



JURIDICAL ANALYSIS OF THE POLICY ON THE ISSUANCE OF SAILING APPROVAL LETTERS BY THE HARBORMASTER FROM THE PERSPECTIVE OF MARITIME SAFETY AND DIGITAL PORT GOVERNANCE

(A Research Study at the Class III Sungai Guntung Port Administration Unit Office)

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Abstract

The issuance of Sailing Approval Letters (SPBs) by the Harbormaster is a supervisory instrument for ensuring maritime safety and accountable port governance. The digital transformation of services through Inaportnet requires an effective, transparent, and integrated issuance process, but practical obstacles continue to limit implementation. This study analyzes the legal framework governing SPB issuance, its implementation at the Class III Sungai Guntung Port Administration Unit Office, and the obstacles and solutions associated with maritime safety and digital port governance. It draws on Philipus M. Hadjon's theory of authority, Sudikno Mertokusumo's theory of legal certainty, Lawrence M. Friedman's legal system theory, and Sedarmayanti's theory of good governance. Empirical legal research was conducted using statutory, conceptual, and sociological approaches. Primary data were obtained through interviews with the Harbormaster and relevant officials, while secondary data comprised legislation, books, scholarly journals, and supporting documents. The findings indicate that SPB issuance has an adequate legal foundation and generally follows the applicable procedures through Inaportnet. Nevertheless, limited technological infrastructure, unstable internet connectivity, uneven human resource competence, insufficient interagency data integration, and incomplete compliance among service users prevent optimal implementation. The proposed solutions include improving digital facilities, strengthening officials' capacity, assisting shipping service users, enhancing coordination, and periodically evaluating implementation. The study concludes that the principal challenges concern implementation rather than the basic substance of the regulations. Digital transformation should therefore strengthen, rather than replace, substantive safety verification and the Harbormaster's legal accountability.

Keywords: Inaportnet; Maritime Safety; Sailing Approval Letter; Harbormaster; Digital Port Governance.

INTRODUCTION

Maritime safety and security are integral to Indonesia's transportation system, supporting regional connectivity, economic activity, and protection of the public interest. The Preamble to the 1945 Constitution establishes the state's obligation to protect the nation, while Article 33(4) provides the constitutional economic context for shipping administration. Maritime safety is consequently understood as a legal responsibility to protect human life and the maritime environment, rather than merely a technical concern.¹ The Harbormaster exercises governmental authority at the port and issues Sailing Approval Letters (SPBs) after administrative and technical requirements have been fulfilled. An SPB is a concrete, individual, and final administrative decision with legal consequences for vessels, crews, and other parties. Its preventive purpose is to prevent unseaworthy vessels from sailing. Issuance therefore

¹ Jimly Asshiddiqie, *Pengantar Ilmu Hukum Tata Negara*, RajaGrafindo Persada, Jakarta, 2018, p. 123.

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requires documentary verification, assessment of vessel conditions and crew competence, and compliance with legality, precaution, and the public interest.^{2, 3}

The legal framework identified in this study includes Law No. 17 of 2008 concerning Shipping, as amended by Law No. 66 of 2024; Government Regulation No. 31 of 2021; Minister of Transportation Regulation No. PM 28 of 2022; and Minister of Transportation Decree No. KM 37 of 2023. Digital transformation through Inaportnet is intended to modernize services, accelerate administration, and improve transparency and accountability without compromising safety. These developments connect bureaucratic reform with the reliability of electronic maritime safety information.^{4, 5, 6}

At the Class III Sungai Guntung Port Administration Unit (UPP) Office, implementation remains constrained by infrastructure, connectivity, institutional readiness, and users' ability to operate electronic services. The resulting gap between legal norms (*das sollen*) and implementation (*das sein*) requires an empirical assessment of policy effectiveness. When digital systems are unreliable, administrative efficiency does not necessarily ensure the validity of safety data or the legitimacy of the resulting decision.^{7, 8, 9}

Human resource readiness is equally important. Officials require technical skills, regulatory knowledge, and administrative ethics, while the Harbormaster must continue to exercise professional judgment and assume responsibility for decisions. Electronic issuance must not obscure official accountability (*ambtelijke verantwoordelijkheid*). Pressure to accelerate services can conflict with careful inspections; digitization must therefore preserve the preventive function of the SPB and the protection of life at sea.^{10, 11, 12, 13, 14, 15}

This study addresses three questions: how SPB issuance is legally regulated; how the policy is implemented at the Class III Sungai Guntung UPP; and what obstacles and solutions arise in reconciling maritime safety with digital port governance. Its contribution is an integrated juridical-empirical analysis of administrative authority, regulatory alignment, infrastructure readiness, policy effectiveness, and safety supervision. The intended theoretical benefits concern administrative and maritime law, while the practical recommendations address the Harbormaster, the Ministry of Transportation, vessel operators, crews, and port service users.

Table 1. Previous studies and the contribution of the present study

No	Author / Institution	Year	Title	Findings and distinction
1	Andi Saputra Universitas Maritim Raja Ali Haji	2023	Maritime Safety in the Era of Port Digitization in the Riau Islands Region	Prioritizes safety at the macro level; the present study specifically examines SPB issuance, administrative decisions, and legal certainty at Sungai Guntung.
2	Dewi Lestari Universitas Sriwijaya	2022	The Digitization of Port Services from an Administrative Law Perspective	Identifies efficiency and transparency benefits but regulatory and personnel challenges; SPB issuance and maritime safety are not its principal focus.
3	Muhammad Rizky Pratama Universitas Airlangga	2021	The Accountability of the Harbormaster's Administrative Decisions in Issuing Sailing Permits	Examines legality and AUPB in administrative decisions, without linking accountability to digital port governance.

² E. Saefullah Wiradipradja, *Hukum Transportasi*, Mandar Maju, Bandung, 2019, p. 87.

³ Philipus M. Hadjon, *Pengantar Hukum Administrasi Indonesia*, Gadjah Mada University Press, Yogyakarta, 2020, p. 142.

⁴ Soerya Respationo, *Urgensi Prolegda Dalam Penetapan Kebijakan Pemerintahan Daerah*, Mustika Khatulistiwa, Batam, 2020, p. 46.

⁵ M. Yahya Harahap, *Hukum Pelayaran dan Pengangkutan Laut*, Sinar Grafika, Jakarta, 2018, p. 211.

⁶ Agus Dwiyanto, *Reformasi Birokrasi dan Pelayanan Publik di Indonesia*, Gadjah Mada University Press, Yogyakarta, 2021, p. 156.

⁷ Ridwan HR, *Hukum Administrasi Negara, Rajawali Pers*, Jakarta, 2022, p. 198.

⁸ Zainal Asikin, "Digitalisasi Pelayanan Publik dalam Perspektif Hukum Administrasi," *Jurnal Hukum IUS QUIA IUSTUM*, Vol. 29 No. 2, 2022, p. 245.

⁹ Satjipto Rahardjo, *Ilmu Hukum*, Citra Aditya Bakti, Bandung, 2019, p. 56.

¹⁰ Erniyanti, *Reformasi Birokrasi*, Gita Lentera, Batam, 2024, p. 13.

¹¹ Budi Agus Riswandi, *Hukum dan Teknologi Informasi*, FH UII Press, Yogyakarta, 2020, p. 134.

¹² Yusriadi, *Manajemen Aparatur Sipil Negara*, Deepublish, Yogyakarta, 2021, p. 89.

¹³ Erniyanti, Daniel Ferdinan Purba, *Penataan Penegakan Hukum Maritim Menuju Indonesia Maju*, Gita Lentera, Batam, 2024, p. 20.

¹⁴ Indroharto, *Usaha Memahami Undang-Undang tentang Peradilan Tata Usaha Negara*, Pustaka Sinar Harapan, Jakarta, 2019, p. 217.

¹⁵ Ferry Aries Suranta, *Keselamatan Pelayaran dalam Perspektif Hukum Maritim*, Pustaka Maritim, Jakarta, 2022, p. 101.

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No	Author / Institution	Year	Title	Findings and distinction
4	Rina Oktaviani Universitas Diponegoro	2020	The Implementation of Traditional Vessel Seaworthiness Requirements from a Shipping Law Perspective	Finds economic and legal-understanding barriers and uniform rules that overlook traditional vessels. The present study examines Harbormaster implementation and traditional safety practices at a specific location.
5	Andi Saputra Universitas Hasanuddin	2019	The Harbormaster's Role in Ensuring Maritime Safety at Traditional Shipping Ports	Identifies resource and compliance constraints; the present study integrates regulatory comparison, traditional practices, and a particular river-port context.

LITERATURE REVIEW

Theoretical Framework

A theoretical framework connects legal norms, empirical conditions, and the values underlying the application of law.¹⁶ The study employs the rule-of-law state (Rechtsstaat) as its grand theory, administrative law as its middle-range theory, and good governance and e-government as its applied framework.

Friedrich Julius Stahl identifies four elements of Rechtsstaat: protection of human rights, division of powers, government based on legislation, and an independent administrative judiciary. These elements constrain public power and provide a foundation for legitimate administrative decisions.^{17, 18} In the Indonesian constitutional context, the rule of law also encompasses substantive justice and protection of the public interest. SPB issuance must therefore be evaluated by its legality, accountability, and contribution to safety, rather than procedural compliance alone.^{19, 20, 21}

Legality requires a valid statutory basis, while protection of the public interest requires attention to passengers, crews, and the environment. Digitization does not eliminate the Harbormaster's responsibility, and attributed authority must remain proportionate and subject to legal limits. These considerations make Rechtsstaat a framework for assessing whether administrative efficiency has displaced safety or whether authority has been exercised arbitrarily.^{22, 23, 24, 25, 26}

Administrative law, described through H.J. Romeyn's perspective, concerns the rules governing state organs in performing their duties and exercising authority for the public interest. It links the normative commitments of Rechtsstaat to concrete decision-making procedures, legal protection, and official responsibility. Administrative decisions must satisfy legality, rationality, and justice in both form and substance.^{27, 28, 29, 30, 31}

Authority is the starting point for examining SPB issuance. Its exercise must conform to the purpose of ensuring maritime safety, while discretion must remain rational, accountable, and consistent with legislation. The General Principles of Good Governance (AUPB), including legal certainty, due care, proportionality, and accountability,

¹⁶ Bernard L. Tanya, Yoan N. Simanjuntak, & Markus Y. Hage, *Teori Hukum: Strategi Tertib Manusia Lintas Ruang dan Generasi*, Genta Publishing, Yogyakarta, 2019, pp. 63–65.

¹⁷ Moh. Mahfud MD, *Membangun Politik Hukum, Menegakkan Konstitusi*, Rajawali Pers, Jakarta, 2020, p. 45.

¹⁸ Bagir Manan, *Kedaulatan Rakyat, Hak Asasi Manusia, dan Negara Hukum*, Gaya Media Pratama, Jakarta, 2019, p. 67.

¹⁹ Jimly Asshiddiqie, *Konstitusi dan Konstitusionalisme Indonesia*, Sinar Grafika, Jakarta, 2021, p. 102.

²⁰ Ni'matul Huda, *Hukum Tata Negara Indonesia*, RajaGrafindo Persada, Jakarta, 2022, p. 88.

²¹ Bernard L. Tanya, *Teori Hukum: Strategi Tertib Manusia Lintas Ruang dan Generasi*, Genta Publishing, Yogyakarta, 2020, p. 54.

²² Ridwan, *Diskresi dan Tanggung Jawab Pemerintah*, FH UII Press, Yogyakarta, 2021, p. 31.

²³ Zainal Arifin Mochtar, *Asas-Asas Umum Pemerintahan yang Baik*, FH UGM Press, Yogyakarta, 2022, p. 119.

²⁴ Philipus M. Hadjon, *Perlindungan Hukum bagi Rakyat di Indonesia*, Peradaban, Jakarta, 2020, p. 93.

²⁵ Yuliandri, *Asas-Asas Pembentukan Peraturan Perundang-undangan yang Baik*, Rajawali Pers, Jakarta, 2021, p. 76.

²⁶ W. Riawan Tjandra, *Hukum Administrasi Negara*, UAJY Press, Yogyakarta, 2023, p. 141.

²⁷ S.F. Marbun, *Hukum Administrasi Negara I*, FH UII Press, Yogyakarta, 2020, p. 15.

²⁸ Paulus Effendie Lotulung, *Hukum Tata Usaha Negara dan Kekuasaan*, Salemba Humanika, Jakarta, 2019, p. 42.

²⁹ Adrian Sutedi, *Hukum Administrasi Negara*, Sinar Grafika, Jakarta, 2021, p. 27.

³⁰ S.F. Marbun, *Peradilan Administrasi Negara dan Upaya Administratif*, FH UII Press, Yogyakarta, 2019, p. 63.

³¹ Muhammad Yusrizal Adi Syaputra, *Tanggung Jawab Pemerintahan dalam Negara Hukum*, Prenadamedia Group, Jakarta, 2022, p. 91.

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provide standards for assessing the decision. Digital systems must support, rather than obscure, responsibility for administrative consequences.^{32, 33, 34, 35, 36}

Good governance emphasizes participation, the rule of law, transparency, responsiveness, effectiveness, efficiency, and accountability. E-government applies information and communication technology to public services, but technology is an instrument rather than an end in itself. Successful digitization also requires adequate regulation, competent personnel, and supervision.^{37, 38, 39, 40, 41} In SPB services, transparency concerns clear requirements, inspection processes, and reasons for decisions; efficiency requires faster administration without weakened verification; and accountability requires a traceable and legally defensible decision-making process.^{42, 43, 44, 45, 46}

Conceptual Framework and Research Assumptions

The Harbormaster is an authorized governmental official responsible for maritime safety supervision and enforcement.⁴⁷ An SPB is administrative approval to sail after safety, security, and documentary requirements have been met, and its preventive function expresses the state's responsibility for public protection.⁴⁸ Maritime safety encompasses vessels, crews, passengers, cargo, and the environment.⁴⁹ Digital port governance uses information technology to improve services while requiring legal certainty, reliable systems, and clear responsibility.⁵⁰ Administrative policy guides concrete official decisions within the principles of legality, proportionality, and the public interest.⁵¹

The study assumes that the legal framework prioritizes safety but permits differences in implementation; that digital SPB services at Sungai Guntung are not fully optimized; and that infrastructure, competence, legal certainty, and accountability create legal and technical obstacles requiring improvements in policy implementation and governance.

METHOD

This study employed empirical legal research, or a juridical-sociological approach, supported by normative legal analysis. It examined law in action and compared SPB issuance practices with the legislation, principles, and doctrines governing the Harbormaster's authority and maritime safety.⁵² The statutory approach examined the hierarchy, consistency, and substance of relevant regulations. The conceptual approach addressed authority, discretion, AUPB, good governance, and e-government. The empirical approach investigated actual implementation and decision-making at the Class III Sungai Guntung UPP Office.⁵³

The research location was selected because the UPP directly exercises SPB issuance functions and has implemented digital services. Primary data were obtained through interviews with the Harbormaster and relevant officials. Secondary data included binding legislation, books, journals, previous research, and supporting legal dictionaries and encyclopedias. The principal legal materials included Law No. 66 of 2024, Government Regulation No. 31 of 2021, Regulation No. PM 8 of 2022, and Decree No. KM 37 of 2023.

³² Ridwan, *Hukum Administrasi Negara dan Kebijakan Publik*, Rajawali Pers, Jakarta, 2023, p. 54.

³³ Bayu Dwi Anggono, *Diskresi Pejabat Pemerintahan*, FH UGM Press, Yogyakarta, 2021, p. 78.

³⁴ Zainal Arifin Mochtar, *Asas-Asas Umum Pemerintahan yang Baik dalam Praktik*, FH UGM Press, Yogyakarta, 2023, p. 112.

³⁵ Tri Cahya Indra Permana, "Akuntabilitas Keputusan Administratif dalam Era Digital," *Jurnal Hukum Administrasi Negara*, Vol. 5 No. 1, 2022, p. 39.

³⁶ Wicipto Setiadi, *Hukum Administrasi Negara Kontemporer*, Prenadamedia Group, Jakarta, 2024, p. 146.

³⁷ Sedarmayanti, *Good Governance (Kepemerintahan yang Baik)*, Mandar Maju, Bandung, 2020, p. 21.

³⁸ Inu Kencana Syafie, *Ilmu Pemerintahan*, Alfabeta, Bandung, 2019, p. 134.

³⁹ Indrajit, R.E., *Electronic Government: Strategi Pembangunan Sistem Pelayanan Publik Berbasis Teknologi Digital*, Andi Offset, Yogyakarta, 2021, p. 45.

⁴⁰ Deddy Mulyadi, *Reformasi Birokrasi dan Tata Kelola Pemerintahan Digital*, Alfabeta, Bandung, 2022, p. 88.

⁴¹ Miftah Thoha, *Birokrasi dan Politik di Indonesia*, RajaGrafindo Persada, Jakarta, 2020, p. 112.

⁴² Agus Pramusinto, *Governance Reform di Indonesia*, Gadjah Mada University Press, Yogyakarta, 2021, p. 67.

⁴³ Andi Mustari, "Transparansi Pelayanan Publik Berbasis Digital," *Jurnal Administrasi Publik*, Vol. 18 No. 2, 2022, p. 143.

⁴⁴ Sadu Wasistiono, *Manajemen Pemerintahan Daerah*, Fokusmedia, Bandung, 2021, p. 156.

⁴⁵ Budi Setiyono, *Akuntabilitas Pemerintahan dan Pelayanan Publik*, PolGov UGM Press, Yogyakarta, 2023, p. 94.

⁴⁶ Eko Prasajo, "E-Government dan Tantangan Tata Kelola Pemerintahan," *Jurnal Ilmu Administrasi Negara*, Vol. 29 No. 1, 2023, p. 52.

⁴⁷ Pusat Bahasa Departemen Pendidikan Nasional, *Kamus Besar Bahasa Indonesia*, Balai Pustaka, Jakarta, 2018, p. 1274.

⁴⁸ R. Subekti dan Tjitrosudibio, *Kamus Hukum*, Pradnya Paramita, Jakarta, 2018, p. 98.

⁴⁹ E. Saefullah Wiradipradja, *Hukum Transportasi*, Mandar Maju, Bandung, 2019, p. 75.

⁵⁰ Riant Nugroho, *Public Policy: Dinamika Kebijakan Publik*, Elex Media Komputindo, Jakarta, 2021, p. 214.

⁵¹ Philipus M. Hadjon, *Pengantar Hukum Administrasi Indonesia*, Gadjah Mada University Press, Yogyakarta, 2020, p. 56.

⁵² Soerjono Soekanto, *Pengantar Penelitian Hukum*, UI Press, Jakarta, 2019, p. 51

⁵³ Peter Mahmud Marzuki, *Penelitian Hukum*, Kencana, Jakarta, 2021, p. 133.

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Data collection combined literature study, structured and semi-structured interviews, and documentary research. The literature study established the normative and theoretical foundation.⁵⁴ Structured interviews followed a prepared guide, while semi-structured interviews explored experiences, perspectives, and implementation obstacles.⁵⁵ Documentary research examined activity reports, standard operating procedures, administrative records, and supporting documents to supplement and verify interview findings.⁵⁶

Data were analyzed qualitatively using a descriptive-analytical method without statistical calculations. Normative and empirical evidence was integrated to assess the relationship between applicable law and field practice in terms of safety, authority, AUPB, and digital governance.⁵⁷ Deductive reasoning applied general legal provisions and theories to concrete decisions, while inductive reasoning developed conclusions and recommendations from the empirical findings.⁵⁸

RESULTS AND DISCUSSION

A. Legal Framework Governing SPB Issuance

Shipping regulation and the preventive function of the SPB

The study finds that SPB issuance has an adequate and integrated legal foundation. Article 33(3) of the 1945 Constitution provides the constitutional basis for state control over water and natural resources for public prosperity. Within shipping administration, this responsibility includes regulation of vessel traffic, maritime transportation safety, and accountable port services. Law No. 17 of 2008, as amended by Law No. 66 of 2024, establishes the Harbormaster's position and connects maritime safety with vessel safety, port administration, navigation, and environmental protection.

Under Article 1, Point 56, of Law No. 17 of 2008, the Harbormaster is an official appointed by the Minister and vested with the highest authority at the port to implement and supervise compliance with maritime safety and security legislation. Articles 207 and 208 concern implementation, supervision, and enforcement in water transportation, port administration, and environmental protection. The duties discussed in the study include seaworthiness, vessel traffic, transshipment, pilotage, dangerous goods, bunkering, passenger movements, port construction, search and rescue assistance, and Civil Servant Investigator functions.

Article 219(1) establishes the requirement for a vessel to obtain an SPB before sailing. The study describes the SPB as evidence that administrative, technical, and safety requirements have been satisfied. It also reports that an SPB becomes invalid when a vessel does not depart within 24 hours, requiring a new application and reverification. The discussion links postponement under Article 219(4) and (5) to unmet safety requirements and dangerous weather. At Sungai Guntung, incomplete documents, technical deficiencies, and adverse weather information provide grounds for withholding or postponing approval.

Government Regulation No. 31 of 2021 reinforces the Harbormaster's regulatory and supervisory functions. Verification includes vessel and safety certificates, load line, pollution prevention, radio, and manning certificates; crew lists and cargo manifests; and the vessel's condition, lifesaving appliances, firefighting equipment, communications, and navigation equipment. The technical discussion also refers to Regulation No. PM 82 of 2014 as an operational guideline for examining applications and granting, refusing, or postponing approval. The introductory legal framework and reference list additionally identify Regulation No. PM 28 of 2022 concerning SPB issuance and approvals for vessel activities at ports.

Administrative authority, discretion, and AUPB

SPB issuance is also governed by Law No. 25 of 2009 concerning Public Services and Law No. 30 of 2014 concerning Government Administration. The former requires professional, prompt, transparent, accessible, and nondiscriminatory services with clear completion times. The latter requires lawful authority, due care, legal certainty, and accountable administrative decisions. The reasons for issuing or refusing an SPB must therefore be supported by objective inspection findings and be capable of justification in an administrative dispute.

The study relates administrative policy to discretion under Article 1, Point 9, of Law No. 30 of 2014. Discretion addresses concrete problems where legislation provides alternatives, contains no relevant provision, is incomplete or

⁵⁴ Bambang Sunggono, *Metodologi Penelitian Hukum*, RajaGrafindo Persada, Jakarta, 2019, p. 66.

⁵⁵ Burhan Bungin, *Metodologi Penelitian Kualitatif*, Kencana Prenadamedia Group, Jakarta, 2021, p. 108.

⁵⁶ Sugiyono, *Metode Penelitian Kualitatif*, Alfabeta, Bandung, 2022, p. 124.

⁵⁷ Salim HS dan Erlies Septiana Nurbani, *Penerapan Teori Hukum pada Penelitian Tesis dan Disertasi*, RajaGrafindo Persada, Jakarta, 2020, p. 57.

⁵⁸ Johnny Ibrahim, *Teori dan Metodologi Penelitian Hukum Normatif*, Bayumedia Publishing, Malang, 2019, p. 89.

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unclear, or where governmental stagnation occurs. Such discretion is not unlimited: it must remain within the purpose and scope of authority and comply with AUPB, legal certainty, public benefit, and the prohibition on abuse of authority.

Articles 9 and 10(1) provide the study's basis for applying AUPB. The eight principles are legal certainty, public benefit, impartiality, due care, non-abuse of authority, openness, the public interest, and good service. In practice, they require decisions based on complete information, nondiscriminatory treatment, transparent procedures, and priority for public safety. The discussion also associates Article 6(1) and (2), including letters a through m, with officials' authority, administrative decisions, limited discretion, assignment of duties, permits, legal protection, dispute resolution, and sanctions. These provisions are presented as guidance for lawful and professional service delivery.

Attribution, delegation, and mandate distinguish the sources and allocation of responsibility. Attribution is authority granted directly by the Constitution or legislation. Delegation transfers authority and responsibility to the recipient; the discussion associates it with Article 1, Point 23. A mandate allows subordinate officers to act on behalf of the mandating official without transferring responsibility. At Sungai Guntung, subordinate personnel conduct documentary examination and verification, while the general mandate framework retains responsibility with the mandating authority.

Max Weber's bureaucracy theory explains the operational arrangement through a division of work, hierarchy, professional personnel, formal procedures, and supervision. Applications move through administrative examination, certificate verification, crew and cargo checks, and Inaportnet verification before technical review and the Harbormaster's approval. This arrangement demonstrates that issuance is supported by an organizational process rather than a single unsupported decision.

Inaportnet and continuity of services during system disruptions

Regulation No. PM 8 of 2022 provides the digital service framework through Inaportnet. The system integrates vessel arrival and departure services, SPB administration, port services, and interagency data exchange. Decree No. KM 37 of 2023 supplies technical guidance concerning application operations, data integration, information security, operator authority, service standards, and evaluation. Together, they are intended to improve efficiency, transparency, coordination, and administrative traceability.

The study discusses Articles 63 and 64 of Regulation No. PM 8 of 2022 as the basis for temporary manual services and technical implementation guidance. It reports that manual processing may be used during system disruptions or emergencies following notification from the Inaportnet administrator. The conditions described include disruptions exceeding two hours for cargo vessels, exceeding one hour for passenger vessels, and passenger vessels with a berthing time of less than one hour.

Manual processing does not remove the obligation to inspect documents, verify seaworthiness, and supervise safety. It is a temporary continuity mechanism until the system resumes normal operation. The discussion diagram links policy, discretion, bureaucracy, AUPB, and manual service findings, including an STJM statement concerning the return to Inaportnet and consistency with manual records. Figure 1 reproduces that diagram. Its core implication is that digital flexibility must remain legally grounded and must not reduce the substantive standard for sailing approval.

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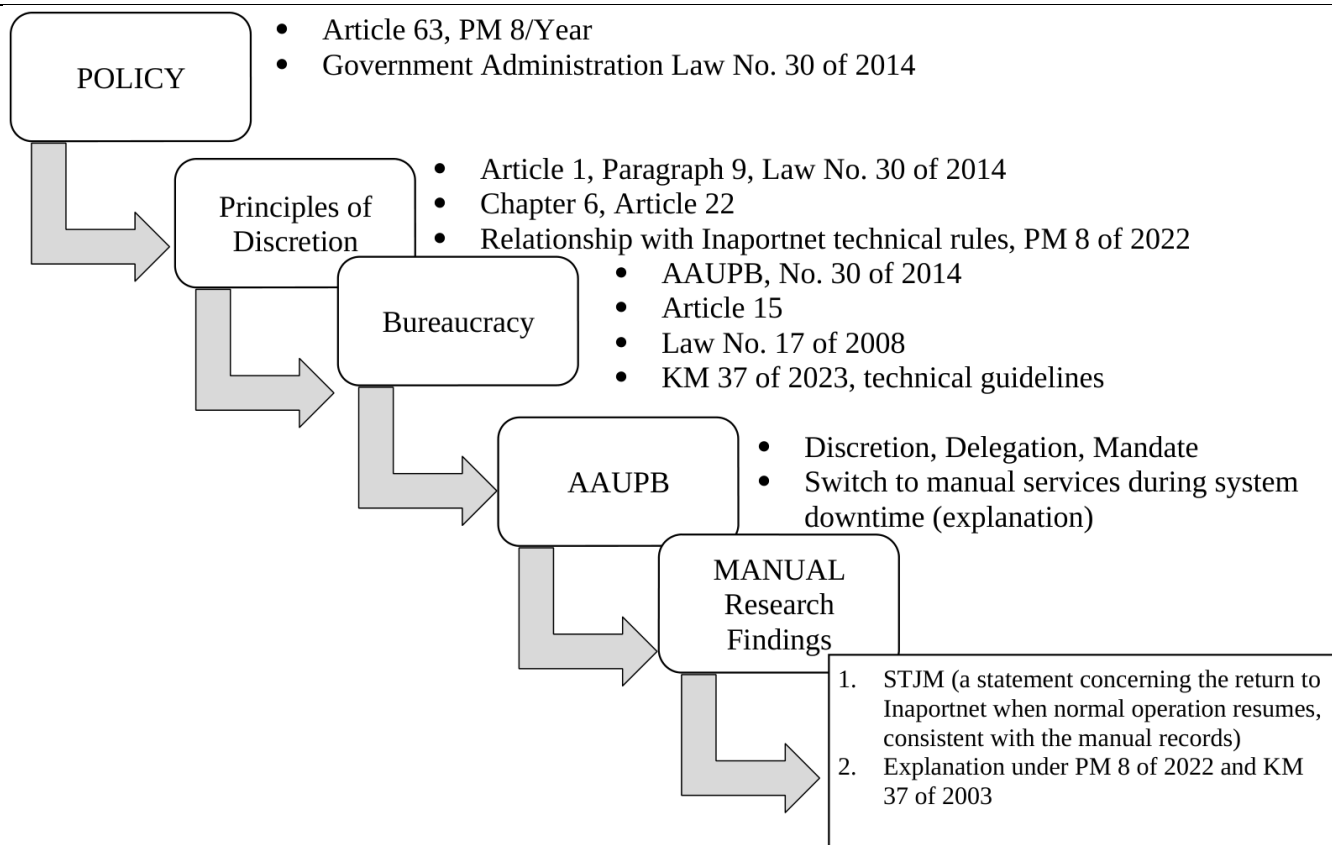


Figure 1. Policy, discretion, bureaucracy, AUPB, and temporary manual services.

B. Implementation at the Class III Sungai Guntung UPP

The findings indicate that SPB issuance generally follows the administrative and technical requirements of the shipping and government administration framework. Officers examine vessel documents, certificates, crew sufficiency, cargo, equipment, and seaworthiness before approval. The Head of the Class III Sungai Guntung UPP Office stated:

“Before an SPB is issued, officers first verify all vessel documents through the available system. The vessel's condition is also inspected when necessary. If administrative or technical safety requirements remain unfulfilled, the SPB cannot be issued until all requirements have been met.”

This practice reflects the preventive function of the SPB rather than the pursuit of service targets alone. An officer of the Harbormaster's office similarly explained: “An SPB is issued after all administrative and technical requirements have been fulfilled. If documents are incomplete or the vessel is not yet seaworthy, the application cannot be processed until those requirements have been met.” The Head of the Maritime Safety Section emphasized the legal basis of the decision: “We cannot issue an SPB when requirements remain unfulfilled. Every decision must have a legal basis and clear inspection findings so that our services continue to provide legal certainty for the public.”

Inaportnet has changed the way applications are submitted, verified, monitored, and documented. Stored vessel data facilitate verification, electronic records support supervision, and users can monitor application status without repeatedly visiting the office. An SPB service officer stated:

“All SPB applications are now submitted through Inaportnet. The system helps accelerate verification because vessel data are already stored in the database. However, when the internet connection or server is disrupted, services slow down and officers must undertake further coordination.”

The same operational benefit is reflected in another service officer's statement: “Through Inaportnet, all service stages are recorded electronically, allowing the progress of each application to be monitored. The system also facilitates supervision because all data are stored in the database.” Electronic documentation therefore supports transparency, internal supervision, and accountability while reducing document duplication and opportunities for opaque practices.

Nevertheless, digital delivery does not operate uniformly for all users. An owner of a traditional shipping vessel stated: “Services are indeed faster now because they use the system, but we still need assistance when uploading documents or when the system is disrupted.” A further SPB service officer explained: “Inaportnet is very helpful in

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service delivery because the entire process is documented electronically. However, when the internet connection is disrupted or users do not yet understand the system, service delivery becomes less effective.”

Clear regulations, Inaportnet availability, interagency coordination, and improvements in officers' competence support implementation. However, connectivity, user capability, incomplete requirements, and data integration continue to limit effectiveness. The Head of the UPP Office summarized the safety objective: “The issuance of a Sailing Approval Letter is a form of protection for maritime safety. We first ensure that the vessel has fulfilled all requirements before permitting it to sail so that the risk of accidents can be minimized.”

Interpretation through the study's theoretical perspectives

Viewed through Stahl's Rechtsstaat theory, implementation reflects government based on law, public protection, and limits on authority. Safety inspections protect crews, passengers, and other users; the distribution of responsibilities among agencies constrains authority; and electronic records make administrative actions traceable. The study accordingly interprets the SPB as an instrument of both legal certainty and protection of the public interest.

Romeyn's administrative law perspective explains SPB issuance as a governmental administrative act (bestuurshandeling) with legal consequences. The requirement to complete inspections before approval demonstrates the connection between lawful authority, prescribed procedures, due care, and preventive supervision. Digitization changes service mechanisms but not the need for a legally defensible decision.

The applied discussion also uses Merilee S. Grindle's distinction between policy content and implementation context. Although the policy content is clearly regulated, its effectiveness depends on organizational capabilities, resources, infrastructure, coordination, and users' readiness. Good governance and e-government are expressed through application-status transparency, electronic documentation, reduced manual paperwork, and integrated services. The findings nevertheless indicate that these principles require continuous institutional support rather than technology alone.

C. Obstacles and Solutions

Obstacles to effective implementation

Five interconnected obstacles were identified. First, limited internet connectivity and information technology facilities cause system interruptions and prolong verification and issuance beyond expected service standards. Second, some owners and masters of traditional vessels remain accustomed to manual procedures and need assistance with electronic applications. Their limited digital proficiency slows service delivery even when the system is available.

Third, some applications do not satisfy seaworthiness requirements. The study identifies expired certificates, incomplete safety equipment, and crew documents that have not been updated. In these circumstances, the Harbormaster cannot lawfully issue an SPB merely to accelerate departure. Fourth, limited personnel must perform physical inspections, documentary verification, safety supervision, and electronic administration concurrently. This workload affects service speed when more vessels are preparing to sail.

Fifth, interagency data integration remains incomplete, and some information still requires manual verification. The benefits of digitization therefore depend on improved systems and institutional coordination. Temporary manual services maintain continuity during disruptions but can also create administrative delays. The operational characteristics of a Class III port serving traditional vessels intensify the importance of infrastructure and user assistance.

These findings distinguish normative compliance from effective implementation. In Lawrence M. Friedman's legal system perspective, the regulations represent adequate legal substance, while the legal structure faces shortages of personnel and facilities and the legal culture is still adapting to digital services. The main problem is therefore not the absence of basic regulation but the relationship between institutional capacity, safety compliance, and the readiness of service users.

Solutions and implementation priorities

The principal solution is to strengthen implementation rather than create an entirely new regulatory framework. Digital infrastructure should be improved through stable internet connectivity, increased server capacity, adequate facilities, and information-system integration between the Harbormaster and relevant agencies. These measures are intended to enable faster and more accurate verification without lowering safety standards.

Continuous training is needed for the Harbormaster and service personnel in Inaportnet operations, information technology, and regulatory developments. Shipowners, masters, and shipping agents require sustained outreach and

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assistance to prepare complete documents and use electronic procedures correctly. Improvements in competence must accompany the existing division of responsibilities and internal supervision.

Implementation of Regulation No. PM 8 of 2022 should be evaluated periodically against the circumstances of Class III ports and traditional shipping. Evaluation should identify technical obstacles and ensure that digital policies can operate beyond major ports with stronger infrastructure. Better coordination and data integration are required to reduce repeated manual checks and improve service continuity.

Digital monitoring and evaluation should also strengthen substantive supervision. Every SPB must remain dependent on verification of seaworthiness, complete documentation, crew safety, weather, and navigational conditions. Manual procedures should remain temporary and consistent with the applicable safeguards. The intended outcome is not simply faster administration, but more effective, transparent, accountable, and safety-oriented port governance.

CONCLUSION

The study reaches three conclusions. First, the legal framework for SPB issuance provides an adequate, comprehensive, and integrated foundation for the Harbormaster's authority and the preventive protection of maritime safety. Shipping legislation, government administration requirements, and the Inaportnet framework connect legal certainty with technical and administrative verification.

Second, implementation at the Class III Sungai Guntung UPP generally follows the prescribed requirements. Documentary and technical inspections precede approval, while Inaportnet supports modernization, transparency, electronic documentation, and accountability. Nevertheless, implementation has not yet achieved its full effectiveness because of infrastructure limitations, uneven competence, incomplete safety requirements, and continuing reliance on temporary manual services during disruptions.

Third, the main obstacles are technical, administrative, and institutional rather than fundamental deficiencies in regulatory substance. Improvements should prioritize reliable infrastructure, sufficient and competent personnel, user assistance, interagency data integration, and consistent supervision. The government should strengthen regulatory alignment and evaluate implementation, while the UPP and Harbormaster should maintain rigorous seaworthiness inspections and optimize Inaportnet. Training and certification, continued outreach to vessel owners and masters, and periodic monitoring are recommended. Digital transformation must support the Harbormaster's legal responsibility and the protection of human life, vessels, cargo, and the maritime environment.

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