



Legal protection of sea ship passenger related to safety shipping in the city of Banda Aceh

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Abstract

This study explains that the implementation of legal protection for ship passengers for shipping safety equipment has not been fully implemented but in general it has been evidently implemented at this sea crossing. and explain the obstacles and efforts made in the implementation of legal protection for ship passengers on shipping safety equipment, these obstacles can be seen in terms of human resources (HR), facilities, facilities, infrastructure, and budget allocations that often hinder the course of law enforcement efforts in following up on imbalances that occur in the implementation of legal protection for ship passengers on shipping safety tools in law enforcement.

Keywords: legal protection, marine passengers, shipping safety

Introduction

Preliminary

Article 40 paragraph (1) of Law Number 17 of 2008 concerning Shipping which stipulates that, "Transportation companies in the waters are responsible for the safety and security of passengers and/or goods transported". Article 70 paragraph (1) of the Government Regulation Number 51 of 2002 concerning Shipping states that, "Ships according to the type, size and area of voyage must have auxiliary equipment such as lifeboats and buoys.

In fact, between passengers and carriers in sea transportation, where consumers or passengers do not get their rights properly, especially the rights of passengers to shipping safety equipment such as lifeboats, life jackets, life rafts, radio communication between ships, ships and ports, ships with beach radio, and others are still often found.

Like KMP Tanjung Burang, which was recently reported to have canceled sailing due to bad weather. For example, KMP BRR can carry 20-30 private cars, 200 motorbikes, and 400 passengers for one trip. However, in reality the number of shipping safety equipment such as life jackets or individual life aids often does not meet the needs or according to the number of ship passengers.

Problems identified in the implementation of legal protection for the fulfillment of passengers' rights to shipping safety tools in the form of deviations or gaps are made in the form of questions consisting of: How is the implementation of legal protection for ship passengers on shipping safety equipment? And how are the obstacles and efforts made in the implementation of legal protection for ship passengers on shipping safety equipment.

Research Methods

The research in writing this thesis uses normative juridical research, namely research by prioritizing applicable norms with a statutory and conceptual approach. This legal material can be obtained by tracing several legal materials, namely primary, secondary and tertiary legal materials. The data collection method used in writing this thesis is library research. The research analysis was carried out

prescriptively, that is, recommending, not stating what it is.

Discussion

Implementation of Legal Protection for Ship's Passengers on Sailing Safety Equipment

The most basic nature or essence of law enforcement as the most basic element in the implementation of legal protection consists of several factors, including law (laws), law enforcement, facilities or facilities, community, and cultural Factors.

1. Law

The legal factors here are narrowed down to legality or laws, but do not eliminate other sources of law such as customs, jurisprudence, doctrines, and treaties, considering that the scope of research is in the realm of City Regulations based on Law Number 17 of 2008 concerning Cruise.

The responsibility for law enforcement is not only the responsibility of the stakeholders with executive backgrounds, but also the legislators, especially the legislature, who carry out the function of people's representatives.

The Shipping and Harbormaster Service of Aceh Province as part of the criminal justice system that carries out law enforcement functions, especially with respect to the enforcement of laws and regulations governing shipping safety equipment in force in Aceh Province. So far, the Shipping and Harbormaster Service has not only managed and enforced the issue of regulating shipping schedules, but also enforced all matters related to shipping safety.

2. Law enforcer

Law enforcement in the legal system theory consists of all layers of elements of the criminal justice system (SPP), ranging from the police, prosecutors, judiciary, to correctional institutions. Especially for the city of Banda Aceh, the first line of law enforcement is increasing, with the Shipping and Harbormaster Service having the main task and function of enforcing the provisions of the law.

3. Facilities, Facilities, and Infrastructure

Facilities, facilities, and infrastructure referred to here are everything that supports law enforcement in carrying out their main tasks and functions, in order to achieve the vision and mission of each law enforcement agency, especially in Banda Aceh City.

4. Public

The fourth element is society as a place where the law is applied. Equipment for shipping safety equipment that is still not optimal in several shipping fleets in Aceh Province in accordance with the provisions of the legislation.

A community leader in this case, one of the passengers of KMP Bahari Express is very supportive of efforts to optimize shipping safety efforts in crossings in the waters of Aceh Province which are more intensified by ship transportation companies, in order to maintain passenger safety on voyages as contained in the provisions of the legislation. Applicable.

5. Culture

Culture is the result of work, creativity and taste based on human initiative in social life. Culture here refers to legal culture, as one of the elements of legal system theory, in addition to substance and structure.

The implementation of legal protection for ship passengers for shipping safety equipment is still not running according to expectations, as can be seen from the weak coordination between the competent authorities, the lack of compliance and legal awareness, the social environment, and the lack of socialization related to the implementation of statutory provisions, especially those of a legal nature. Criminal.

Cooperation between agencies that hold "stakeholders", especially regarding violations in the implementation of legal protection for ship passengers on shipping safety equipment, which is carried out both vertically and horizontally, is recognized by the Department of Shipping and Harbor Masters, and the Harbor Masters.

Education, counseling, and counseling related to the implementation of the provisions of the laws and regulations governing shipping safety equipment are still not optimal. The number of violations found in shipping companies, especially in the service area of shipping safety facilities, is another contributing factor related to violations of these regulations.

Obstacles and Efforts Made in the Implementation of Legal Protection for Ship Passengers on Shipping Safety Equipment

The implementation of legal protection for ship passengers for shipping safety equipment in law enforcement, still encounters several obstacles, these obstacles can be seen in terms of human resources (HR), facilities, facilities, infrastructure, and budget allocations that often hinder the course of law enforcement efforts in following up on imbalances that occur in the implementation of legal protection for ship passengers on shipping safety tools in law enforcement.

Human Resources (HR), facilities, facilities, and infrastructure, as well as budget allocations are the three main obstacles in terms of law enforcement in the implementation of legal protection for ship passengers on shipping safety equipment in law enforcement in the jurisdiction of Banda Aceh City.

Obstacles or obstacles faced related to the implementation of legal protection for ship passengers for shipping safety equipment in law enforcement in the jurisdiction of Banda Aceh City can be seen from three sides, including the following:

1. Human Resources (HR)

Shipping security and safety is a very important factor to support smooth sea transportation and prevent accidents which require Indonesian national standard human resources. In Article 1 of the Ministerial Regulation Number 57 of 2008 concerning Ship Guiding and Towing, which describes the meaning of among others scouting, scouting human resources, scouts, mandatory scout waters, Port Organizing Units, Port Business Entities, shipping lanes, scouting supervisors, scouting supervisors. Then Pandu is required to do a Medical Check Up, and at least must have an ANT-III Sailor Certificate. After having the certificate, it is possible to obtain a Level II Scout Certificate and experience sailing as a shipmaster with a minimum ship size of 1000 GT,

2. Facilities, facilities, and infrastructure

Every year the number of passengers using Ulee Lheue port continues to increase, causing the port terminal building to be unable to accommodate passengers. The increase in the number of port passengers is directly proportional to the increase in the number of vehicles and goods that will use port services, which when on Holidays passengers will explode.

The age of the fleet of ships operating at Ulee Lheue port is more than 20 years of use, which causes engine damage. This is often an obstacle in the port of Ulee Lheue, if a ship is damaged then activities at the port of Ulee Lheue will be disrupted. Only BRR's KMP ships have less than 10 years of operation, but BRR's KMPs also often experience engine failures.

The form of legal protection given to users of sea transportation services at the Port of the Ulee Lheue-Balohan route, although it has not been fully implemented, but in general it has been evidently implemented at this sea crossing. Even the Port of Ulee Lheue has its own Technical Development Unit within the framework of the organizational structure of the Department of Transportation, through the Port Section it has 6 (six) main tasks

1. Prepare materials for the preparation of work plans and technical instructions in the port sector;
2. Prepare materials for implementing work plans and technical instructions in the field of ports;
3. Prepare materials for coordination and Cooperation with other institutions and agencies in the port sector;
4. Prepare materials for supervision and control in the port sector;
5. Prepare evaluation materials and report on the
6. Implementation of tasks; and
7. Carry out other tasks assigned by the head of the
8. River Transportation and Crossing Traffic Division according to their duties.

The six main tasks of the Ulee Lheue Port Section have indeed manifested the Banda Aceh City Apparatus Work Unit (SKPK), but are related to the application of legal protection, especially for users of sea transportation services

at this port.

Closing

1. The implementation of legal protection for ship passengers for shipping safety equipment at Ulee Lheue Port, Banda Aceh City which connects the main land (main land) with Sabang Island via Balohan, becomes an arena for various ship transportation fleets such as KM. Express Cantika 89 owned by PT. Sailing Sakti Inti Makmur, KMP. BRR and KMP. Papuyu owned by PT. ASDP (River and Crossing Transportation) Indonesia Ferry Persero, KMP. BRR crossed the Malacca Strait on a daily basis, but still did not fully facilitate its fleet with the safety equipment as stated in the 1974 SOLAS Regulation 20, which was motivated by several factors, including:
 - a. Lack of socialization;
 - b. Coordination between agencies;
 - c. Lack of awareness and legal compliance;
 - d. Difficult access to information; and
 - e. Lack of understanding regarding the main tasks and functions (Tupoksi) and strategic plans (Renstra).
2. Obstacles and efforts made in the implementation of legal protection for ship passengers on shipping safety equipment, these obstacles can be seen from:
 - a. in terms of human resources (HR),
 - b. facilities, facilities, infrastructure, and

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