JILPR Vol. 8, No. 1 October 2026
Journal of Indonesia Law & Policy Review 2715-498X

ANALYSIS OF THE IMPOSITION OF CRIMINAL SANCTIONS ON SHIP MASTERS WHO SAIL UNSEAWORTHY VESSELS

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Abstract

Criminal offenses in the shipping sector related to the operation of unseaworthy vessels constitute a legal issue directly linked to passenger safety and the conduct of waterborne transportation. As the highest authority on board, the shipmaster is obligated to ensure that the vessel being operated meets the seaworthiness and safety requirements stipulated by prevailing laws and regulations. This study aims to analyze the legal framework governing the criminal offense of a shipmaster operating an unseaworthy vessel based on Law Number 17 of 2008 concerning Shipping and relevant criminal law provisions and to examine judicial considerations regarding the imposition of criminal sanctions on shipmasters in such cases. The study employs a normative-juridical method utilizing both statutory and case-based approaches. Legal materials consist of primary sources (legislation and court rulings), secondary sources (books and legal literature), and tertiary sources (supporting materials). Data collection was conducted through literature review, followed by qualitative juridical analysis that correlates applicable legal provisions with the legal facts found in cases involving the operation of unseaworthy vessels. The research findings indicate that the legal regulation concerning shipmasters who operate unseaworthy vessels is specifically contained in Article 302 in conjunction with Article 117 paragraph (2) of Law Number 17 of 2008 concerning Shipping. In the specific case analyzed, the Panel of Judges declared the defendant, Rahmat Marup Bin the late Roky Marup, legally and convincingly proven guilty of the criminal offense of operating a vessel in an unseaworthy condition, pursuant to Article 302 paragraph (3) in conjunction with Article 117 paragraph (2) of the Shipping Law. The unseaworthy condition of the speedboat VJM EXPRESS was evidenced by, among other things, modifications to engine specifications without the requisite seaworthiness test documentation or new certification, the transport of 26 passengers exceeding the maximum limit of 18 and the operation of the vessel outside its certified area of service. These factors were linked to the capsizing of the vessel, an incident that resulted in the deaths of two passengers. The panel of judges handed down a sentence of up to one year and eight months in prison and a fine of IDR 10,000,000, subject to a subsidiary term of one month of confinement in default of payment.

Keywords: Captain, Judicial Considerations, Ship Seaworthiness, Shipping Crimes

INTRODUCTION

Geographically and constitutionally, the Unitary State of the Republic of Indonesia is recognized as the world's largest archipelagic nation, comprising tens of thousands of islands that are both separated and united by vast expanses of ocean (Firdaus, Puannandini & Ramadhani, 2022). The Wawasan Nusantara (Archipelagic Outlook) concept views the sea not as a divider, but as a unifying lifeline for the nation spanning political, economic, social, and cultural dimensions, as well as protection and security (Firdaus, Puannandini & Ramadhani, 2025). Within the framework of economic activity and inter-island population mobility, the water transportation sector plays a vital and strategic role. Maritime transport modes are required to provide safe, comfortable, rapid, and efficient services to support the national economic lifeline (Dally & Halimatul, 2025). Consequently, Indonesian positive law places significant emphasis on maritime governance and safety, comprehensively embodied in Law Number 17 of 2008 concerning Shipping. This law serves as an instrument of social engineering to ensure that all water-based transport activities uphold the principles of safety and security without compromise.

In the operation of maritime transport, human lives and cargo are exposed to high levels of risk due to the dynamic and unpredictable nature of the marine environment (Xing & Zhu, 2023). Maritime law anchors these safety parameters in a fundamental concept known as seaworthiness. Article 1, point 33 of Law Number 17 of 2008 defines a ship's seaworthiness as the condition of a vessel meeting requirements regarding ship safety, prevention of water pollution from the ship, manning, load lines, loading, crew welfare and passenger health, legal status, safety management and prevention of contamination, and ship security management for voyages in specific waters. Compliance with vessel seaworthiness requirements is absolute and imperative entailing strict liability in the administrative context prior to a voyage. No vessel is permitted to depart from port without a Sailing Approval Letter (SPB) issued by the Harbormaster, this document serves as a formal and substantive guarantee that the vessel is in prime condition and seaworthy (Jang, 2026).

In practice, however, violations of seaworthiness regulations remain rampant across Indonesian waters. Economic pressures, a profit-driven mindset that disregards safety, insufficient oversight by port authorities, and crew negligence are frequently the primary factors contributing to maritime accidents. Within the maritime legal ecosystem, the central figure holding authority, command, and ultimate responsibility aboard the vessel is the Master. Article 138, paragraph (2) of the Shipping Law explicitly mandates that the Master has full authority to refuse to sail the vessel if they are aware that it fails to meet seaworthiness requirements. This obligation is also derived from a still-valid colonial-era legal instrument Article 342 of the Commercial Code (KUHD) which requires the Master to act with competence, diligence, and prudence (Zahra, 2025).

When a Master fails to fulfill this legal obligation and proceeds to sail despite the vessel's lack of seaworthiness, the act is no longer viewed merely as a breach of administrative procedure; rather, it transforms into a criminal offense (Rahman, Muslih & Alamsyah, 2025). Maritime criminal offenses of this nature carry an extraordinary dimension of danger (gevaarzetting), given that the stakes involve public safety and human lives. Therefore, criminal sanctions in shipping law serve as both a measure of last resort (ultimum remedium) and a deterrent to ensure that shipping stakeholders do not trifle with passengers' lives (Modo, Amalo & Kian, 2024).

The complexities surrounding the criminal liability of a ship's captain are starkly and alarmingly illustrated by the maritime accident involving the speedboat VJM EXPRESS in the waters of Berau Regency, East Kalimantan. On February 10, 2024, the defendant, Rahmat Marup Bin (the late) Roky Marup serving as the captain of the VJM EXPRESS embarked on a voyage from Derawan Island to the tourist destinations of Maratua Island, Kakaban Island, and

Sangalaki Island. Legal facts revealed during the trial at the Tanjung Redeb District Court demonstrated a series of violations regarding the vessel's seaworthiness, knowingly committed by the defendant. First, the defendant altered the vessel's engine specifications without undergoing re-certification or safety testing by the relevant authorities, consequently, the vessel's stability and performance when encountering waves could not be technically verified. Second, a critical violation occurred regarding maximum load capacity. The vessel's seaworthiness certificate strictly limited capacity to 18 persons, yet the defendant proceeded to carry a total of 26 individuals, comprising passengers, a tour guide, and additional crew members. Third, the vessel's operation violated the route permit specified in its official documentation.

This sequence of actions characterized by a disregard for the duty of care (culpa) and the intentional ignoring of operational procedures (dolus) culminated in disaster. At approximately 09:00 WITA, while entering the waters off Maratua Island an area known for strong waves the vessel lost stability due to the non-standard engine modifications, compounded by the excess weight and the shifting positions of panicked passengers. The vessel ultimately listed and capsized, tragically claiming the lives of two female passengers. Asih Handayani and Suminar Ningsih. This fatal incident resulted in criminal proceedings, wherein the Panel of Judges at the Tanjung Redeb District Court found the defendant, Rahmat Marup, legally and convincingly guilty of a criminal offense under Article 302 paragraph (3) in conjunction with Article 117 paragraph (2) of Law Number 17 of 2008 concerning Shipping. For his actions, the defendant was sentenced to one year and eight months in prison, fined Rp10,000,000.00 (ten million rupiah) or an additional one month of confinement in default of payment and the evidence, specifically the speedboat VJM EXPRESS, was ordered to be confiscated by the state.

To establish the novelty and position of this research, the author reviewed three prior studies relevant to the discourse on the criminal liability of ship captains. The first study, conducted by Syafira & Effendi (2025), focuses on the construction of negligence (culpa). Their findings conclude that weaknesses in law enforcement often arise from the difficulty of distinguishing the boundary between human error and events beyond human control (force majeure). The second study, authored by Wailisaholong, Wijayati, & Tobing (2023), analyzes the disparity in legal application between the Criminal Code (KUHP) and the Shipping Law regarding overloading; it concludes that law enforcement officials must prioritize the Shipping Law based on the principle of lex specialis derogat legi generalis, noting that exceeding capacity absolutely voids insurance coverage and renders the captain solely liable. The third study, conducted by Gilalo, Suhartini, & Yumarni (2025), examines the sociological aspects of judicial rulings that tend to impose lenient sentences on captains of traditional vessels, citing socio-economic considerations and the captains' lack of familiarity with formal legal administrative requirements. Although three previous studies have addressed the criminal liability of ship captains, there remains a gap that has not yet been explored in depth. These studies have not specifically examined the accumulation of concurrent offenses namely, technical engine modifications performed without a safety assessment (technical element), overloading (cargo element), and route deviation (administrative element) occurring in high-risk marine tourism areas. The VJM EXPRESS speedboat case introduces a new dimension: the sentencing by the Tanjung Redeb District Court went beyond mere custodial punishment (imprisonment) to include asset forfeiture (confiscation of the vessel by the state). This represents a progressive step in maritime law enforcement aimed at stripping away the instruments used to commit maritime crimes.

Based on the background outlined above, it is evident that there is a philosophical, sociological, and legal imperative to examine in greater depth the legal framework regarding the criminal liability of a ship's captain who disregards vessel seaworthiness. An analysis of

the judicial ruling in the VJM EXPRESS case is crucial to determine whether the imposition of criminal sanctions reflects legal certainty, guarantees the protection of transport consumers (justice), and serves as an effective deterrent for other players in the shipping industry (utility). Driven by these empirical issues and academic concerns, the author considers it essential to produce this scholarly work and conduct in-depth legal research to address the challenges surrounding the enforcement of criminal sanctions in the Indonesian shipping sector.

RESEARCH METHODS

The method employed in this research is normative legal research (juridical-normative), often referred to as doctrinal research. Normative legal research is a process of identifying legal rules, principles, and doctrines to address specific legal issues. Analysis in this study does not rely on statistical data measurement or sociological fieldwork, instead, it involves dissecting the system of legal norms law conceptualized as prescriptions or rules found in legislation, as well as examining the dogmatic basis of the Tanjung Redeb District Court's ruling regarding the imposition of criminal sanctions on the defendant, Captain Rahmat Marup.

To address the research problem, this study utilizes two approaches. First is the Statute Approach, which involves examining all laws and regulations relevant to the legal issue at hand. Specifically, the analysis focuses on the synchronization between Law Number 17 of 2008 concerning Shipping and the Indonesian Criminal Code (KUHP). Second is the Case Approach, aimed at studying how judges apply legal norms or rules in judicial practice. This approach entails examining the ratio decidendi the panel of judges' legal reasoning underlying the sentence of one year and eight months of imprisonment and the confiscation of the vessel involved in the fatal Speedboat VJM EXPRESS incident.

The legal materials used in this normative research are classified into three levels, beginning with primary legal materials, which are authoritative and possess binding force. These consist of the 1945 Constitution of the Republic of Indonesia, the Criminal Code (KUHP), the Commercial Code (KUHD), Law Number 17 of 2008 concerning Shipping, and the District Court of Tanjung Redeb judgment regarding the criminal case of Defendant Rahmat Marup. Secondary legal materials are those that provide explanations regarding primary legal materials. These comprise legal literature, textbooks (particularly on maritime criminal law), scholarly journals (including the three previously mentioned prior studies), research findings by legal experts, and academic articles relevant to vessel seaworthiness and criminal liability. Tertiary legal materials are those that offer guidance or meaningful explanations regarding primary and secondary legal materials, such as the Great Dictionary of the Indonesian Language (KBBI Great Dictionary of the Indonesian Language), legal dictionaries (e.g., Black's Law Dictionary), and legal encyclopedias.

The data collection techniques employed in this research are literature research and document analysis. The researcher conducted searches, note-taking, inventorying, and classification of statutory regulations, public court judgments, and various supporting literature. The judgment documents were analyzed to reconstruct the chronology, deconstruct the structure of the prosecutor's indictment, and map the legal syllogism applied by the panel of judges. The collected legal materials were subsequently analyzed using a qualitative-normative approach. The analysis method relies on deductive logic drawing conclusions from general legal principles or provisions (specifically the criminal provisions of the Shipping Law) to address a specific issue (the case of negligence by the captain of the speedboat VJM EXPRESS). This analysis is not merely descriptive but also prescriptive, the researcher provides arguments and academic assessments regarding whether the court's decision was appropriate and consistent with sentencing theories prevalent in modern criminal law.

RESULT AND DISCUSSION

Details regarding the vessel's unseaworthiness and the chronology of the fatal incident in the tourist waters of Berau Regency, East Kalimantan. On Saturday, February 10, 2024, at approximately 08:00 WITA, the speedboat VJM EXPRESS piloted by the defendant, Rahmat Marup Bin (the late) Roky Marup departed from Derawan Island for a tour of the archipelago, including Maratua Island, Kakaban Island, and Sangalaki Island. The voyage involved a series of deliberate and fatal violations regarding the vessel's seaworthiness. First, the vessel's engine specifications had been altered without undergoing re-certification procedures or obtaining new certification from the competent maritime authority. Second, there was a severe violation of load capacity limits; the vessel was carrying a total of 26 people comprising general passengers, a tour guide, a photographer, and additional crew despite the seaworthiness certificate strictly limiting the maximum capacity to 18 persons. Third, the vessel was operated beyond the geographical limits or route authorized in its official permits.

These repeated violations of safety parameters led to a disaster at 09:00 WITA while the vessel was in the open waters off Maratua Island. As the vessel navigated waters buffeted by strong waves, its stability already compromised by non-standardized engine modifications and a load exceeding safe limits proved insufficient to maintain balance. A shift in weight caused by panicking passengers made the VJM EXPRESS list suddenly, and it immediately capsized after being rolled over by the waves. This tragic incident claimed two lives: passengers Asih Handayani and Suminar Ningsih, both of whom died from drowning and oxygen deprivation underwater. The second set of data focuses on the imposition of criminal sanctions and the verdict handed down by the Panel of Judges at the Tanjung Redeb District Court. Based on the examination of facts during the trial, the Panel of Judges declared the Defendant, Rahmat Marup Bin (the late) Roky Marup, legally and convincingly guilty of the criminal offense of operating a vessel that was not seaworthy, thereby causing the death of another person. The legal provision found to have been violated is Article 302 paragraph (3) in conjunction with Article 117 paragraph (2) of Law Number 17 of 2008 concerning Shipping. For this act of fatal negligence, the Panel of Judges imposed a principal criminal sanction of imprisonment for a maximum of one year and eight months, as well as a fine of IDR 10,000,000.00 (ten million rupiah), stipulating that failure to pay the fine would result in its substitution with a term of confinement for one month. In addition to the criminal sanctions against the defendant, the judge also ordered the forfeiture of assets, specifically the seizure of the speedboat VJM EXPRESS for confiscation by the State.

The sequence of legal facts outlined above holds profound juridical significance when analyzed through the lens of maritime criminal law instruments and the doctrine of criminal liability in Indonesia. The operation of the speedboat VJM EXPRESS carrying 26 people, which exceeded the maximum limit of 18 combined with the lack of certification for engine modifications, directly violated the principle of vessel seaworthiness. Within the national shipping legal framework, vessel seaworthiness as regulated in Article 1 point 33 in conjunction with Article 117 of the Shipping Law is not merely a matter of administrative formality; rather, it constitutes an absolute technical-juridical requirement (conditio sine qua non). Every vessel that sails is required to meet standards regarding safety, document authenticity, load lines, and lawful manning. Disregarding these elements automatically transforms the vessel's status from a safe ship into an inherently dangerous instrument that threatens public safety at sea.

The issue of a vessel's seaworthiness is inextricably linked to the position and role of the master as the person holding supreme command on board. In maritime law, the master occupies a unique status (sui generis) and bears a heavy legal obligation. Pursuant to Article 138 paragraph (2) of the Shipping Law and Article 342 of the Indonesian Commercial Code (KUHD), the master is required to act with a high degree of competence, diligence, and prudence (Firdaus, Puannandini & Ramadhani, 2022). The law grants the master full authority

to refuse orders from the shipowner or to decline to sail if they are aware that the vessel is unseaworthy whether due to technical factors, weather conditions, or overloading. The facts of the Speedboat VJM EXPRESS case demonstrate that the defendant, Rahmat Marup, completely failed to fulfill this legal obligation. The defendant knowingly permitted the number of passengers to exceed capacity and operated a vessel with uncertified engine modifications across high-risk waters. This awareness and acquiescence constitute gross negligence (culpa lata) resulting in death; consequently, criminal liability rests squarely with the master (Firdaus, Puannandini & Ramadhani, 2022).

The application of Article 302 paragraph (3) of the Shipping Law by the public prosecutor and the panel of judges illustrates the principle of lex specialis derogat legi generali (a specific legal rule supersedes a general one). Although criminal acts resulting in the loss of life are generally governed by Article 359 of the Indonesian Criminal Code (KUHP), judicial authorities opted to apply the Shipping Law as the lex specialis (special law). This decision was made because the criminal act committed by the defendant occurred within the specific context of maritime traffic and involved a breach of the master's professional obligations. The application of the Shipping Law underscores the legal system's special emphasis on safeguarding public transportation safety; criminal sanctions serve to enforce administrative shipping norms, thereby preventing disasters within national waters.

From the perspective of criminal law scholarship, the imposition of sanctions on the defendant, Rahmat Marup, satisfies all elements of a criminal offense (strafbaar feit). Drawing on the theories of criminal law experts such as Simons and Van Hamel as cited by Leden Marpaung a strafbaar feit comprises a human act that is unlawful (onrechtmatig), punishable by statute, and committed by an individual who can be held criminally liable due to the presence of "fault" (schuld) (Marpaung, 2005). The defendant's external act (actus reus) consisted of operating an uncertified speedboat beyond its passenger capacity along the Maratua route. Meanwhile, the defendant's state of mind (mens rea) was proven to involve culpa (negligence) specifically, a failure to exercise the necessary caution regarding foreseeable dangers. As the defendant was of sound mind and not acting under duress, the essential prerequisites for the imposition of criminal sanctions were met (Dally & Halimatul, 2025).

The sentence of one year and eight months in prison, coupled with the confiscation of the vessel by the panel of judges at the Tanjung Redeb District Court, aligns with the Theory of Judicial Deliberation developed by Sam C. Mackenzie. According to Mackenzie, judges do not render verdicts in a vacuum; rather, their decisions are shaped by considerations of balance, intuition, empirical experience, and legal knowledge (Muladi & Arief, 2005). The verdict handed down is not merely an expression of absolute retribution but is calculated to achieve the objective of deterrence. A custodial sentence serves as a form of special deterrence to prevent the defendant from repeating their negligence, whereas the forfeiture of the vessel VJM EXPRESS to the state acts as a general deterrence measure sending a powerful warning to other vessel owners and captains in the Berau tourism region against risking passengers' lives in pursuit of financial gain.

Based on the qualitative analysis conducted, the factual findings from the Speedboat VJM EXPRESS trial align perfectly with and substantiate the research hypothesis. First, the hypothesis posited a stark disparity between written legal norms and operational practices in the field. In terms of legal standards, Indonesia's maritime legal system establishes rigorous seaworthiness criteria mandated by the Shipping Law, the Commercial Code, and Ministry of Transportation regulations requiring vessels to obtain a Sailing Approval Letter (SPB) and adhere to cargo certification requirements prior to departure. However, in actual practice, safety regulations are frequently disregarded in archipelagic and tourism regions. Negligent oversight by port authorities, a permissive attitude among captains, and the economic drive to maximize profits from tourists often result in small vessels operating illegally (Prodjodikoro, 2003). The

Speedboat VJM EXPRESS case involving a vessel carrying 26 passengers (exceeding the 18-person limit) and utilizing a non-certified, modified engine serves as empirical evidence confirming the hypothesis regarding weak legal compliance in the field. Second, the hypothesis that the captain's negligence in ensuring the vessel's seaworthiness was the primary causal factor (causal nexus) behind the fatal accident was legally proven during the trial. The causal link (causaliteit) between the defendant's actions and the deaths of two passengers can be explained through either Von Buri's conditio sine qua non theory or Von Kries's adequaat theory. Had the defendant not insisted on sailing with an excessive load and a non-standard engine, the vessel would not have suffered a catastrophic loss of stability when struck by waves in Maratua waters, and the deaths of Asih Handayani and Suminar Ningsih would not have occurred. The capsizing of the vessel was not merely a natural disaster but the direct consequence of the defendant's actions in disregarding seaworthiness requirements (Rifai, 2012). Third, the research hypothesis stating that criminal law instruments function as a balancing mechanism and a safeguard for public safety within the maritime transport sector has been clearly substantiated by the court's ruling. The imposition of a prison sentence and the forfeiture of the vessel confirm that a violation of vessel seaworthiness standards is not merely a breach of administrative licensing regulations, but a criminal offense that deprives citizens of their right to life. The judicial panel's verdict reaffirms the role of criminal law as an instrument for protecting society from the dangers associated with land, air, and sea transportation (Zaeni, 2014).

In relation to existing legal literature and doctrine, these research findings unequivocally support and reinforce both classical and modern criminal law theories. The study underscores the relevance of the "Combined Theory" within Indonesia's sentencing system, as advocated by Satochid Kartanegara and Zevenbergen. This theory posits that the objective of sentencing must integrate the element of just retribution for the crime committed (the retributive aspect) with the goals of utility and the restoration of public order (the utilitarian aspect). The one-year-and-eight-month prison sentence imposed on the defendant, Rahmat Marup, serves as retribution for the loss of two passengers' lives; meanwhile, the court's decision to forfeit the VJM EXPRESS speedboat to the State reflects an act of restraint specifically, the removal of the instrument of the crime ensuring that the hazardous vessel is permanently withdrawn from maritime traffic to safeguard public safety in the future (Zahra, 2025).

The findings of this study align closely with the dualist school of thought, which distinguishes between the criminal act (actus reus) and criminal responsibility (mens rea or culpability). Prof. Moeljatno emphasized that the mere commission of an act prohibited by law does not automatically render a person criminally liable; the presence of "fault" or culpability (Schuld) must also be established. In the VJM EXPRESS case, the unlawful act consisted of sailing a vessel that was not seaworthy, while the element of fault lay in the captain's state of mind: he was aware of the vessel's overloading and uncertified engine modifications yet recklessly proceeded to sail. As the defendant was of sound mind and capable of bearing responsibility, criminal liability was lawfully imposed upon him.

The findings of this study refute the common claim or perception that frequently categorizes maritime accidents as purely natural events (force majeure or "acts of God"). Under maritime law doctrine, the presence of high waves or adverse weather cannot be invoked as grounds for force majeure if the ship's master had initially violated vessel seaworthiness requirements (Article 343 of the Commercial Code and Article 138 of the Shipping Law). A lack of seaworthiness automatically invalidates a force majeure classification, as the vessel's vulnerability to sea waves stems from the master's own negligence (a self-induced emergency). Consequently, the law strictly classifies such incidents as offenses resulting from human error rather than natural disasters (Xing & Zhu, 2023).

CONCLUSIONS

The legal regulation of the criminal act of a captain who sails an unseaworthy ship is specifically regulated (lex specialis) in Article 302 of Law no. 17 of 2008 concerning Shipping. Criminal sanctions are threatened in stages, starting from a maximum imprisonment of three years to ten years and a fine of IDR 1,500,000,000.00 if it results in death or property loss. This provision requires an element of awareness (opzet) through the clause "knowing that the ship is not seaworthy". Its application is aligned with the principle of error (geen straf zonder schuld) and the integrative punishment paradigm in Book One of the New Criminal Code (UU No. 1 of 2023). Based on the principle of lex specialis derogat legi generali, this article excludes the article on general negligence resulting in death in the Criminal Code (Article 359). In a concrete case, the Tanjung Redeb District Court Panel of Judges proved the Second Alternative Charge, namely Article 302 paragraph (3) in conjunction with Article 117 paragraph (2) of the Shipping Law against the Defendant Rahmat Marup Bin (late) Roky Marup. The captain of the VJM EXPRESS speedboat was proven to have sailed a ship that was not seaworthy due to three material violations: modifying the engine from 200 PK to 300 PK without a new suitability test and certification, transporting cargo exceeding the capacity (overcapacity) of 26 people from the maximum limit of 18 people, as well as deviations from the operational route where a 3 GT ship with river and lake certificates was forced to sail the open sea to Maratua Island.

This condition of unworthiness was proven causally to cause the ship to capsize, killing two passengers. The judge sentenced him to imprisonment for one year and eight months and a fine of IDR 10,000,000.00 subsidiary one month in prison, and made a progressive breakthrough by confiscating the VJM EXPRESS Speedboat for the state. This confiscation step is based on sociological considerations and a general deterrence function to stop the operation of small tourist boats that endanger public safety.

As a follow-up to handling shipping crimes in the future, it is hoped that law enforcement will not only impose criminal responsibility solely on the captain. Investigators need to examine the involvement of ship owners and travel agents through the construction of inclusion (deelneming Article 55 or 56 of the Criminal Code) if there is encouragement or omission of illegal modifications in order to achieve substantive justice. In addition, fleet owners are required to increase legal compliance by not changing machine specifications unilaterally, complying with load limits, and ensuring the completeness of documents and Sailing Approval Letters (SPB). Relevant authorities such as the Ministry of Transportation, Harbormaster, and Land Transportation Management Agency (BPTD) must also tighten supervision (port state control), socialize regulations, and take firm action against river or lake certified vessels that dare to sail on the high seas.

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