

Juridical analysis of the effectiveness of the investigation of Sailing Approval (SPB) violations at the Ditpolairud Riau Islands Police

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Abstract

Purpose: This study analyzes the effectiveness of investigations into Sailing Approval (SPB) violations conducted by the Ditpolairud Riau Islands Police. It seeks to evaluate how well current law enforcement mechanisms ensure maritime safety and legal compliance under the Navigation Law.

Research methodology: The research employs a normative and empirical juridical approach. Data were collected from legislation, literature reviews, and in-depth interviews with investigators, Syahbandar officials, and maritime business operators. The findings were validated through triangulation and analyzed descriptively using John Rawls' Theory of Justice, Friedman's Legal System Theory, and Sudikno Mertokusumo's Legal Certainty Theory.

Results: Investigations into SPB violations have been carried out in accordance with legal procedures, including coordination between Ditpolairud, Syahbandar, PPNS, and prosecutors. While enforcement actions have increased compliance, several challenges remain, such as limited resources, overlapping authority, legal gaps, maladministration, and low awareness among shipowners and fishermen. Digitalization of SPB documents and improved transparency in service fees were identified as key solutions.

Conclusions: The investigations are generally effective but still constrained by structural, substantial, and cultural barriers. Effective enforcement requires harmonized regulations, institutional synergy, technological integration, and public legal awareness to ensure maritime safety and compliance.

Limitations: This study is limited to the jurisdiction of the Riau Islands and relies on qualitative field interviews, without quantitative assessment of enforcement outcomes.

Contribution: The study contributes to maritime law by emphasizing justice, legal certainty, and system effectiveness in SPB investigations, while offering recommendations to improve institutional capacity, transparency, and regulatory alignment.

Keywords: *Ditpolairud, Effectiveness of Investigations, Sailing Approval*

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1. Introduction

Sea transportation plays a vital role in supporting mobility and trade activities in the Riau Islands (Kepulauan Riau) region, which is dominated by the sea. However, in practice, many ships are still found to be operating without official sailing approvals (SPB) or using invalid documents. This situation

raises concerns, as it poses a risk to maritime safety and leads to state losses due to potential legal violations that are not effectively addressed (Faisal, Akhyar, & Marzuki, 2023). This concern becomes more critical as the effectiveness of investigations into SPB violations, which should be the primary law enforcement tool, still encounters various obstacles. However, Law Number 17 of 2008 concerning Navigation emphasizes that the SPB is a mandatory document ensuring safety, security, and smooth sailing operations. The Ditpolairud Riau Islands Police, as a maritime law enforcement agency, is authorized to investigate violations of the SPB.

However, the effectiveness of these investigations is influenced by structural, substantial, and cultural factors, such as limited human resources, overlapping authority between agencies, and low legal awareness among maritime operators. This indicates a gap between the ideal legal framework and its implementation in the field, which calls for a more in-depth juridical study to assess how effectively investigations into SPB violations can be conducted. The presence of major ports, such as Batu Ampar Port in Batam and Sri Bintan Pura Port in Tanjung Pinang, indicates high maritime activity connecting the Riau Islands with other regions in Indonesia and neighboring countries such as Singapore and Malaysia. Moreover, sea transportation is the main means of transportation for communities, especially those on small islands without land or air transportation access (Holland et al., 2014).

From an economic perspective, the maritime sector in the Riau Islands contributes significantly to the Regional Gross Domestic Product (PDRB), particularly through the shipping industry, marine exports, and logistics and port activities. However, the high intensity of maritime traffic in this region also has the potential to create various problems, such as maritime accidents, legal violations, and the uncontrolled exploitation of marine resources (Thobroni, 2017). Therefore, strict regulations on maritime activities are essential to ensure that every ship operating meets the safety and legal standards set by the regulations (Rigel, Betlen, & Simanjuntak, 2024). Law Number 17 of 2008 concerning Navigation serves as the main legal foundation for regulating the safety, security, and efficiency of maritime transportation in Indonesia. This regulation aims to create a safe and efficient maritime system while supporting national economic growth through the maritime sector.

With this regulation in place, Ditpolairud, Syahbandar, and other law enforcement agencies have a strong foundation to conduct oversight and enforcement against ships that violate the applicable regulations. Ensuring maritime security will have a positive impact on economic and social stability, especially in border areas that are often key routes for international trade (Rustam, 2017). Furthermore, this Law aims to ensure smooth sea transportation by establishing clear mechanisms for issuing sailing permits, conducting ship inspections, and handling investigations of legal violations in the maritime sector. Efficient implementation of this regulation will contribute to increasing the competitiveness of Indonesia's maritime sector. However, in practice, various obstacles remain, particularly in terms of effective oversight and law enforcement.

Sailing approval, or port clearance, is a mandatory legal instrument that every ship must obtain before departing the port (Abbas, Nawir, Baharuddin, & Abas, 2021). This document is issued by the Syahbandar as a form of verification that the ship has met safety and operational standards according to regulations. Sailing approval includes various technical aspects such as the ship's physical condition, availability of safety equipment, crew readiness, and compliance with environmental regulations. Without this document, a ship is considered illegal and may face administrative or criminal sanctions (Suwarno & Idayanti, 2023). However, in reality, many violations occur concerning sailing approval, either due to negligence by the ship owner or maladministration practices. Some ships still sail without official approval, which increases the risk of accidents and threatens maritime safety.

Therefore, the effectiveness of investigations into these violations is crucial to ensure that the regulations set forth can operate according to the main objectives of the Navigation Law. Ditpolairud, the institution responsible for overseeing and addressing violations in the waters, plays a vital role in ensuring compliance with this regulation. The Ditpolairud Riau Islands Police have the main duty of overseeing, enforcing, and investigating legal violations in the maritime sector, including violations of

sailing approval. However, in practice, several obstacles hinder the effectiveness of investigations, one of which is the limitation of human resources and infrastructure in the field. With the vast waters that must be monitored, the number of available personnel is insufficient to carry out optimal patrols, especially in small ports that are prone to violations.

Based on the issues and topics outlined above, the following research questions are discussed:

1. How effective is the implementation of investigations into violations of sailing approval conducted by Ditpolairud Riau Islands Police?
2. What obstacles are faced, and what solutions can be implemented to improve the effectiveness of investigations into violations of sailing approvals in the waters of the Riau Islands?

2. Literature review

2.1 Definition of Investigation in Criminal Law

Investigation is a crucial stage in Indonesia's criminal justice system. According to Article 1, paragraph 2 of the Criminal Procedure Code (KUHAP), an investigation is defined as a series of actions by investigators in the manner and according to the procedures regulated in this law to search for and collect evidence which, with that evidence, clarifies the criminal act that has occurred and aims to find the suspect. In the Indonesian criminal justice system, an investigation is understood as a series of actions to search for and collect evidence to uncover criminal acts and identify suspects, as outlined in Article 1, paragraph 2 of the Criminal Procedure Code (KUHAP). This process is a crucial stage following the preliminary investigation, where investigators have the authority to take legal action, such as summons, searches, and seizures. According to Yanuarto (2023), the purpose of the investigation is to ensure the material truth of a case before it is transferred to a public prosecutor.

The investigation also includes juridical and technical aspects, such as evidence analysis and event reconstruction. In the context of the judicial system, an investigation serves as a filter to prevent wrongful prosecution (false prosecution) (Fadhilah, 2022). Salsabila and Sumardiana (2025) emphasize that investigations must be conducted proportionally to guarantee the human rights of suspects. The KUHAP limits the authority of investigators through the principles of legality and legal certainty, ensuring that every action is based on valid regulations.

2.2 Regulations Related to Maritime Criminal Offenses in Indonesia

Maritime criminal offenses in Indonesia refer to legal violations that occur in the context of maritime activities and navigation. Based on Law Number 17 of 2008 concerning Navigation and other related regulations, various maritime criminal offenses have been defined to ensure the safety, security, and sustainability of maritime environments. Safety violations in maritime transportation are a serious issue in the maritime industry that can lead to dangerous consequences for both humans and the environment. In Indonesia, an archipelagic country with busy maritime traffic, this issue has received special attention. Safety violations in maritime transport include actions that pose risks to the safety of ships, passengers, crews, and the marine environment (Dalimunthe, Lestari, & Meirany, 2023).

Operating Ships Without Adequate Safety Standards: This includes ships sailing without sufficient safety equipment or under unseaworthy conditions. For example, ships without enough lifeboats, fire extinguishers, or adequate navigation equipment are considered unsafe. **Failure to Comply with Navigation Regulations:** Ships that do not adhere to navigation rules, such as collision prevention at sea, can create a high risk of accidents (Hagen, Vassbotn, Skogvold, Johansen, & Brekke, 2023). This includes behaviors such as sailing at unsafe speeds, disregarding navigation signs, and failing to communicate effectively with other vessels. **Neglecting Safety Procedures in Emergencies:** Failure to follow established emergency procedures or inadequate handling of emergencies, such as ship fires, oil spills, or leaks, is also considered a safety violation.

Maritime pollution offenses occur when ships intentionally or negligently discharge waste or hazardous materials into the sea, potentially damaging marine ecosystems and disrupting marine habitats (Amin, Rashdan, Mahadi, & Abdul, 2025). This includes the illegal disposal of oil waste, chemicals and

garbage. International regulations, such as the MARPOL Convention, have been adopted into national law to regulate pollution prevention by ships. Illegal Fishing: Also known as Illegal, Unreported, and Unregulated (IUU) Fishing, is a global problem that significantly impacts marine ecosystems, the economy, and food security (Agustin, 2025). Illegal fishing in Indonesia, a country with one of the largest maritime territories in the world, has become an important issue as the country relies heavily on marine resources for its economy and food supply.

2.3 Sailing Approval in Maritime Law

A Sailing Approval (SPB) is an official document issued by the Syahbandar to every ship departing the port after meeting the ship's seaworthiness requirements and other obligations (Ginting, 2023). According to Minister of Transportation Regulation No. 28 of 2022, the issuance of SPB is a supervisory process conducted by the Syahbandar to ensure that the ship, its crew, and its cargo meet the safety and security requirements for navigation and marine environmental protection. The main function of the SPB is as a control tool to ensure that every ship sailing meets the established safety standards. With SPB, the risk of maritime accidents caused by negligence in meeting safety requirements can be minimized. Additionally, the SPB serves as legal proof that the ship has been inspected and declared seaworthy by competent authorities. In the context of maritime law, the SPB plays a crucial role in law enforcement and maritime regulations. Without an SPB, a ship is not allowed to sail, and violations of this regulation may result in sanctions according to the applicable laws. This shows that the SPB is not only an administrative document but also a legal instrument that ensures compliance with maritime safety standards.

2.4 Theoretical Framework Used

The theoretical framework in this study primarily uses John Rawls' Theory of Justice as its grand theory. Rawls emphasized that justice is fairness, namely, the creation of equal rights and legal protection for all parties (Ardian, 2023). In the context of investigating violations of sailing approval (SPB), this theory is relevant for assessing whether the investigation process conducted by Ditpolairud Riau Islands Police ensures fairness for maritime business operators, users of maritime transportation services, and the state as the holder of legal authority. Next, this study uses Lawrence M. Friedman's Legal System Theory as a middle theory. Friedman asserts that the effectiveness of law is determined by three main elements: legal structure (law enforcement institutions), legal substance (applicable legal rules), and legal culture (public legal awareness) (Suyatno, 2023). This framework is important for analyzing the extent to which the Ditpolairud Riau Islands Police has an adequate organizational structure and resources, the quality of regulations governing SPB, and how the legal culture in the maritime community adheres to sailing permit provisions.

This study uses Sudikno Mertokusumo's Theory of Legal Certainty as an applied theory. Legal certainty means that the law must be consistently enforced according to the applicable rules to achieve the protection of rights and certainty for all parties (Julyano & Sulistyawan, 2019). In this case, the application of investigations into SPB violations must be clear and firm to provide a deterrent effect, prevent the abuse of power, and ensure maritime safety. With these three theories, this article provides a comprehensive analytical framework: Justice Theory to measure fairness, Legal System Theory to assess the effectiveness of investigations from the aspects of structure, substance, and legal culture, and Legal Certainty Theory to ensure that the implementation of investigations is aligned with the principle of legality. This combination of theories allows the author to provide a comprehensive evaluation of the effectiveness of the investigations into SPB violations conducted by Ditpolairud Polda Riau Islands.

3. Methodology

The juridical approach is conducted through a review of regulations related to navigation, particularly Law Number 17 of 2008 concerning Navigation, the Criminal Procedure Code (KUHP), and various Minister of Transportation regulations governing sailing approval procedures. Meanwhile, an empirical juridical approach is used to analyze the implementation of investigations into sailing approval violations in the field by Ditpolairud Polda Riau Islands (Respationo, 2024). The types of data used are secondary and primary data. Secondary data were obtained from legislation, books, legal journals, and

other scientific literature relevant to maritime issues and law enforcement. Primary data were obtained from field research, including interviews with investigators from Ditpolairud Polda Riau Islands, Syahbandar officials, maritime business operators, and other stakeholders directly involved in the investigation of SPB violation cases.

Data collection techniques were conducted through literature studies and in-depth interviews. Literature studies aim to strengthen the normative analysis of legal rules, while field interviews serve to obtain an empirical picture of investigative practices, obstacles, and solutions. The data obtained were then tested using triangulation to maintain validity. The collected data were analyzed using a descriptive analytical method. This analysis was conducted by describing, interpreting, and connecting the theory, legal norms, and empirical practices of investigating SPB violations. This approach is expected to provide a comprehensive picture of the effectiveness of investigations by Ditpolairud.

4. Results and discussions

4.1 Implementation of the Effectiveness of Investigating Sailing Approval Violations by Ditpolairud Polda Riau Islands

The implementation of investigations into sailing approval (SPB) violations in the Riau Islands is one of the strategic tasks of Ditpolairud Polda Riau Islands for enforcing maritime law. The SPB, a mandatory legal document issued by the Syahbandar, is often ignored by shipowners and fishermen because it is seen as an administrative burden. Ditpolairud Polda Riau Islands plays a key role in ensuring that ships sailing have valid SPBs to ensure maritime safety and prevent potential crimes at sea (Parameshwara, 2023). The investigative process carried out by Ditpolairud Riau Islands begins with an investigative activity, which is gathering initial information regarding suspected SPB violations. This information is obtained through routine patrols, public reports, and coordination with the Syahbandar. Subsequently, if a ship is found sailing without an SPB or using counterfeit documents, Ditpolairud investigators will immediately carry out an initial inspection of the ship's documents and completeness.

The next step is a formal investigation, which includes taking statements from the captain, crew, and ship agents responsible for the ship's departure. At this stage, Ditpolairud emphasizes legal certainty by referring to the KUHAP and Navigation Law. Documents can be seized if there is evidence of forgery or administrative negligence that impacts maritime safety. Coordination between Ditpolairud and Syahbandar and Civil Servant Investigators (PPNS) of Maritime Affairs is an important part of the investigative process. The Syahbandar has the administrative authority to issue SPBs, while Ditpolairud is responsible for criminal enforcement when violations occur. This synergy shows that the effectiveness of investigations depends not only on the police but also on harmonization with the maritime authorities. In addition to the Syahbandar, coordination is carried out with the prosecutor's office as a public prosecutor. After the investigation files are complete (P-21), Ditpolairud hands them over to the prosecutor to proceed with the trial. This mechanism demonstrates that the investigation of SPB violations follows the principles of an integrated criminal justice system.

However, in practice, the implementation of investigations does not always run smoothly due to various factors. One of the obstacles is the presence of small ships or traditional fishermen who often avoid processing SPBs because of the perceived high costs, especially regarding PNPB fees through shipping agents. This phenomenon forces Ditpolairud to be more active in socializing and taking a persuasive approach to help the public understand the importance of SPBs for safety and not just as an administrative requirement (Fadlan & Apridony, 2024). The effectiveness of the investigations is also reflected in the concrete enforcement actions taken by Ditpolairud. Based on field data, several SPB violation cases have been uncovered, ranging from the use of counterfeit documents to sailing without permission to fish. These enforcement actions provide a deterrent effect for shipowners and serve as solid evidence that investigations are conducted in accordance with legal provisions.

Nevertheless, the level of compliance among maritime stakeholders in the Riau Islands requires improvement. The implementation of investigations will be more effective if accompanied by

technology-based surveillance, such as the digitalization of SPB documents for quick verification in the field (Sihombing, Erniyanti, Ramlan, & Respationo, 2024). Thus, Ditpolairud can minimize document forgery while accelerating the inspection process during sea patrols. Overall, the effectiveness of investigations into SPB violations by Ditpolairud Polda Riau Islands shows positive results, although it still faces structural, substantial, and cultural obstacles. Law enforcement focuses not only on the repressive aspects of enforcement but also on preventive aspects through socialization and cross-sectoral coordination. Thus, the investigation conducted by Ditpolairud can be considered effective in enforcing maritime law regulations and improving compliance among maritime stakeholders in the Riau Islands region.

4.2 Obstacles Faced and Solutions to Improve the Effectiveness of Investigations into Sailing Approval Violations in the Waters of the Riau Islands

The main obstacle in investigating SPB violations in the Riau Islands is the structural factor, namely the limited human resources (HR), facilities, and infrastructure of the Ditpolairud. The vast area of the Riau Islands, which consists of thousands of islands, requires adequate sea patrol capabilities. However, the limited number of Ditpolairud personnel, patrol vessels that do not match the vast surveillance area, and incomplete modernization of supporting equipment are serious obstacles to the effectiveness of investigations. In addition, there are substantial obstacles in the form of overlapping authority between law enforcement agencies in the maritime sector. The Syahbandar has the administrative authority to issue SPBs, while Ditpolairud has the authority to take criminal action. The PPNS Maritime Affairs also has the authority to conduct investigations. This overlap often causes confusion in the field and slows the investigation process.

Other obstacles arise from legal gaps in existing regulations. Although Law Number 17 of 2008 concerning Navigation regulates the obligation for SPB, its implementation still has inconsistent derivative regulations, such as those concerning technical inspection procedures and sanctions for violators. This situation weakens legal certainty and opens up room for different interpretations among law enforcement officials. Cultural factors also present an important challenge, namely, the low legal awareness of shipowners and fishermen. Many fishermen in the Riau Islands believe that the SPB is merely an administrative formality that does not need to be adhered to. They prefer to sail without documents to avoid the perceived high costs of processing. The lack of understanding of the role of the SPB as a maritime safety instrument makes the investigation process often viewed as merely repressive action.

Maladministration practices worsen the situation. There have been cases where shipping agents set high PNBP tariffs for SPB processing, far from official regulations. This encourages many fishermen to avoid processing SPBs and sail without valid documents. This situation highlights the bureaucratic governance problems that also affect the effectiveness of investigations. To overcome these structural obstacles, it is necessary to enhance human resource capacity and modernize Ditpolairud's infrastructure. Adding fast patrol boats, satellite-based communication equipment, and digital technology to monitor ship movements are solutions that can improve the effectiveness of surveillance and investigations in the field.

On the substantial side, the steps to be taken include harmonizing regulations and authority among agencies. A unified guideline is needed to clearly outline the roles of Ditpolairud, Syahbandar, and PPNS in handling SPB violations. In this way, overlapping authority can be minimized, and the investigation process can be conducted faster and more effectively. To address cultural factors, socialization and legal education for maritime stakeholders, especially small fishermen, are essential. Outreach programs emphasizing the importance of SPB for maritime safety and life protection at sea should be expanded. Ditpolairud, together with Syahbandar, can collaborate with fishermen's organizations, local governments, and community leaders to raise legal awareness among maritime operators to prevent illegal fishing.

Finally, maladministration practices in SPB processing should be reduced through the digitalization of services and transparency in PNBP fees. An online system for processing SPBs can minimize the role of intermediaries or agents who often engage in extortion. With clear and transparent fees and procedures, fishermen will be more encouraged to comply with legal obligations without feeling burdened by them. Barriers to investigating SPB violations, when analyzed through John Rawls' Theory of Justice, show an imbalance in access to justice for small fishermen. The high PNBP fees and maladministration practices by agents make the legal obligation of obtaining an SPB seem burdensome for small maritime communities, while large business operators find it easier to fulfill these requirements.

This creates substantive injustice, as the law, which is supposed to guarantee safety and security in maritime transport, instead imposes a disproportionate burden. Therefore, solutions such as transparency in fees and simplification of the SPB procedure align with Rawls' principle of fairness. From Lawrence M. Friedman's Legal System Theory perspective, barriers in SPB investigations appear in three components of the legal system: structure, substance, and legal culture. The legal structure (Ditpolairud and Syahbandar) is still limited in terms of human resources and patrol facilities; the legal substance experiences overlapping authority between Ditpolairud, PPNS Maritime Affairs, and Syahbandar; while the maritime community's legal culture tends to be indifferent toward SPBs. The solutions that can be implemented include strengthening the structure through fleet modernization, harmonizing legal substance through integrated regulations, and building a legal culture through intensive socialization.

From the perspective of Sudikno Mertokusumo's Legal Certainty Theory, the main obstacle is legal gaps and a lack of synchronization in SPB implementation regulations, creating uncertainty for both authorities and maritime operators (Siregar, Pieris, & Widiarty, 2025). This uncertainty opens up opportunities for recurring violations and maladministrative practices in SPB processing. Therefore, legal certainty can only be achieved through improvements in the regulations derived from the Navigation Law, enforcement of rules without discrimination, and digitalization of services that ensure SPB processing procedures are transparent and accessible to all parties. Comprehensively, integrating these three theories shows that barriers to SPB investigations are not only technical but also conceptual, involving justice, certainty, and the effectiveness of the legal system. The proposed solutions include regulatory reform, improving Ditpolairud's institutional capacity, and strengthening the maritime community's legal culture. With this approach, the investigation of SPB violations in the Riau Islands can be more effective, fair, and in line with the rule-of-law principles that ensure maritime safety while protecting the rights of the maritime community.

5. Conclusion

5.1 Conclusion

1. The implementation of investigations into sailing approval violations by Ditpolairud Polda Riau Islands has been carried out through criminal procedure mechanisms and the Navigation Law, with stages starting from the investigation and inquiry to coordination with Syahbandar, PPNS, and the prosecutor's office. The effectiveness of the investigation is evident in the increased compliance of some shipowners in processing SPBs, although field practices still face challenges.
2. The obstacles faced include structural factors (limited human resources, facilities, and infrastructure), substantial factors (overlapping authority and legal gaps), and cultural factors (low legal awareness and maladministration practices, including high PNBP fees imposed by agents). Solutions that can be implemented include strengthening regulations and institutional harmonization, improving human resource capacity, digitizing surveillance, and transparent cross-sector coordination to ensure legal certainty, justice, and effective maritime law enforcement in the Riau Islands.

5.2 Suggestions

Future research on the investigation of Sailing Approval (SPB) violations should broaden its scope beyond the jurisdiction of the Riau Islands to enable a comparative analysis across regions with different

levels of maritime activity. Quantitative approaches are recommended to complement the current normative-empirical findings, particularly by measuring the statistical correlation between enforcement efforts and compliance rates. In addition, longitudinal studies would provide insights into how regulatory reforms, the digitalization of SPB services, and institutional coordination affect the long-term effectiveness of maritime law enforcement. Furthermore, interdisciplinary studies that combine legal, technological, and socio-economic perspectives can enrich our understanding of the structural, substantial, and cultural obstacles to SPB enforcement. Finally, the involvement of international best practices in maritime law enforcement may serve as a benchmark for improving Indonesia's regulatory framework and ensuring that investigations are both just and efficient in line with global maritime safety standards

5.3 Recommendations

1. The government, together with Ditpolairud and the Ministry of Transportation, should strengthen regulatory harmonization and simplify the SPB issuance procedure through service digitalization to make it more transparent, faster, and affordable, thus increasing legal certainty and preventing maladministration practices.
2. Ditpolairud Polda Riau Islands should improve human resource capacity and patrol facilities, as well as expand cross-sector cooperation with Syahbandar, PPNS, and the prosecutor's office to ensure that the investigation of SPB violations becomes more effective, just, and able to reduce violations in the waters of the Riau Islands.

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