

Reconstruction of the Regulation of Authority for Civil Servant Investigators (PPNS) in Nautical Affairs for Handling Ship Accidents Based on Justice Values

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Abstract

Indonesia, possessing the second-longest coastline globally, relies extensively on sea transportation, highlighting the necessity for proficient management of nautical incidents. The authority of Civil Servant Investigators (PPNS) in nautical affairs is delineated in Article 282 of Law Number 17 of 2008 concerning Shipping. However, the current framework, which places PPNS under the supervision of police investigators, can lead to biased investigations due to the pressure to conform to police findings, thereby compromising the independence and objectivity of PPNS. This study aims to analyse and prove that the regulation of PPNS authority in handling ship accidents is not founded on justice values, identifying several critical weaknesses, and proposing reforms to address them. Using a socio-legal research approach and incorporating primary and secondary data, along with a comparative analysis of international laws, the study is grounded in the Pancasila theory of justice, the legal system theory, and law enforcement theory. The findings reveal that the existing regulation fails to ensure justice values, as the supervision by police investigators introduces potential conflicts of interest and limits PPNS's ability to act independently. Moreover, the lack of specialized nautical expertise among police investigators hinders thorough investigations. Identified weaknesses include insufficient qualification standards for PPNS, structural issues in the coordination and supervision framework fostering conflicts of interest, and a need for more awareness and understanding of nautical laws and procedures among both investigators and the public. To reform the regulation, it is essential to establish a balance and equality of authority between PPNS and police investigators, enhancing the role of PPNS based on their specialized nautical expertise. Consequently, revising Article 282 of Law Number 17 of 2008 is necessary to align with justice values, ensuring more independent and objective investigations in nautical incidents.

Keywords: Nautical, PPNS, Reconstruction.

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1. INTRODUCTION

Indonesia, as the largest archipelagic country in the world with 17,499 islands and a coastline extending over 81,000 kilometres, heavily relies on nautical transportation for its economic, social, cultural, political, and security needs. The nautical industry is crucial not only for connecting the numerous islands but also for contributing to national economic growth, particularly in underdeveloped regions [1]. Despite its strategic importance, Indonesia faces significant challenges in realizing the full potential of its nautical transportation

sector. These challenges include a decline in the national shipping fleet's role in cargo transportation, limited infrastructure, high costs associated with nautical transport, and inadequate safety standards [2].

The nautical transportation industry in Indonesia plays a crucial ideological and political role by maintaining the unity and integrity of the country, contributing to the government's control over the entire nation. It also promotes social and cultural welfare by providing accessible features that foster relationships

¹ Sebastian, L. C., Supriyanto, R. A., & Arsana, I. M. A. (2014). Indonesia and the Law of the Sea: Beyond the archipelagic outlook. *INDONESIA AT HOME AND ABROAD*, 67.

² Riyadi, M. (2024). Exploration Of the Developing Maritime Transportation Regions of Indonesia. *Jurnal Maritim Malahayati*, 5(2), 202-209.

between residents of different islands. Despite Indonesia being an archipelagic country, nautical travel should be heavily relied upon. However, the decline of the national shipping fleet's role in cargo transport, limited infrastructure and unloading facilities, high costs of nautical transportation, and insufficient safety standards are significant challenges [3].

Currently, freight transport dominates Indonesia's nautical industry, with coal, palm oil, gas, and container transport accounting for 80% of sea traffic. Traditional shipping and passenger transport are often neglected due to the government's focus on promoting low-cost air travel for passenger transport [4]. The shift towards prioritizing air travel for passengers has further marginalized the development of the nautical transport sector for passenger services, underscoring the need for a more balanced and integrated approach to transportation policy that leverages Indonesia's extensive nautical potential. In 2010, regulations concerning the management of Civil Servant Investigators (PPNS) were enacted to establish the authority of these officials within various government agencies [5]. PPNS are designated civil servants granted the power to investigate certain criminal offenses under specific legal frameworks. This regulatory framework necessitates that several government agencies have their PPNS, which operate under strict oversight and are required to cooperate with police investigators.

The complexity of nautical transportation in Indonesia underscores the importance of robust regulatory frameworks and effective law enforcement to ensure safety and security [6]. The Law No. 17 of 2008 on Shipping highlights the necessity of a comprehensive regulatory approach to support the nation's unity and economic development [7]. However, the current regulations governing the authority of PPNS in nautical accident investigations, particularly Article 282 of the law, need to be revised.

The existing regulatory framework places PPNS under the coordination and supervision of police investigators, which can lead to conflicts of interest and

compromise the independence and objectivity of nautical investigations. Additionally, police investigators often need more specialized nautical expertise to investigate complex nautical incidents thoroughly, further undermining the investigative process.

To address these issues, the regulations must be reconstructed. This reconstruction should aim to enhance PPNS' independence, clarify their authority, and ensure they receive specialized training in nautical investigations. By doing so, the investigative process can be made more fair, objective, and accurate, aligning with the principles of justice and truth that underpin Indonesia's legal system.

2. RESEARCH METHODS

The research method used is a constructivist paradigm, viewing the truth of social realities as social constructs and inherently relative. Legal realities are seen as diverse, shaped by individual social experiences and mental constructs, necessitating empathy and dialectic interaction between researcher and subject. The constructivist approach, emphasizing subjective interpretation, uses hermeneutic and dialectical methods to uncover hidden aspects influencing behaviour and actions [8]. This paradigm contrasts with positivism, arguing that social realities observed by individuals cannot be generalized. The research methodology is descriptive-analytical, aiming to depict and analyse current and past realities comprehensively. The social/legal research approach includes library and field research, focusing on primary data from interviews and observations and secondary data from books and journals [9]. Data sources are categorized into primary legal materials, such as legislation and official documents; secondary legal materials explaining primary sources; and tertiary materials, like dictionaries and encyclopaedias. Data collection involves field observations and structured interviews, complemented by extensive literature reviews. Data analysis is qualitative, organizing, and synthesizing data to uncover patterns and significant findings [10]. The research aims to identify and analyse weaknesses in the authority regulation of Civil Servant Investigators (PPNS) in

³ Rodrigue, J. P., & Notteboom, T. (2024). CONCEPT 4. MARITIME TRANSPORTATION. *The Geography of Transport Systems*, 147.

⁴ Leung, K. H. (2016). Indonesia's summary transport assessment. ADB papers on Indonesia, 15, 20.

⁵ Sja'fii, A., & Pratiwi, N. M. I. (2019). Phenomenon of Civil Servant Investigator Position (PPNS). In 1st Aceh Global Conference (AGC 2018) (pp. 90-94). Atlantis Press.

⁶ Daniel, C. G., Daniel, C. G., & Marzaman, A. P. Enhancing Indonesian Maritime Route Security to Prevent Transnational Crime. *Buletin Poltanesa*, 24(2), 569025.

⁷ Young, A. R. (2017). Liberalizing trade, not exporting rules: the limits to regulatory co-ordination in the EU's

'new generation' preferential trade agreements. In *The European Union as a Global Regulator?* (pp. 33-55). Routledge.

⁸ Ibrahim Johnny (2018) *Teori & Metodologi Penelitian Hukum Normatif*, Bayu Media Publishing, Malang.

⁹ Esmi Warassih (2006), *Penelitian Socio Legal*, Makalah Workshop Pemetakhiran Metodologi Hukum, Bandung.

¹⁰ Lexi J. (2007) Moleong, *Metode Penelitian Kualitatif*, Remaja Rosdakarya, Bandung.

nautical affairs, highlighting the need for reforms based on justice values to ensure independent and objective investigations of ship accidents.

The nautical accident investigation process in Indonesia is a complex procedure involving multiple parties and stages to ensure the causes of accidents are accurately determined, and preventive measures are implemented. Governed by Law Number 17 of 2008 concerning Shipping, the government has a mandatory role in investigating ship accidents, further detailed by Government Regulation Number 9 of 2019 on Nautical Safety and Security, which provides comprehensive guidelines on safety and security procedures. Additionally, the Minister of Transportation Regulation Number 20 of 2015 specifies the technical procedures and steps for directing ship accident investigations. The primary objectives of these investigations are to identify the causes of accidents to prevent future occurrences, assess the damage and losses incurred, offer safety recommendations to relevant parties, and enforce legal measures in cases of regulatory violations or negligence.

The investigation process begins with accident reporting, where the ship captain or a representative from the shipping company must promptly report the accident to the authorities, providing basic information about the incident, such as location, time, type of accident, weather conditions, and initial impact. This is followed by initial handling at the accident site by the port authority or the National SAR Agency (BASARNAS), which involves rescuing the crew, managing hazardous material spills, and stabilizing the ship if possible. Subsequently, the Ministry of Transportation formed an investigation team comprising nautical experts, ship inspectors, and representatives from the port authority, tasked with directing a thorough investigation of the accident.

The evidence-collection phase involves gathering all relevant documentation, such as logbooks, ship certificates, maintenance records, and communication logs. The team also conducts interviews with the crew, witnesses, and other relevant parties, alongside performing physical inspections of the ship, including its hull, machinery, navigation equipment, and safety systems. Additionally, technological data from devices like the Voyage Data Recorder (VDR) is analysed to support the investigation [11].

Following the evidence collection, the team undertakes an in-depth analysis to identify the root causes of the accident. This analysis covers technical evaluations of the ship's design, maintenance, and operational aspects, assessments of human factors such as negligence, fatigue, crew training, and operational

decisions, and environmental conditions, including weather and sea currents. Upon completing the analysis, the investigation team compiles a comprehensive report outlining the main findings, causes of the accident, and safety recommendations. This report is prepared following international standards and submitted to the Ministry of Transportation [12].

The final stages involve the publication and follow-up of the investigation report. For transparency, the report is made available to the public and the nautical industry. The safety recommendations from the report must be acted upon by the relevant parties, including shipping companies, ship operators, and port authorities. The investigation process also emphasizes cooperation and coordination among various stakeholders, such as the Ministry of Transportation, the National SAR Agency (BASARNAS), police authorities, and international bodies if foreign-flagged ships are involved. Legal enforcement measures are taken if regulatory violations or negligence are discovered, including sanctions, suspension of operating licenses, or criminal prosecutions.

Overall, the thorough and structured process of nautical accident investigation in Indonesia aims to ensure that the causes of accidents are identified and preventive actions are taken. Through the coordinated efforts of various agencies and strict regulatory enforcement, nautical safety is enhanced, and the risk of future ship accidents is minimized.

3. RESULTS AND DISCUSSION

3.1. Comparative Study of Ship Accident Management in Various Countries

Nautical safety and accident management are critical elements for nations with significant reliance on sea transportation, particularly those with extensive coastlines. Effective management of nautical incidents involves a complex interplay of regulatory frameworks, enforcement agencies, and advanced technologies. The United States, Singapore, and Japan exemplify best practices in handling ship accidents through their robust systems and coordinated approaches [13].

The US employs the US Coast Guard and National Transportation Safety Board to oversee nautical law enforcement, search, and rescue (SAR) operations, and accident investigations, utilizing advanced SAR infrastructure and technology. Singapore leverages its Nautical and Port Authority to implement stringent safety regulations, advanced Vessel Traffic Service (VTS), and continuous infrastructure development supported by cutting-edge technologies such as IoT and AI. Japan, through its Japan Coast Guard, maintains a

¹² Soerjono Soekanto dan Sri Mamudji (2013). *Penelitian Hukum Normatif suatu Tinjauan Singkat*, Radja Grafindo Persada, Jakarta

¹³ Zhang, Y., Sun, X., Chen, J., & Cheng, C. (2021). Spatial patterns and characteristics of global maritime accidents. *Reliability Engineering & System Safety*, 206, 107310.

comprehensive SAR system, rigorous accident investigation protocols, and strong international cooperation, ensuring swift and effective responses to nautical emergencies [14].

The table below provides a comparative overview of the key entities, systems, and practices employed by these countries in nautical accident management.

Table 1: Ship Accident Management in Various Countries

| Country | Key Entities/Responsibilities | Key Systems/Technologies | Key Approaches/Practices |
|---------------|--|--|--|
| United States | US Coast Guard (USCG), National Transportation Safety Board (NTSB) | Advanced SAR infrastructure, technology for nautical rescue, Vessel Traffic Service (VTS), electronic navigation systems | USCG oversees nautical law enforcement, SAR, environmental protection, and port security, while NTSB investigates nautical accidents and provides safety recommendations. Emphasis on stringent pollution regulations, nautical law enforcement, and public safety education. |
| Singapore | Nautical and Port Authority of Singapore (MPA) | Advanced VTS, electronic navigation systems, IoT, big data, AI, infrastructure development | Emphasis on strict safety regulations, regular inspections and audits, comprehensive SAR capabilities, continuous infrastructure development, advanced nautical technology adoption, and extensive training and human resource development. |
| Japan | Japan Coast Guard (JCG), other nautical entities | Advanced SAR fleet and technology, radar, sonar, and communication systems | Focus on strict nautical safety regulations, comprehensive SAR system, detailed accident investigation protocols, and strong international cooperation. Regular safety drills and training, coordinated emergency responses, and ongoing improvements based on accident learnings. |

3.2. Marine Accident Investigation in Indonesia

The nautical accident investigation process in Indonesia is a complex procedure involving multiple parties and stages to ensure the causes of accidents are accurately determined, and preventive measures are implemented. Governed by Law Number 17 of 2008 concerning Shipping, the government has a mandatory role in investigating ship accidents, further detailed by Government Regulation Number 9 of 2019 on Nautical Safety and Security, which provides comprehensive guidelines on safety and security procedures. Additionally, the Minister of Transportation Regulation Number 20 of 2015 specifies the technical procedures and steps for directing ship accident investigations [15]. The primary objectives of these investigations are to identify the causes of accidents to prevent future occurrences, assess the damage and losses incurred, offer safety recommendations to relevant parties, and enforce legal measures in cases of regulatory violations or negligence.

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The evidence-collection phase involves gathering all relevant documentation, such as logbooks, ship certificates, maintenance records, and communication logs. The team also conducts interviews with the crew, witnesses, and other relevant parties, alongside performing physical inspections of the ship,

¹⁴ Chou, R., & Lee, H. B. (1997). Commercial marine fish farming in Singapore. *Aquaculture Research*, 28(10), 767-776.

¹⁵ Hasugian, S., Rahmawati, M., Wahyuni, A. I. S., Suwondo, I., & Sutrisno, I. (2021). Analysis the risk of

the ship accident in indonesia with bayesian network model approach. *Annals of the Romanian Society for Cell Biology*, 3341-3356.

including its hull, machinery, navigation equipment, and safety systems. Additionally, technological data from devices like the Voyage Data Recorder (VDR) is analysed to support the investigation [16].

Following the evidence collection, the team undertakes an in-depth analysis to identify the root causes of the accident. This analysis covers technical evaluations of the ship's design, maintenance, and operational aspects, assessments of human factors such as negligence, fatigue, crew training, and operational decisions, and environmental conditions, including weather and sea currents [17]. Upon completing the analysis, the investigation team compiles a comprehensive report outlining the main findings, causes of the accident, and safety recommendations. This report is prepared following international standards and submitted to the Ministry of Transportation.

The final stages involve the publication and follow-up of the investigation report. For transparency, the report is made available to the public and the nautical industry [18]. The safety recommendations from the report must be acted upon by the relevant parties, including shipping companies, ship operators, and port authorities. The investigation process also emphasizes cooperation and coordination among various stakeholders, such as the Ministry of Transportation, the National SAR Agency (BASARNAS), police authorities, and international bodies if foreign-flagged ships are involved [19]. Legal enforcement measures are taken if regulatory violations or negligence are discovered, including sanctions, suspension of operating licenses, or criminal prosecutions.

Overall, the thorough and structured process of nautical accident investigation in Indonesia aims to ensure that the causes of accidents are identified and preventive actions are taken. Through the coordinated efforts of various agencies and strict regulatory

enforcement, nautical safety is enhanced, and the risk of future ship accidents is minimized.

3.3. Reconstruction of the Justice Values in the Regulation of the Authority of Civil Servant Investigators (PPNS) in Nautical Affairs in Handling Ship Accidents According to Pancasila

As the foundational ideology of Indonesia, Pancasila underpins all aspects of governance, necessitating that all governmental actions reflect its values (Imron, 2018). Pancasila, derived from the Sanskrit words "*panca*" (five) and "*sila*" (principles), serves as the philosophical basis for the nation, emphasizing principles such as belief in one God, just and civilized humanity, Indonesian unity, democracy guided by inner wisdom, and social justice for all Indonesians (Damanhuri, Barnett, M. L., & Pekcan, C. H. (2017) [20]. The human element in shipping. *Encyclopedia of maritime and offshore engineering* [21]. Barnett, M. L., & Pekcan, C. H. 2017 [22]. The human element in shipping. *Encyclopedia of maritime and offshore engineering*, 1-10. This study examines the application of Pancasila's values in the regulation of Civil Servant Investigators (PPNS) in nautical affairs, particularly in addressing ship accidents [23].

Pancasila's role in Indonesia's legal system is profound, with its principles embedded in the 1945 Constitution's preamble, guiding the nation towards justice, unity, and democracy (Sulasmana, 2020). The PPNS, in handling nautical accidents, is mandated to conduct investigations and enforce laws in ways that are consistent with these values. For instance, under the first principle, "Belief in One God," PPNS must conduct investigations with fairness and humanity, ensuring justice and ethical integrity [24].

Furthermore, the principle of "Just and Civilized Humanity" requires PPNS to treat all parties involved in nautical accidents with impartiality and respect for human rights, ensuring that justice is served

¹⁶ Dewanto, Y. A., & Faturachman, D. (2018). Indonesian Sea Accident Analysis (Case Study From 2003–2013). In *IOP Conference Series: Earth and Environmental Science* (Vol. 135, No. 1, p. 012001). IOP Publishing.

¹⁷ Supomo, H., & Nugroho, S. (2020). Analysis of crew competence factor in the ship collisions (Case study: Collision accident in Indonesian waters). In *IOP Conference Series: Earth and Environmental Science* (Vol. 557, No. 1, p. 012047). IOP Publishing.

¹⁸ Jensen, O. C., Flores, A., Baygi, F., Bygvraa, D. A., & Charalambous, G. (2020). Follow-up of citations of maritime epidemiological injury studies. *International maritime health*, 71(1), 62-70.

¹⁹ Chotimah, H. C. (2016). Intergovernmental Cooperation Initiative on Sustainable Transportation Management in Jabodetabek. *Jurnal Bina Praja*, 8(1), 121-133.

²⁰ Barnett, L. D. (1914). *Antiquities of India: an account of the history and culture of ancient Hindustan*. New York: GP Putnam's Sons.

²¹ Damanhuri, E. (2019). Waste Management in the Cooperation Prospective between Local Governments in Indonesia, Case of Regional Cooperation in West Java Province, Indonesia. *Toward Regional Cooperation of Local Governments in ASEAN. ERIA Collaborative/Support Research Report, IDE-JETRO*.

²² Barnett, M. L., Jermier, J. M., & Lafferty, B. A. (2006). Corporate reputation: The definitional landscape. *Corporate reputation review*, 9, 26-38.

²³ Rukiyati. (2016). Principles of Justice in Law Enforcement in Indonesia. *Journal of Law and Justice*.

²⁴ Kaelan. (2012). Philosophy of Pancasila as the Way of Life of the Indonesian Nation. *Paradigma*.

equitably without discrimination. This includes providing fair compensation to victims and ensuring that all legal processes are transparent and accountable [25].

The third principle, "Indonesian Unity," underscores the importance of national integrity in PPNS's role. This involves collaborative efforts with other agencies to maintain nautical safety and prevent future accidents, reflecting a commitment to the collective well-being of the nation [26].

The fourth principle, "Democracy Guided by Inner Wisdom," emphasizes the importance of consultation and collective decision-making in handling ship accidents. PPNS must work in concert with other institutions, facilitating dialogues and ensuring that all actions are taken with collective wisdom and public interest in mind [27].

Finally, "Social Justice for All Indonesians" mandates that PPNS ensures that the impacts of nautical accidents are addressed justly, providing equitable treatment to all affected parties, and focusing on the restoration and rehabilitation of both human and environmental losses [28].

The authority and actions of PPNS in nautical affairs must be deeply rooted in the values of Pancasila. This integration ensures that their operations not only comply with legal standards but also uphold the moral and ethical foundations of Indonesian society, promoting justice, human dignity, national unity, democratic processes, and social equity in all aspects of their duties.

3.4. Reconstruction of the Justice Values in the Regulation of Civil Servant Investigators' (PPNS) Authority in Nautical Affairs for Handling Ship Accidents According to the 1945 Constitution of the Republic of Indonesia

The Preamble of the 1945 Constitution of the Republic of Indonesia emphasizes the government's duty to protect all Indonesian people and advance public

welfare, intellectual life, and global order based on freedom, eternal peace, and social justice [29]. This constitutional mandate underpins the legal framework for the authority of Civil Servant Investigators (PPNS) in nautical affairs, especially in handling ship accidents [30].

Article 1, Paragraph 3 of the 1945 Constitution declares Indonesia a state based on law, requiring all state activities, including handling ship accidents, to comply with applicable laws. This implies that PPNS must execute their duties according to nautical and transportation laws, ensuring adherence to established legal procedures and maintaining justice (Bernard, 2010).

The rule of law principle ensures that all government actions, including law enforcement by PPNS, are grounded in existing laws and justice principles. PPNS must conduct investigations and enforcement actions within the legal framework, ensuring transparency and accountability. This principle also protects human rights, requiring PPNS to respect individuals' rights to fair treatment and due process during investigations [31].

Articles 28A to 28J of the 1945 Constitution guarantee human rights, including personal safety and security. PPNS must respect these rights while handling ship accidents, ensuring fair treatment and legal processes for all involved parties [32]. This involves avoiding discrimination, ensuring transparency, and protecting the rights of victims and suspects.

The constitutional provisions emphasize the state's commitment to protecting individual rights, mandating that PPNS uphold these rights during their investigative and enforcement activities. This includes providing fair compensation and ensuring humane treatment for victims and their families [33].

Articles 27, Paragraph 2, and 28H, Paragraph 1 emphasize the government's responsibility to protect

²⁵ Rukiyati, R., Hanum, F., & Purwastuti, L. A. (2023). Excellence of the diversity value and the educational environment on student nationalism. *Cakrawala Pendidikan: Jurnal Ilmiah Pendidikan*, 42(2), 364-379.

²⁶ Barnett, M. L., & Pekcan, C. H. (2017). The human element in shipping. *Encyclopedia of maritime and offshore engineering*, 1-10.

²⁷ N Mughni, M. J., Zeinali, M., Mazlan, S. A., Zamzuri, H., & Rahman, M. A. A. (2015). Experiments and modeling of a new magnetorheological cell under combination of flow and shear-flow modes. *Journal of Non-Newtonian Fluid Mechanics*, 215, 70-79.

²⁸ Notonagoro. (2001). *Pancasila and the 1945 Constitution*. Jakarta: Bumi Aksara.

²⁸ Kaelan. (2012). *Philosophy of Pancasila as the Way of Life of the Indonesian Nation*. Paradigma.

²⁹ Sidharta, B. A. (2010). *Reflection on the Structure of Legal Science: A Study on the Philosophical Foundations and Scientific Nature of Legal Science as a Basis for the Development of National Legal Science in Indonesia*. CV. Mandar Maju.

³⁰ Suryadi, Kurnia. (2018). *Regulasi Penanganan Kecelakaan Kapal di Indonesia*, Pustaka Pelajar: Yogyakarta.

³¹ Notonagoro. (2001). *Pancasila and the 1945 Constitution*. Jakarta: Bumi Aksara.

³² Kaela Rukiyati. (2016). *Principles of Justice in Law Enforcement in Indonesia*. *Journal of Law and Justice*.n. (2012). *Philosophy of Pancasila as the Way of Life of the Indonesian Nation*. Paradigma.

³³ Sulasmana, E. (2020). *Pancasila and Its Implementation in the Indonesian Legal System*. *Journal of Legal Philosophy*.

public welfare and safety. In nautical affairs, this means PPNS must ensure the safety and security of shipping activities and take necessary measures to prevent accidents. They must enforce safety regulations and respond effectively to accidents to mitigate risks to public safety [34].

PPNS's role involves regular inspections, compliance monitoring, and taking preventive measures to enhance nautical safety. They must collaborate with other agencies to ensure a comprehensive approach to public safety and environmental protection [35].

PPNS is tasked with overseeing and enforcing nautical laws, including imposing sanctions and addressing violations related to shipping safety and operations. They must conduct thorough investigations, gather evidence, and ensure compliance with safety standards. This includes coordinating with other agencies and ensuring transparent and accountable enforcement processes.

Effective law enforcement by PPNS requires strict adherence to legal procedures and cooperation with other government bodies, ensuring comprehensive and efficient handling of nautical accidents. Their responsibilities also extend to public education and awareness programs to promote nautical safety and prevent legal violations [36].

The authority and actions of PPNS in nautical affairs must align with the principles and values enshrined in the 1945 Constitution of the Republic of Indonesia. These include upholding the rule of law, protecting human rights, ensuring public safety, and enforcing nautical regulations. By integrating these constitutional values, PPNS can effectively handle ship accidents while promoting justice, transparency, and accountability in Indonesia's nautical sector.

3.5. Reconstruction of the Regulation of the Authority of Civil Servant Investigators (PPNS) in Nautical Affairs for Handling Ship Accidents Based on Justice Values

Reconstructing the regulation of Civil Servant Investigators' (PPNS) authority in nautical affairs to

handle ship accidents in Indonesia to align with justice values involves several approaches:

A comprehensive review of existing regulations and policies governing PPNS authority in handling ship accidents is essential. This review should identify aspects that do not align with justice values, such as procedural justice, distributive justice, and restorative justice. The review should consider the principles of justice embedded in Pancasila, particularly the fifth principle, "Social Justice for All Indonesian People" [37].

Once weaknesses in current regulations are identified, the next step is to integrate justice values into the ship accident investigation process. This includes establishing fair procedures in investigations, providing equal opportunities for all parties to present their accounts, and ensuring transparency and accountability in the investigation process. Additionally, attention should be given to compensation and restoration for accident victims [38].

PPNS must receive adequate training on justice principles and their implementation in investigations. This training should cover legal aspects, ethics, and communication skills. Such training is crucial to ensure that PPNS not only have technical knowledge and skills but also a deep understanding of justice values and human rights [39].

Enhancing public participation in the formation and review of regulations is key to ensuring that these regulations reflect the justice values recognized by society. Transparency in the investigation and decision-making processes is also crucial for building public trust and ensuring justice is served. Effective collaboration with other legal institutions, such as the police and the prosecutor's office, is necessary to ensure comprehensive handling of ship accidents. This collaboration ensures that all aspects of cases are addressed fairly and according to applicable laws [40].

By adopting these approaches, the reconstruction of PPNS regulations in nautical affairs can become more justice-oriented, focusing not only on law enforcement but also on the restoration and protection of victims' rights and restorative justice.

³⁴ Sidharta, B. A. (2010). Reflection on the Structure of Legal Science: A Study on the Philosophical Foundations and Scientific Nature of Legal Science as a Basis for the Development of National Legal Science in Indonesia. CV. Mandar Maju.

³⁵ Mughni (2017) *Pendidikan Kewarganegaraan Demokrasi, Hak Asasi Manusia, Civil Sosality, dan Multikultural*. Malang: Pusat Studi Agama, Politik,

³⁶ Bernard, C. Y., Laruelle, G. G., Slomp, C. P., & Heinze, C. (2010). Impact of changes in river fluxes of silica on the global marine silicon cycle: a model comparison. *Biogeosciences*, 7(2), 441-453.

³⁷ Sidharta, B. A. (2010). Reflection on the Structure of Legal Science: A Study on the Philosophical Foundations and Scientific Nature of Legal Science as a Basis for the Development of National Legal Science in Indonesia. CV. Mandar Maju.

³⁸ Kaelan. (2012). *Philosophy of Pancasila as the Way of Life of the Indonesian Nation*. Paradigma.

³⁹ Notonagoro. (2001). *Pancasila and the 1945 Constitution*. Jakarta: Bumi Aksara.

⁴⁰ Sulasmana, E. (2020). *Pancasila and Its Implementation in the Indonesian Legal System*. Journal of Legal Philosophy.

According to Law No. 17 of 2008 on Shipping, PPNS's authority in handling ship accidents is outlined in Article 282, which grants special investigative powers to certain civil servants within nautical agencies under the coordination and supervision of the Indonesian National Police.

From a justice perspective, several aspects of this framework need reevaluation to ensure PPNS authority aligns with justice values. One significant issue is the potential for conflict of interest and lack of impartiality in investigations. PPNS under police supervision may face pressure to align their findings with police interests, leading to biased investigations. This undermines PPNS's ability to act independently and objectively, which is crucial for justice (Rukiyati, 2016).

Investigations into ship accidents often require specialized nautical expertise that police investigators may need to gain. Relying on police coordination and supervision can hinder the utilization of necessary nautical expertise, resulting in incomplete or inaccurate investigation conclusions (Mughni, 2015).

To address these weaknesses, regulations should be reformed to strengthen PPNS independence, allowing them to operate without external pressures. This includes revising regulations to grant more autonomy to PPNS and ensuring balanced professional partnerships between PPNS and police. Enhanced training and capacity-building for PPNS, especially in nautical-specific knowledge and skills, are also essential [41].

The investigation process must be transparent for justice to be served. Clear communication channels

should be established to allow public monitoring and evaluation of the process and its outcomes. This transparency builds public trust and ensures accountability (Bernard, 2010) [42].

Effective coordination and supervision are needed to ensure effective supervision and prevent abuse of authority, ensuring fair and objective investigations. Continuous training for PPNS in legal knowledge, investigative skills, and human rights sensitivity is crucial for fair and efficient investigations. Ensuring that the rights of accident victims and suspects are respected and protected during investigations, including the right to information, legal representation, and protection from discriminatory or unfair treatment, is essential. Transparency and accountability in investigations are crucial for public access to information about the investigation process and decisions, with clear mechanisms for accountability.

In conclusion, reconstructing PPNS regulations aims to ensure that ship accident handling in Indonesia is conducted fairly, transparently, and responsibly, aligning with the justice values upheld in Indonesian society and the legal system. This approach enhances the integrity and effectiveness of nautical accident investigations, promoting justice for all involved parties [43].

The table below presents a comparative analysis of the regulation of Civil Servant Investigators' (PPNS) authority in nautical affairs for handling ship accidents in Indonesia. The table highlights the original provisions of Article 282, its weaknesses, and the proposed revisions aimed at aligning the regulation with justice values.

Table 2: Reconstruction of PPNS Authority Regulation in Nautical Affairs for Handling Ship Accidents Based on Justice Values

| Before Reconstruction | Weaknesses | After Reconstruction |
|---|--|---|
| <ul style="list-style-type: none"> Article 282 Paragraph 1 In addition to investigators from the Indonesian National Police and other investigators, certain civil servants within agencies responsible for nautical affairs are granted special authority as investigators, as stated in this law. Article 282 Paragraph 1 In carrying out their duties, certain civil servants, as referred to in paragraph (1), are under the coordination and | <ul style="list-style-type: none"> Does not explicitly define the authority of PPNS in nautical crime investigations. Does not strengthen the independence of PPNS in investigations. Does not clarify the need for specialized nautical expertise. It only emphasizes the importance of professional collaboration while undermining PPNS's authority and independence. | <ul style="list-style-type: none"> Article 282 Paragraph 1 Civil Servant Investigators with specialized expertise and experience in nautical affairs within agencies responsible for nautical affairs are granted special authority as investigators as stated in this law. These investigators must have recognized nautical certification and specialized training in nautical accident investigations. Article 282 Paragraph 2 In carrying out their duties, Civil Servant Investigators, as referred to in paragraph 1, shall conduct |

⁴¹ Sidharta, B. A. (2010). Reflection on the Structure of Legal Science: A Study on the Philosophical Foundations and Scientific Nature of Legal Science as a Basis for the Development of National Legal Science in Indonesia. CV. Mandar Maju.

⁴² Mahendra, Bima. (2014.) *UU Pelayaran No. 17 Tahun 2008: Kajian dan Implementasi*, Penerbit Buku Kompas: Jakarta,

⁴³ Kaelan. (2012). *Philosophy of Pancasila as the Way of Life of the Indonesian Nation*. Paradigma.

| Before Reconstruction | Weaknesses | After Reconstruction |
|--|--|--|
| supervision of the Indonesian National Police investigators. | <ul style="list-style-type: none"> Ship accident investigations are not conducted in a fair, objective, and transparent manner. | investigations independently and objectively, with synergistic coordination and collaboration with Indonesian National Police investigators and relevant agencies. |

4. CONCLUSION

The current regulation of Civil Servant Investigators (PPNS) authority in nautical affairs for handling ship accidents in Indonesia, as stipulated in Law Number 17 of 2008, does not fully align with justice values. The coordination and supervision by police investigators create potential conflicts of interest and lack of impartiality, compromising the independence and objectivity of PPNS investigations. Additionally, police investigators often need more specialized nautical expertise for comprehensive investigations. These deficiencies highlight the need for regulatory reform to strengthen PPNS's role and ensure they operate independently with appropriate nautical qualifications. To achieve a more just, objective, and accurate investigative process, it is necessary to reconstruct Article 282 of Law Number 17 of 2008, ensuring balanced authority between PPNS and police investigators and enhancing public and investigator understanding of nautical laws and safety procedures.

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