

HARBORMASTER AUTHORITY IN SAILING APPROVAL ADMINISTRATION FROM THE PERSPECTIVE OF SIYASAH IDARIYAH

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Abstract

This study examines the authority of the harbormaster in supervising the administration of the Sailing Approval Letter (Surat Persetujuan Berlayar or SPB), analyzes the implementation of such authority under Law Number 17 of 2008 concerning Shipping, and evaluates its application from the perspective of Siyasaḥ Idariyah. This research employed normative legal research using statutory, case, and conceptual approaches. Primary and secondary legal materials were supported by observations, interviews, and documentation. The collected data were analyzed descriptively through a qualitative approach using inductive reasoning. The findings indicate that the harbormaster is authorized to verify vessel documentation, supervise seaworthiness requirements, and issue Sailing Approval Letters as a legal instrument to ensure maritime safety and navigation security. The authority granted under Law Number 17 of 2008 has provided a clear legal framework for administrative supervision; however, its implementation has not been fully effective because vessels operating without valid Sailing Approval Letters and non-compliance with administrative and technical requirements are still encountered. From the perspective of Siyasaḥ Idariyah, the authority of the harbormaster represents an amanah (public trust) that must be exercised fairly, responsibly, and professionally to protect human life (hifz al-naḥs) and promote the public interest. Negligence in carrying out administrative supervision is therefore inconsistent with the principles of Islamic administrative governance, which emphasize accountability, justice, and the protection of society.

Keywords: *Harbormaster, Sailing Approval Letter, Administrative Supervision, Shipping, Siyasaḥ Idariyah*

INTRODUCTION

Indonesia is the world's largest archipelagic state, with maritime territory covering approximately two-thirds of its total area. Sea transportation therefore plays a strategic role in connecting islands, facilitating the movement of people and goods, promoting national economic development, and strengthening territorial integration. The effectiveness of maritime transportation depends not only on adequate infrastructure but also on the implementation of administrative and legal mechanisms capable of ensuring navigation safety and maritime security. Safe shipping services have consequently become an essential component of public services that must be guaranteed by the government. The constitutional obligation of the State to provide proper public services includes the responsibility to ensure the safety of maritime transportation. This commitment is reflected in Law Number 17 of 2008 concerning Shipping, which establishes the legal framework governing shipping administration, vessel safety, port management, and navigation security (Abbas et al., 2021).

The law emphasizes that every shipping activity must prioritize the protection of human life, property, and the marine environment through compliance with administrative and technical requirements before a vessel is permitted to sail. One of the principal institutions responsible for implementing these legal provisions is the harbormaster

(Syahbandar). The harbormaster exercises governmental authority in supervising maritime administration, inspecting vessel seaworthiness, verifying shipping documents, maintaining safety standards, and issuing the Sailing Approval Letter (Surat Persetujuan Berlayar or SPB). This authority represents an important preventive mechanism because a vessel may legally depart only after fulfilling all administrative and technical requirements prescribed by law. The issuance of an SPB therefore serves as official confirmation that a vessel has satisfied the standards necessary to conduct safe navigation (Putranto & Washliati, 2021).

Law Number 17 of 2008 further specifies the duties and authority of the harbormaster in supervising shipping activities. Administrative supervision includes verification of vessel registration, nationality certificates, safety certificates, crew qualifications, cargo documents, and seaworthiness requirements before granting sailing approval. The Minister of Transportation Regulation Number 28 of 2022 strengthens this framework by establishing procedures for issuing or rejecting Sailing Approval Letters when administrative requirements, technical standards, weather conditions, or judicial orders prevent a vessel from operating safely. These regulations demonstrate that administrative supervision functions as an integral component of maritime safety management rather than merely an administrative procedure. The effectiveness of administrative supervision remains a significant concern because maritime accidents continue to occur despite the existence of comprehensive legal regulations. One of the most notable incidents occurred in May 2025 when a tourist vessel operating near Tikus Island, Bengkulu, capsized and caused the deaths of eight passengers. Investigations revealed that the vessel did not possess a valid Sailing Approval Letter, was not properly registered with the Harbormaster and Port Authority Office (KSOP), failed to satisfy seaworthiness requirements, and had undergone structural modifications without obtaining the necessary authorization. These findings indicate that deficiencies in administrative compliance may directly threaten maritime safety and human life (Dinata et al., 2025).

The incident illustrates a clear discrepancy between the normative provisions governing shipping administration (*das sollen*) and their implementation in practice (*das sein*). Existing legislation grants the harbormaster authority to examine vessel documentation, assess seaworthiness, and refuse sailing approval whenever legal requirements are not fulfilled. Empirical conditions nevertheless demonstrate that vessels lacking valid administrative documentation may still operate and transport passengers. Such circumstances raise important legal questions concerning the effectiveness of administrative supervision and the exercise of governmental authority within Indonesia's maritime transportation system. The implementation of harbormaster authority may also be examined through the perspective of *Siyasah Idariyah*, which emphasizes principles of administrative governance in Islamic law. Public authority is regarded as an *amanah* that must be exercised with justice, responsibility, transparency, and accountability in protecting the public interest. Administrative decisions are expected to promote *maslahah* (public welfare) while preventing harm to society. The issuance of a Sailing Approval Letter therefore represents not only compliance with statutory regulations but also the fulfillment of ethical and moral responsibilities entrusted to public officials (Majid et al., 2021).

Previous studies have primarily examined the legal authority of harbormasters, maritime safety regulations, and shipping administration from the perspective of positive law. Limited attention has been devoted to integrating Law Number 17 of 2008 with the principles of *Siyasah Idariyah*, particularly in evaluating the administrative supervision of Sailing Approval Letters. This gap indicates the need for a more comprehensive analysis that combines statutory provisions with Islamic administrative governance in assessing the effectiveness of harbormaster authority. This study therefore aims to analyze the authority

of the harbormaster in supervising the administration of Sailing Approval Letters under Law Number 17 of 2008 and to evaluate its implementation from the perspective of *Siyasah Idariyah*. The findings are expected to contribute to the development of maritime law scholarship while providing recommendations for strengthening administrative supervision, improving maritime safety, and enhancing good governance in Indonesia's shipping sector.

RESEARCH METHOD

This study employed empirical legal research using a socio-legal approach to examine the authority of the harbormaster in supervising the administration of the Sailing Approval Letter (*Surat Persetujuan Berlayar* or SPB) under Law Number 17 of 2008 concerning Shipping and its implementation in practice. An empirical juridical approach was adopted to analyze the relationship between statutory regulations and their application in the administration of maritime transportation at the Harbormaster and Port Authority Office (KSOP) of Bengkulu. The research was conducted from March 16 to April 16, 2026, at the KSOP Bengkulu, which serves as the competent authority responsible for vessel administration, seaworthiness inspections, and the issuance of Sailing Approval Letters. Primary data were collected through interviews with harbormaster officials and other relevant informants directly involved in the supervision of sailing administration, while secondary data were obtained from legislation, official documents, scientific journals, books, and other legal materials related to shipping law and maritime administration.

Data collection was carried out through observations, in-depth interviews, and documentation. Observations focused on the implementation of administrative supervision, particularly concerning the issuance of Sailing Approval Letters and the supervision of vessels operating within the jurisdiction of KSOP Bengkulu. Interviews were conducted purposively to obtain comprehensive information regarding the implementation of harbormaster authority, administrative procedures, and challenges encountered in ensuring compliance with maritime regulations. Documentary evidence included legislation, institutional reports, vessel administration records, and other official documents supporting the research objectives. The collected data were analyzed descriptively using a qualitative approach through the stages of data reduction, data presentation, and conclusion drawing based on inductive reasoning. The credibility of the findings was ensured through source triangulation, methodological triangulation, and document verification to enhance the validity and reliability of the research.

RESULTS AND DISCUSSION

The Authority of the Harbormaster in Supervising the Administration of Sailing Approval Letters

The authority of the harbormaster in supervising the administration of the Sailing Approval Letter (*Surat Persetujuan Berlayar* or SPB) constitutes an essential component of Indonesia's maritime safety system. Law Number 17 of 2008 concerning Shipping assigns the harbormaster responsibility for ensuring that every vessel complies with administrative and technical requirements before departure. This authority reflects the state's preventive approach to reducing maritime accidents through strict administrative control rather than relying solely on post-incident law enforcement. Empirical findings indicate that the implementation of this authority at the Class III Harbormaster and Port Authority Office (KSOP) of Pulau Baai Bengkulu follows a structured administrative procedure. Every application for a Sailing Approval Letter begins with document verification, followed by inspections of vessel legality, seaworthiness, crew qualifications, cargo documentation, and safety equipment. Completion of these procedures serves as the primary basis for determining whether a vessel satisfies the legal requirements for operation (Arad, 2025).

Administrative supervision includes not only document verification but also physical

inspections to ensure consistency between administrative records and the actual condition of the vessel. Ship measurement officers verify vessel dimensions, gross tonnage, and technical specifications, while authorized inspectors examine safety equipment, navigational instruments, and overall seaworthiness. Integration of administrative verification and technical inspection reduces the possibility of non-compliant vessels obtaining operational approval. Issuance of a Sailing Approval Letter represents the final stage of the administrative supervision process. An SPB is issued only after all legal and technical requirements have been fulfilled. Vessels that fail to satisfy statutory standards are prohibited from departing until identified deficiencies have been corrected. This procedure demonstrates that the SPB functions not only as an administrative document but also as an instrument for protecting human life, property, and the marine environment (Akbar et al., 2023).

Research findings reveal that the harbormaster exercises discretionary authority by postponing or refusing the issuance of an SPB whenever administrative or technical violations are identified. Expired certificates, incomplete documentation, excessive passenger capacity, and inadequate safety equipment constitute sufficient legal grounds for delaying vessel departure. Preventive administrative enforcement minimizes potential risks before maritime operations begin. Administrative supervision requires institutional coordination among several government agencies responsible for maritime governance. Cooperation involving the Water Police, Customs Office, and Immigration Office strengthens supervision by integrating maritime security, customs inspection, and immigration control within port operations. Such collaboration expands the scope of supervision beyond vessel administration to include passenger movement, cargo inspection, and border security.

Field observations demonstrate that administrative violations continue to occur despite the existence of comprehensive legal regulations. The case involving the vessel Tiga Putra illustrates that a ship continued operating without fulfilling mandatory registration requirements, possessing valid certificates, or obtaining a legitimate Sailing Approval Letter. These findings indicate that administrative non-compliance remains a significant challenge to effective maritime governance. Interviews conducted with the vessel owner indicate that limited legal awareness contributed to the administrative violations. Failure to renew shipping documents resulted primarily from inadequate understanding of administrative obligations rather than deliberate avoidance of legal requirements. Limited legal literacy among vessel operators may therefore reduce compliance with shipping regulations and increase operational risks (Zahra, 2025).

Institutional capacity significantly influences the effectiveness of administrative supervision. Limited personnel, restricted patrol facilities, and extensive maritime jurisdiction reduce the ability of the harbormaster to conduct comprehensive monitoring of vessel activities. Operational constraints affect inspection frequency and reduce the consistency of law enforcement, particularly in supervising small commercial vessels operating within coastal waters. Evaluation of the overall findings demonstrates that the authority of the harbormaster in supervising Sailing Approval Letters has generally been implemented in accordance with the legal framework established by Law Number 17 of 2008. Practical implementation remains constrained by institutional limitations and varying levels of public legal compliance. Strengthening human resources, improving inspection facilities, enhancing inter-agency coordination, and increasing legal awareness among vessel operators are necessary to improve the effectiveness of administrative supervision and support sustainable maritime safety.

Implementation of Harbormaster Authority Under Law Number 17 of 2008 concerning Shipping

Law Number 17 of 2008 concerning Shipping provides the legal framework

governing the authority of the harbormaster in maintaining maritime safety and navigation security. The legislation designates the harbormaster as the highest authority at the port with responsibility for supervising compliance with shipping regulations, including vessel seaworthiness, administrative documentation, crew qualifications, cargo safety, and the issuance of Sailing Approval Letters (Surat Persetujuan Berlayar or SPB). These responsibilities position the harbormaster as the principal authority responsible for preventing maritime accidents through preventive administrative supervision. Research findings indicate that implementation of these statutory responsibilities has generally followed the legal framework established by the Shipping Law. Administrative supervision begins with the submission of an application by the vessel owner or master, followed by document verification and technical inspections before a Sailing Approval Letter is issued. This administrative procedure demonstrates that operational authorization is granted only after legal and technical compliance has been confirmed (Tiopan et al., 2023).

Verification of vessel ownership documents, seaworthiness certificates, crew qualifications, cargo manifests, and other administrative requirements constitutes an integral part of the implementation process. Inspection officers ensure that every submitted document remains valid and accurately reflects the actual condition of the vessel. Compliance with these requirements provides legal certainty that only qualified vessels are permitted to operate within Indonesian waters. Technical inspection complements the administrative verification process by assessing vessel measurements, gross tonnage, structural integrity, navigation equipment, communication systems, and safety facilities. Evaluation of these technical aspects confirms that administrative documentation alone cannot guarantee vessel safety. Physical seaworthiness remains a fundamental requirement before operational approval may be granted. Field findings demonstrate that implementation of Law Number 17 of 2008 has not yet achieved its intended effectiveness. Investigation of the Tiga Putra vessel revealed that maritime operations continued despite the absence of proper vessel registration, valid administrative certificates, and a legally issued Sailing Approval Letter. These findings indicate that statutory requirements have not been consistently enforced in practice (Rifai & Maguchu, 2024).

Evidence obtained during interviews suggests that administrative non-compliance was influenced by limited legal understanding among vessel owners and operators. Failure to renew shipping documents resulted primarily from inadequate knowledge of administrative obligations following changes in personnel responsible for vessel administration. Limited legal awareness contributes to reduced compliance with shipping regulations and increases the risk of administrative violations. Enforcement of the Shipping Law represents an essential component of administrative supervision. The harbormaster possesses legal authority to postpone vessel departures, refuse the issuance of Sailing Approval Letters, suspend operational permits, and recommend legal sanctions for serious violations. Exercise of these enforcement powers strengthens preventive legal protection by ensuring that vessels failing to satisfy statutory requirements are prohibited from operating (Martan et al., 2023). Institutional capacity significantly influences the effectiveness of law implementation.

Limited human resources, inadequate patrol facilities, and extensive maritime jurisdictions reduce the ability of the Harbormaster and Port Authority Office to supervise all maritime activities comprehensively. Operational limitations affect inspection frequency and reduce the consistency of administrative enforcement across the port jurisdiction. Collaboration among government institutions strengthens implementation of the Shipping Law. Coordination involving the Water Police, Customs Office, Immigration Office, and other maritime agencies supports integrated supervision of vessel movements, cargo transportation, and passenger administration. Institutional cooperation improves monitoring

effectiveness while reinforcing maritime security and regulatory compliance.

Evaluation of the overall findings demonstrates that the authority granted to the harbormaster under Law Number 17 of 2008 has generally been implemented in accordance with statutory provisions. Practical challenges associated with institutional capacity and public legal awareness continue to affect the effectiveness of administrative supervision. Improvement of human resources, inspection facilities, inter-agency coordination, and legal education for vessel operators remains necessary to strengthen regulatory compliance and enhance sustainable maritime safety (Lasantu, 2019).

Analysis of Harbormaster Authority from the Perspective of Siyasaḥ Idariyah

The implementation of harbormaster authority in supervising the administration of Sailing Approval Letters may be analyzed through the perspective of Siyasaḥ Idariyah, which regulates the administration of government in Islamic law. This perspective emphasizes that every public authority must be exercised in accordance with the principles of justice, accountability, responsibility, and public welfare. Government officials are entrusted with carrying out their duties not merely as administrative obligations but as a public trust (*amanah*) intended to safeguard society from harm and ensure the realization of the common good. Administrative supervision of maritime transportation therefore represents an important element of Islamic public governance because it directly affects the protection of human life and public safety (Hutabarat & Suriyanto, 2026).

The principle of *amanah* forms the primary foundation for evaluating the authority exercised by the harbormaster. Public office in Islamic governance is regarded as a trust that must be performed honestly, professionally, and responsibly. Research findings demonstrate that officers at the Harbormaster and Port Authority Office (KSOP) of Bengkulu conduct document verification, vessel inspections, and administrative supervision before issuing Sailing Approval Letters. These activities indicate that the institution has attempted to fulfill its responsibility in accordance with the authority granted by national legislation. Proper implementation of administrative supervision reflects the ethical obligation of public officials to prevent potential risks before vessels commence their voyages (Srinigrum et al., 2025).

The concept of *al-'adalah* (justice) also provides an important framework for evaluating administrative supervision. Justice requires equal application of legal standards to every vessel regardless of ownership, commercial value, or operational scale. Research findings indicate that all vessels are required to satisfy identical administrative and technical requirements before receiving operational approval. Equal treatment in the verification of documents, seaworthiness inspections, and licensing procedures demonstrates the commitment of the harbormaster to maintaining fairness within maritime administration. Consistent application of legal standards also strengthens legal certainty and enhances public confidence in government institutions (Hutabarat & Suriyanto, 2026).

Protection of human life (*hifz al-naḥs*) represents one of the essential objectives of Islamic law and serves as a fundamental principle in evaluating maritime governance. Administrative supervision is intended to prevent accidents that may endanger passengers, crew members, and surrounding communities. Verification of vessel seaworthiness, safety equipment, navigation systems, and crew qualifications contributes directly to protecting human life before maritime operations begin. The issuance of a Sailing Approval Letter therefore functions as a preventive legal instrument designed to minimize risks associated with unsafe maritime transportation (Srinigrum et al., 2025).

Empirical findings reveal that administrative violations remain evident despite the existence of comprehensive legal regulations. The operation of vessels without valid Sailing Approval Letters demonstrates that administrative compliance has not yet been fully achieved. Such conditions indicate a discrepancy between normative legal expectations and

practical implementation. Administrative negligence has the potential to expose passengers to unnecessary risks, thereby conflicting with the Islamic objective of preserving life and preventing public harm. Strengthening administrative supervision therefore constitutes both a legal and moral responsibility.

The principle of *maslahah* (public welfare) requires governmental policies to produce tangible benefits for society while preventing harm. Administrative supervision performed by the harbormaster serves this objective by ensuring that only vessels meeting legal and technical standards are permitted to operate. Effective supervision contributes to safer maritime transportation, greater public confidence, and improved legal compliance among vessel owners. Public welfare is therefore achieved not only through regulatory enforcement but also through the prevention of accidents that could result in loss of life, environmental damage, and economic disruption (Sullivan, 2022).

Institutional accountability represents another important element within *Siyasah Idariyah*. Government institutions are expected to perform their responsibilities transparently while remaining accountable for every administrative decision. Research findings indicate that the issuance or refusal of a Sailing Approval Letter is based upon objective verification of statutory requirements rather than discretionary considerations. Administrative accountability strengthens institutional integrity and reduces opportunities for arbitrary decision-making, thereby supporting the realization of good governance within the maritime sector (Hasnur et al., 2024).

Community legal awareness also influences the effectiveness of administrative supervision. Several administrative violations identified during this research were associated with limited understanding of legal obligations among vessel owners and operators. Compliance with shipping regulations depends not only on institutional supervision but also on public willingness to fulfill administrative responsibilities voluntarily. Continuous legal education, public outreach, and administrative guidance therefore constitute essential components of preventive governance within the framework of *Siyasah Idariyah*.

Institutional capacity remains an important determinant of effective governance. Research findings indicate that limitations in personnel, operational facilities, and supervisory resources reduce the intensity of administrative monitoring within the jurisdiction of KSOP Bengkulu. These operational constraints affect the ability of officers to supervise maritime activities comprehensively. Strengthening institutional resources therefore represents an important governmental responsibility to ensure that public authority can be exercised effectively and consistently in accordance with the objectives of maritime law and Islamic administrative governance (Adnyana & Sari, 2024).

Evaluation of the overall findings demonstrates that the authority of the harbormaster has generally reflected the fundamental principles of *Siyasah Idariyah*, particularly *amanah*, *al-'adalah*, *hifz al-nafs*, and *maslahah*. Practical implementation nevertheless requires continuous improvement because administrative violations, limited institutional resources, and varying levels of public legal awareness continue to influence the effectiveness of maritime supervision. Strengthening administrative capacity, improving legal compliance, enhancing institutional coordination, and expanding public legal education are essential measures for ensuring that the implementation of harbormaster authority fulfills both the objectives of Law Number 17 of 2008 and the broader principles of Islamic administrative governance (Simatupang et al., 2024).

CONCLUSION

The authority of the harbormaster in supervising the administration of the Sailing Approval Letter (*Surat Persetujuan Berlayar* or SPB) has generally been implemented in accordance with Law Number 17 of 2008 concerning Shipping through document

verification, seaworthiness inspections, and the issuance of sailing approvals as preventive measures to ensure maritime safety. Practical implementation, however, has not yet achieved optimal effectiveness due to administrative non-compliance, limited institutional resources, and varying levels of legal awareness among vessel owners and operators, as reflected in the *Tiga Putra* case. Analysis from the perspective of *Siyasah Idariyah* indicates that the harbormaster's authority constitutes an *amanah* (public trust) that must be exercised based on the principles of justice (*al-'adalah*), public welfare (*maslahah*), and the protection of human life (*hifz al-nafs*). Strengthening institutional capacity, enhancing inter-agency coordination, improving legal awareness, and ensuring consistent enforcement of maritime regulations are therefore essential to optimize administrative supervision and promote safe, accountable, and sustainable maritime governance.

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