implementation of this law enforcement is less than optimal. KSOP often faces limitations in human resources and facilities to carry out effective supervision.

The limited number of officers and the lack of adequate equipment make inspections and supervision unable to be carried out routinely and thoroughly. This results in several TUKS operating without adequate supervision, so that potential violations are not detected and followed up quickly. The implementation of law enforcement against TUKS in Tanjung Pinang City by the Class II KSOP Office still faces various obstacles that cause law enforcement to be less than optimal. Challenges such as limited resources, lack of coordination between agencies, company non-compliance, complicated sanction procedures, and lack of transparency and accountability must be addressed immediately. By improving these factors, it is hoped that law enforcement can run more effectively, ensure TUKS operations are in accordance with applicable regulations, and maintain the safety and security of shipping in the waters of Tanjung Pinang City.

### **Obstacles and Law Enforcement Efforts against Terminals for Self-Interest (TUKS) in Tanjung Pinang City**

Obstacles to law enforcement against Terminals for Self-Interest (TUKS) by KSOP Class II in Tanjung Pinang City:

a. Limited Human Resources and Facilities

The limited number of officers makes routine supervision of all TUKS difficult. In addition, the lack of equipment and facilities hampers the ability of KSOP to conduct thorough and effective field inspections. This causes some violations to go undetected or not be followed up quickly.

b. Lack of Coordination Between Agencies

Effective law enforcement requires good coordination between various related agencies, including KSOP, the Ministry of Environment and Forestry, the Indonesian Navy, and the Police. However, in the field there is often a lack of coordination and synergy between these agencies. For example, when environmental violations occur by TUKS, the coordination process for action can take a long time, because each agency has different procedures and priorities. This lack of coordination hinders the process of fast and efficient law enforcement, so that violations may continue without adequate action.

c. Complicated Bureaucratic Procedures

The law enforcement process is often hampered by long and complicated bureaucratic procedures. In terms of imposing administrative sanctions for violations committed by TUKS, KSOP must go through a series of procedures involving various parties and stages. This process can take a long time, so that detected violations do not immediately receive fast and firm law enforcement action. These complicated bureaucratic procedures also make violating companies feel that there are no significant consequences, so they are less motivated to comply with applicable regulations.

d. Lack of Company Awareness and Compliance

Some companies operating TUKS often do not fully comply with applicable regulations. For example, there are companies that do not carry out routine maintenance on terminal facilities or do not report operational conditions periodically to KSOP. This non-compliance is often caused by the lack of supervision and strict enforcement of sanctions by KSOP. In addition, some companies may be less aware of the importance of complying with safety and environmental standards, so they tend to ignore these obligations.

e. Lack of Transparency and Accountability

Lack of transparency in the law enforcement process is also an obstacle. Information about violations and sanctions given is often not published openly, so that the public and other stakeholders do not know the law enforcement steps that have been taken. This lack of accountability can reduce public confidence in the effectiveness of KSOP in carrying it out. Without adequate transparency, law enforcement tends to be less effective, because there is no public pressure to ensure that the law is enforced properly. ( Imran,2024)

Efforts to overcome these obstacles are:

- a. To overcome the limitations of human resources and facilities, KSOP Class II Tanjung Pinang needs to get additional support in the form of increasing the number of officers and procurement of adequate equipment. Procurement of modern equipment such as inspection tools and automatic monitoring systems will improve field supervision and inspection capabilities. In addition, training and capacity building for KSOP officers are also important to ensure they have the skills and knowledge needed to carry out supervision tasks effectively.
- b. Improved coordination between related agencies can be achieved through the establishment of a special forum or committee involving KSOP, the Ministry of Environment and Forestry, the Indonesian Navy, the Police, and other agencies. This forum will act as a platform for sharing information, developing joint law enforcement

strategies, and ensuring a rapid response to violations. The use of information technology for an integrated case management system can also help speed up the process of coordination and handling violations.

- c. Simplifying administrative procedures is an important step to speed up the law enforcement process. KSOP can work with the Ministry of Transportation and other relevant agencies to review and establish licensing and law enforcement procedures. More efficient and transparent procedures will allow for faster and more decisive action against violations. In addition, the implementation of a digital system for submitting and processing permits and reporting will speed up the administrative process and increase transparency.
- d. To increase awareness and compliance of companies with applicable regulations, KSOP can hold socialization programs and education for TUKS managers. This program can include workshops, seminars, and distribution of educational materials on the importance of safety, security, and environmental protection. In addition, KSOP can apply incentives for companies that comply with regulations well, such as special awards or certifications, which can improve the company's reputation in the eyes of the public and business partners.
- e. To increase transparency in the law enforcement process, KSOP can develop an open public reporting system regarding violations and sanctions imposed. Publication of periodic reports containing information on law enforcement actions that have been taken will increase KSOP's accountability and strengthen public trust. In addition, the implementation of external audits by independent institutions can ensure that the law enforcement process is running according to established standards.

## **5. CONCLUSION AND SUGGESTION**

### **Conclusion**

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

- a. Legal arrangements for Terminals for Self-Interest (TUKS) in Tanjung Pinang City are regulated in Law Number 17 of 2008 which stipulates licensing requirements and safety standards that must be complied with, Law Number 32 of 2014 contains provisions regarding the use of marine space and environmental protection, and Regulation of the Minister of Transportation Number PM 51 of 2011 which provides more detailed guidelines on the licensing process, supervision, and law enforcement of TUKS.

- b. The implementation of law enforcement against Terminals for Self-Interest (TUKS) in Tanjung Pinang City by the Class II Harbormaster and Port Authority Office (KSOP) shows that there are less than optimal efforts to supervise and enforce regulations due to several challenges that slow down the process of law enforcement against violations. In addition, non-compliance by companies with safety and environmental standards further worsens the situation. Therefore, efforts are needed to increase resources, simplify bureaucratic procedures, improve coordination between agencies, and increase awareness and compliance of companies to achieve more effective and optimal law enforcement.
- c. Obstacles to law enforcement against Terminals for Self-Interest (TUKS) by KSOP Class II in Tanjung Pinang City include limited human resources and facilities, fulfillment of coordination between agencies, complicated bureaucratic procedures, and low awareness and compliance of companies with applicable regulations. Limited resources hamper the ability of KSOP to carry out routine supervision, while the lack of coordination between agencies slows down the process of law enforcement against violations. Long and complex bureaucratic procedures result in violations not being handled quickly and firmly, as well as non-compliance by companies with safety standards and poor environmental conditions. Efforts to overcome these obstacles include improving human resources and facilities, simplifying credibility procedures, improving coordination and synergy between agencies, and socialization and education programs to increase awareness and company welfare.

### **Suggestion**

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

- a. It is recommended that KSOP Class II Tanjung Pinang submit a request for increased resource allocation to the central government, both in the form of additional trained workers and procurement of modern equipment for inspection and supervision.
- b. It is recommended that the central and regional governments strengthen coordination between related agencies through the establishment of a special forum or committee involving KSOP, the Ministry of Environment and Forestry, the Indonesian Navy, the Police, and other agencies.
- c. It is recommended that the community, especially companies operating TUKS, actively participate in socialization and education programs organized by KSOP and the government. Companies need to improve compliance with established safety, security, and environmental standards.

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