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Legal Analysis of Consumer Protection Towards Passenger Safety in Sea Transportation (Research Study at Sekupang Domestic Port, Kepri)

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ABSTRACT

The background of this research is the high risk of accidents in the marine transportation sector that threatens passenger safety, as well as the need for an in-depth analysis of the effectiveness of existing regulations in protecting consumers. This study aims to find out and analyze the legal regulations for consumer protection for passenger safety in sea transportation, evaluate the implementation of relevant laws and regulations, and analyze consumer protection barriers to passenger safety in sea transportation. The research methods used are normative juridical and empirical sociology. Normative juridical research is carried out by analyzing applicable laws and regulations, including Law Number 17 of 2008 concerning Shipping, Law Number 8 of 1999 concerning Consumer Protection, as well as various technical regulations such as Regulation of the Minister of Transportation Number 45 of 2012 and Government Regulation Number 51 of 2002. An empirical sociological approach is carried out through interviews and direct observation at the Riau Islands Sekupang Domestic Port to understand the implementation of regulations and safety perceptions among passengers and shipping business actors. The results of the study show that the legal regulation of consumer protection is regulated in Law Number 17 of 2008 concerning Shipping, Law Number 8 of 1999 concerning Consumer Protection, as well as various technical regulations such as Regulation of the Minister of Transportation Number 45 of 2012 and Government Regulation Number 51 of 2002, even though safety regulations have been stipulated that consumer protection is still not running optimally. The main obstacles include limited resources, non-compliance of business actors, and inadequate infrastructure. Ineffective supervision and law enforcement are also the main inhibiting factors. To overcome these obstacles, it is recommended to increase resources and facilities, stricter law enforcement, and increase safety awareness and education among passengers and crew. The government also needs to increase investment in port infrastructure and strengthen coordination between relevant agencies..

1. INTRODUCTION

Sea transportation is one of the important modes of transportation in the mobility of people in the Indonesian archipelago. Thousands of passengers use sea transportation every day to travel between islands or cities. However, the high frequency of sea travel and the increasing number of passengers also present challenges in maintaining safety and security for passengers. Indonesia is an archipelagic country consisting of thousands of islands located between two continents, the Asian continent and the Australian continent, and between two oceans, the Pacific Ocean and the Indian Ocean, located on the equator and playing an important and vital role in international affairs. The Unitary State of

the Republic of Indonesia must utilize its strategic position as the main capital for national development based on Pancasila and the Constitution of the Republic of Indonesia (1945) in order to realize a safe, just, prosperous, and democratic Indonesia and improve people's welfare (F.D.C. Sudjatmiko, 2009).

The economy can move forward faster with the help of transportation, improving and assisting the country's defense and security, which can then improve international relations, in order to improve the unity and integrity of the nation, helping to achieve the vision of the archipelago. The implementation of transportation that has an impact on all aspects of national and state life, as well as the increasing need for transportation services for the movement of people and goods both domestically and abroad is an indication of the importance of transportation.

Given the importance of transportation, it is necessary to organize sea transportation as a mode of transportation in the national transportation system that is organized uniformly. It is appropriate to provide balanced transportation services based on the level of demand and availability of reliable, high-quality, sufficient capacity, timely, easily accessible, organized, and safe transportation services. Compared to other modes of transportation, ships are the most common way to move products between islands because they are much cheaper, can carry more cargo, and can go to remote locations. Environmental trends require shipping companies to emphasize shipping security and safety for the benefit of the state while still functioning in line with science and technology, regional autonomy, and the duties of state administrators (Andi Hamzah, 2014).

This analysis will review the legal regulations governing these obligations, including security procedures, safety standards, and emergency response measures in emergency situations. Not only that, the relevant legal aspects in this analysis also include the roles and responsibilities of related authorities, such as the Ministry of Transportation and the Maritime Security Agency (BAKAMLA), in supervising and controlling safety aspects in maritime transportation (Frank H. Woodward, 2012).

This analysis will evaluate the effectiveness of supervision and implementation of legal regulations related to maritime transportation safety by the relevant authorities, as well as provide an overview of their roles and authorities in consumer protection for passenger safety. Through a legal analysis of consumer protection for passenger safety in maritime transportation, this study is expected to provide a deeper understanding of the maritime legal aspects related to safety in maritime travel.

Therefore, this study aims to conduct a legal analysis of consumer protection for passenger safety in sea transportation at Sekupang Domestic Port. This study will examine the laws and regulations governing sea transportation safety, consumer rights in self-protection, obligations of sea transportation service providers, and other relevant legal aspects. With a deeper understanding of the legal aspects of consumer protection for passenger safety in sea transportation at Sekupang Domestic Port, it is hoped that this study can contribute to improving passenger safety in sea travel, improving consumer protection, and providing recommendations and strategies to improve the effectiveness of supervision and implementation of legal regulations related to sea transportation safety in Indonesia as a whole

Based on the background description above, the author raises several problems that will be discussed further. The problems are as follows:

1. How is the legal regulation of consumer protection for passenger safety in sea transportation in Indonesia?
2. How is consumer protection for passenger safety in sea transportation at the Sekupang Domestic Port, Kepri?
3. What are the obstacles and efforts to protect consumers for passenger safety in sea transportation at the Sekupang Domestic Port, Kepri?

Based on the formulation of the problem stated above, it can be seen that the objectives of this research are:

1. To find out and analyze the legal regulations for consumer protection of passenger safety in sea transportation in Indonesia.
2. To find out and analyze consumer protection of passenger safety in sea transportation at the Sekupang Domestic Port, Kepri.
3. To find out and analyze the obstacles and efforts to protect consumers against passenger safety in sea transportation at the Sekupang Domestic Port, Kepri.

2. LITERATURE REVIEW

Legal protection is an action or effort to protect society from arbitrary actions by the authorities that are not in accordance with the rule of law to realize order and peace so that it is possible for humans to enjoy their dignity as human beings.

The definition of legal protection according to experts:

1. According to Satjipto Raharjo, Legal Protection is defined as providing protection to human rights that are harmed by others and this protection is given to the community so that they can enjoy all the rights granted by law.
2. According to Philipus M. Hadjon, Legal Protection is the protection of dignity and honor, as well as recognition of human rights owned by legal subjects based on legal provisions from arbitrariness.
3. According to C.S.T. Kansil, Legal Protection is various legal efforts that must be provided by law enforcement officers to provide a sense of security, both mentally and physically from disturbances and various threats from any party.
4. According to Philipus M. Hadjon, Legal Protection is a collection of regulations or rules that will be able to protect one thing from another. In relation to consumers, it means that the law provides protection for customer rights from something that results in the non-fulfillment of those rights.
5. According to Muktie, A. Fadjar Legal Protection is a narrowing of the meaning of protection, in this case only protection by law. The protection provided by law is also related to the existence of rights and obligations, in this case owned by humans as legal subjects in their interactions with other humans and their environment. As legal subjects, humans have the rights and obligations to carry out legal actions.

For consumers, every product introduced to consumers must be accompanied by correct information.¹⁵ Product information should be delivered proportionally. This means that business actors do not only inform about the advantages or uniqueness of their products, but also the negative impacts of using the goods they sell, which in the end consumers can be more careful before using the goods. But in practice, many business actors do not do the things they should do because they think more about material benefits and are less concerned with the dangers of the products they sell.

Next Safety and security of shipping is one of the main reasons why comprehensive regulation is needed. Indonesia, with its dense shipping traffic and complex geographical conditions, requires clear rules to regulate all aspects of shipping safety, from ship standards to crew qualifications. This regulation aims to prevent accidents, ensure effective emergency response, and improve passenger and crew safety. Indonesia faces major challenges in terms of marine environmental protection, including prevention of pollution from ships. Comprehensive regulations are needed to regulate waste disposal, fuel management, and emissions from ships. This also includes protection of marine habitats, sustainable management of marine resources, and mitigation of climate change impacts.

Law Number 17 of 2008 sets out strict safety standards for ships operating in Indonesian waters. These include requirements on the design, construction, and maintenance of ships to ensure that they are safe to sail. These standards are designed to prevent accidents that may be caused by ship damage or technical failure. These safety standards also include safety equipment that must be on board, such as life-saving equipment, fire extinguishers, and navigation equipment. Law Number 17 of 2008 on Shipping also emphasizes the importance of crew qualifications. This includes provisions on training, certification, and competency standards that must be met by crew members. The aim is to ensure that all crew members have the knowledge, skills, and experience necessary to operate ships safely and respond to emergencies at sea. These standards are in line with international conventions such as the STCW Convention (Standards for Training, Certification, and Watchkeeping of Ship Crews).

The basic principles of passenger safety in Indonesian shipping regulations are an integral part of shipping regulations and practices designed to ensure the safety and well-being of all individuals on board a ship. These principles are set out in various laws and regulations that illustrate Indonesia's commitment to high maritime safety standards, in line with international provisions.

3. RESEARCH METHOD

The specification of this research only carries out analysis up to the level of synthesis, namely analyzing and presenting facts systematically so that they can be more easily understood and concluded. Research Specifications or what can be said as the Type of Research is a choice of research format type in researching research objects in the field of legal science studied by the researcher.

The approach method in this study is a combination of the normative approach "legal research" with the empirical approach method "Juridical Sociologies". The research mechanism with this combined approach method is carried out by analyzing the explanation of the inductive research method leading to the deductive method and vice versa. This is done by the author to help explain the relationship between research variables and research objects so that it can produce an understanding that is very helpful for readers, especially researchers and academics. The location of this research is carried out in Batam City, precisely at the Sekupang Domestic Port. This location is determined based on the data that is the object of this thesis research. The population is all elements related to the research object. The sample used by the researcher is a random technique to find out for sure related to the research to be studied. As for the sample used by the author is a purposive sampling technique in

determining respondents and informants who will be interviewed to meet the primary data needed to complete the research.

This type of research is included in the combined research category between normative legal research (library research) and observational research, while in terms of its nature it is analytical, where the author makes efforts to explore verbal data sourced from literature obtained from libraries and data obtained in the field, then analyzed to obtain conclusions deductively. The data and data sources used in this study are primary data and secondary data.

In this study, data analysis is conducted qualitatively by describing the research, then conducting a comparison between the data and legal theories, legal experts and laws and regulations, where the analysis begins with data collection, data processing and finally data presentation. While drawing conclusions will use the deductive method.

4. RESULTS AND DISCUSSION

Legal Regulations on Consumer Protection for Passenger Safety in Maritime Transportation in Indonesia

Certification obtained through this training must comply with national and international standards, as regulated by international maritime conventions, including SOLAS and STCW. The main purpose of this provision is to ensure that the crew is not only technically but also mentally prepared to face various possible emergencies, so as to minimize the risks and impacts of incidents at sea. Thus, shipping companies are required to equip crews with the necessary skills to protect passenger safety and maintain the integrity of the ship, increasing public confidence in maritime transportation services.

Article 43 of Law Number 17 of 2008 concerning Shipping regulates the requirement for every ship operating in Indonesian waters to be equipped with adequate safety equipment, to ensure the safety of passengers and crew during the voyage. This article specifically covers several types of safety equipment that must be on board, including life jackets, fire extinguishers, and navigation equipment. Life jackets must be available in sufficient quantities for everyone on board and easily accessible in an emergency. Effective and well-maintained fire extinguishers must be available at various points on the ship to deal with potential fires quickly and efficiently. In addition, ships must be equipped with modern and well-functioning navigation equipment, such as radar, compass, and communication systems, to ensure that the ship can sail safely and avoid accidents.

The right to comfort includes the consumer's right to receive goods and services that do not cause discomfort or disruption in their use. For example, goods must function properly and correspond to the description or claims made by the business actor. The right to safety means that consumers have the right to receive products that are not dangerous and do not pose a risk to their health or safety. Products must be produced, stored and distributed in accordance with applicable safety standards. The right to safety underlines the need to ensure that goods and services consumed do not contain elements that can cause injury, illness or other harm to consumers.

In addition, the guarantee provided by the business actor must include consumer rights in the event of damage or non-conformity with the promised specifications. The purpose of this provision is to ensure that consumers have a strong basis for making wise and informed decisions regarding the purchase or use of goods and services, as well as to protect consumers from unfair business practices and fraud. With this obligation, it is hoped that trust can be created between consumers and business actors, as well as increase transparency and accountability in trade transactions.

Consumer Protection for Passenger Safety in Maritime Transportation

The Batam City Harbor Master and Port Authority Office (KSOP) plays an important role in providing protection to sea transportation passengers at the Sekupang Domestic Port, Riau Islands. As an institution responsible for shipping safety, KSOP functions to oversee ship compliance with safety standards set out in Law Number 17 of 2008 concerning Shipping and other related regulations. KSOP has the task of conducting inspections and certification of ship seaworthiness, ensuring that ships are equipped with adequate safety equipment, and supervising crew training and certification. KSOP is also responsible for monitoring ship operations and enforcing shipping safety regulations, including evacuation procedures and emergency handling. Thus, KSOP plays a direct role in ensuring that every ship operating at the Sekupang Domestic Port meets the safety standards required to protect passengers.

This certificate of seaworthiness is proof that the ship has passed the test and meets all safety requirements, so it is allowed to operate in the waters. This process aims to detect early potential damage or deficiencies that can pose risks during ship operations, and ensure that the ship is in optimal condition to protect passengers, crew, and cargo. In addition to routine inspections, KSOP is also responsible for conducting additional inspections if there are reports or indications that the ship does not meet safety standards. For example, if there is an

incident at sea or there are complaints from passengers, KSOP can conduct a surprise inspection to evaluate the condition of the ship and ensure that all safety equipment is functioning properly. After the inspection, KSOP provides recommendations for improvements if deficiencies are found, and the ship must make the necessary improvements before the certificate of seaworthiness can be renewed.

By implementing these three theories of justice, legal system, and legal certainty, KSOP Kota Batam can be more effective in carrying out its duties to protect the safety of passengers in sea transportation at Sekupang Domestic Port, Kepri. These steps will ensure that consumer protection runs optimally, creating a safe, fair, and orderly shipping environment.

Obstacles and Consumer Protection Efforts for Passenger Safety in Maritime Transportation

Obstacles to consumer protection for passenger safety in sea transportation at Sekupang Domestic Port, Kepri, namely:

a. Lack of Resources and Facilities

One of the main obstacles in consumer protection for passenger safety at Sekupang Domestic Port, Kepri is the lack of resources and facilities. KSOP Batam City often faces limitations in terms of the number of trained personnel and adequate facilities to carry out routine inspections and maintenance of operating vessels.

b. Non-Compliance of Business Actors

Another significant obstacle is the non-compliance of shipping business actors with established safety regulations. Some business actors may ignore safety standards in order to reduce operational costs, such as not equipping ships with adequate safety equipment or not providing sufficient training to crew members. This non-compliance creates significant risks to passenger safety and challenges KSOP's efforts to ensure that all ships in operation meet established safety standards.

c. Limited Supervision and Law Enforcement

Effective supervision and strict law enforcement are important elements in consumer protection, but these are often hampered by limitations in the supervision and law enforcement system. KSOP may not have sufficient capacity to conduct continuous and comprehensive supervision of all vessels in operation. In addition, the slow and less strict law enforcement process for safety violations can reduce the deterrent effect for non-compliant business actors.

d. Lack of Safety Awareness

Lack of awareness of the importance of safety among passengers and crew is also a significant barrier. Many passengers may not be fully aware of the safety procedures to follow or how to use the safety equipment available on board. Similarly, crew members who do not receive adequate training may not be prepared to handle emergency situations.

e. Inadequate Infrastructure

Inadequate port infrastructure can also be a barrier to passenger safety. Inadequate facilities, such as damaged docks, poor lighting, or lack of safety signs, can increase the risk of accidents at the port and during embarkation or disembarkation.

5. CONCLUSION AND SUGGESTION

10 Conclusion

Based on the discussion in the previous chapter, the following conclusions can be drawn:

- a. Legal regulations for consumer protection of passenger safety in maritime transportation in Indonesia are regulated through various comprehensive laws and regulations, including Law Number 17 of 2008 concerning Shipping and Law Number 8 of 1999 concerning Consumer Protection, as well as technical regulations such as Regulation of the Minister of Transportation Number 45 of 2012 and Government Regulation Number 51 of 2002. These provisions emphasize the importance of ship seaworthiness, the obligation of business actors to provide clear and honest information, and the need for safety equipment and routine training for ship crews. In addition, Indonesia has also adopted international standards such as SOLAS to ensure that ships operating in its waters meet global safety standards.
- b. Protection of passenger safety in maritime transportation at the Sekupang Domestic Port of Kepri is still not optimal, incidents such as ship fires and ship running aground that reveal deficiencies in safety equipment and crew training, as well as passengers who are poorly informed about safety procedures, highlight gaps in routine inspections and enforcement of safety regulations. Obstacles such as lack of resources, non-compliance of business actors, and limited supervision also worsen this situation.

- c. Obstacles to consumer protection for passenger safety in sea transportation at the Sekupang Kepri Domestic Port, namely limited resources and facilities, non-compliance of business actors with safety standards, ineffective supervision and law enforcement, low safety awareness, and inadequate port infrastructure.

Suggestion

From this conclusion, the author can provide several suggestions, namely:

- a. Batam Special KSOP needs to increase the frequency and quality of inspections and maintenance of ships operating at Sekupang Domestic Port. This step involves adding trained personnel, using modern inspection technology, and implementing independent audits to ensure compliance with safety standards. To overcome obstacles, efforts are needed to increase resources and facilities, stricter law enforcement, more intensive safety education and training, improvements to port infrastructure, and better coordination between related agencies.
- b. The government needs to increase budget allocations for the development of port infrastructure and the provision of adequate safety facilities. Investments in improving docks, lighting, and safety signs at ports will improve passenger safety. The government must also strengthen cooperation between agencies such as KSOP, the National SAR Agency, and the Ministry of Transportation by forming a special coordination team for handling shipping safety.
- c. Passengers and shipping business actors must be more proactive in complying with and supporting safety efforts carried out by KSOP and the government. Passengers need to pay attention to and follow the safety procedures that have been set, while shipping business actors must ensure that their ships are equipped with adequate safety equipment and that the crew receives appropriate training. Public awareness and active participation will greatly assist in creating a stronger safety culture in the maritime transportation sector.

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