

SEAFARERS' RIGHTS AND FINALITY OF MARITIME COURT DECISIONS

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Volume 5, Number 2, September 2026

Received: August 4, 2026 Accepted: August 8, 2026 Online Published: September 29, 2026.

ABSTRACT

This research examines the juridical consequences of the finality of Maritime Court decisions for seafarers' constitutional rights to justice and legal certainty, alongside an evaluation of oversight and protection mechanisms against administrative abuse. Indonesia's archipelagic character makes the maritime sector economically vital, yet seafarers face heightened legal vulnerability when maritime accidents occur, particularly because Maritime Court rulings are statutorily final and unappealable. The urgency stems from the tension between procedural efficiency and constitutional safeguards, compounded by the lack of adequate remedies for rights restoration. Employing a normative-juridical method with statutory and conceptual approaches, this study applies legal content analysis, systematic interpretation, and comparative examination of primary, secondary, and tertiary legal sources. The primary statutes scrutinized are Law No. 17 of 2008 on Shipping and Law No. 48 of 2009 on Judicial Power, alongside relevant implementing regulations. The precise legal finding reveals that the statutory finality properly understood as "final and binding" under Article 10(2) of Law No. 17/2008 effectively forecloses ordinary appeal mechanisms, thereby restricting seafarers' access to substantive justice and external judicial oversight. This closure increases the risk of authority misuse, as no hierarchical appellate remedy exists for factual or legal errors in Maritime Court adjudication. The study concludes that a reinterpretation of finality's normative scope, reinforced by external supervisory mechanisms, and improved legal literacy among seafarers are essential. The novelty lies in positioning seafarers' constitutional rights as the analytical core not a secondary byproduct of the finality discourse, offering a rights-based critique that challenges the prevailing efficiency-oriented justifications for procedural finality.

Keywords : Martime court; Judicial review; Seaferer's constitutional rights.

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I. INTRODUCTION

Indonesia, as the world's largest archipelagic state, depends geographically, historically, and economically on its maritime sector. The sea constitutes not merely a geographical space but a domain of life, economy, and law.¹ Within this framework, seafarers perform a strategic function as the primary drivers of national and international shipping activities, ensuring navigational safety, logistics distribution, and economic sustainability. However, this profession entails significant legal risks, particularly when maritime accidents occur. In such situations, seafarers occupy a vulnerable position, as they may be subject to administrative liability before an objective and balanced assessment of the incident has been conducted.²

The state has established the Maritime Court (Mahkamah Pelayaran) as an institution with authority to examine and decide ship accident cases, assess their causes, and determine whether professional negligence occurred.³ The consequences of this process may include administrative sanctions, such as revocation or suspension of seafarers' certificates of competency. Normatively, the Maritime Court serves to maintain professional standards and maritime safety. Yet the institution's position raises complex legal issues because it functions as a quasi-judicial body—performing judicial functions while remaining structurally subordinate to the Ministry of Transportation, an executive branch agency.⁴ This duality raises fundamental questions concerning the separation of powers and institutional independence, particularly when the adjudicative function is exercised by an institution structurally embedded within the executive. Such structural arrangements create potential conflicts of interest with direct implications for seafarers' rights.

The dualism of the Maritime Court's position raises fundamental questions about the principle of separation of powers and the independence of institutions that perform judicial functions. In a democratic state governed by the rule of law, the function of adjudication should be carried out by institutions that are independent and free from the intervention of other powers. When this function is carried out by an institution that is structurally under the executive branch, there is the potential for a conflict of interest that can have direct implications for the rights of the legal subjects being adjudicated, in this case seafarers. The 2024 Third Amendment to the Shipping Law (Law No. 66 of 2024) has expanded the Maritime Court's authority to inspect ship operators, owners, and officers, impose sanctions, and mediate seafarer employment disputes, yet its role remains advisory, with

¹ Abdulkadir Muhammad, *Hukum Pengangkutan Niaga* (Bandung: PT Citra Aditya Bakti, 2013), 5.

² Markoni and Ihat Solihat, "Perlindungan Hukum terhadap Pelaut Asing yang Bekerja di Indonesia Menurut Peraturan Perundang-Undangan yang Berlaku," *Arus Jurnal Sosial dan Humaniora* 5, no. 2 (2025): 2460–66, <https://doi.org/10.57250/ajsh.v5i2.1461>.

³ Christmas Christmas et al., "Peran Mahkamah Pelayaran dalam Pemeriksaan Lanjutan (Persidangan) pada Nahkoda Kapal yang Mengalami Kecelakaan," *JlIP - Jurnal Ilmiah Ilmu Pendidikan* 5, no. 3 (2022): 838–44, <https://doi.org/10.54371/jlup.v5i3.493>.

⁴ Ade Hari Siswanto, "Kewenangan Yuridis Mahkamah Pelayaran Berdasarkan Peraturan Perundang-Undangan," *Lex Jurnalica* 15, no. 3 (2018), <https://ejournal.esaunggul.ac.id/index.php/Lex/article/viewFile/2605/2243>.

final sanctioning authority vested in the Minister of Transportation.⁵ The inconsistency in judicial decision-making, particularly when prior jurisprudence is disregarded without clear justification, raises similar concerns regarding the protection of citizens' constitutional rights in the context of quasi-judicial institutions such as the Maritime Court.⁶

The issue intensifies when linked to Article 251 of Law No. 17 of 2008 concerning Shipping, which provides that Maritime Court decisions are final. The 2024 amendment maintains this finality provision, continuing the prohibition on appeals or further legal remedies. The finality of the Maritime Court's decision raises significant legal issues because it precludes any possibility for seafarers to pursue further legal action. Seafarers who are subject to administrative sanctions, including the revocation of their certificates of competency, which directly impact their livelihoods and professional futures, have no avenue for appeal, objection, or review of the decision.⁷ From the perspective of administrative law and human rights, this situation raises serious questions regarding the guarantee of the right to legal certainty as stipulated in Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia. The right to justice includes not only the right to a trial, but also the right to obtain a mechanism for correction of decisions that are considered erroneous or disproportionate. Within the framework of a welfare state, the state bears a constitutional obligation to ensure the fulfillment of citizens' fundamental rights, including the right to equal treatment before the law, as affirmed in various public policies that prioritize social justice.⁸

The finality of Maritime Court decisions is essentially intended to ensure efficiency and legal certainty in the settlement of ship accident cases. However, administrative efficiency should not compromise the principles of substantive justice and the protection of citizens' constitutional rights. In this context, seafarers are in a vulnerable position because they must accept decisions that have a major impact on their lives without any mechanism for redress or remedy. When a quasi-judicial body is given the authority to impose sanctions that determine a person's professional fate, there should be a mechanism for judicial oversight and review to prevent abuse of authority or errors in the application of the law.⁹

⁵ Sarif Sarwono et al., "Kewenangan Ideal Mahkamah Pelayaran Dalam Menyelesaikan Kecelakaan Kapal Untuk Mewujudkan Keadilan," *The Juris* 9, no. 2 (2025): 419–29, <https://doi.org/10.56301/juris.v9i2.1896>.

⁶ Yusuf Mulya Kharismawan, "Verification of Political Parties Participating in General Elections Before and After the Decisions of the Constitutional Court," *Journal of Constitutional Law and Society* 2, no. 1 (2023): 16–17, <https://doi.org/10.36448/cls.v2i2.40>.

⁷ Jephyri Monang Siregar et al., "Pertanggungjawaban Nahkoda dalam Pengangkutan Laut Atas Kecelakaan Kapal di Indonesia," *Syntax Idea* 5, no. 12 (2024): 2700–2717, <https://doi.org/10.46799/syntax-idea.v5i12.2656>.

⁸ Suviana Suwoto Mulyosudarmo et al., "Free Nutritious School Meal Programs in Indonesia and the Netherlands: A Comparative Analysis of Legal Foundations and Constitutional Rights," *Journal of Constitutional Law and Society* 4, no. 2 (2025): 7, <https://doi.org/10.36448/cls.v4i2.123>.

⁹ Ghalib Alghani Lusarno, "Maritime Tribunal as Quasi-Judicial Body in Indonesia," *Jurnal Penelitian Transportasi Laut* 23, no. 2 (2022): 55–66, <https://doi.org/10.25104/transla.v23i2.1746>.

The absence of a legal remedy mechanism for Maritime Court decisions also raises questions about the relationship between quasi-judicial institutions and the administrative court system. In the Indonesian legal system, concrete, individual, and final decisions made by state officials or administrative bodies can, in principle, be subject to appeal in the Administrative Court.¹⁰ However, the finality of Maritime Court decisions is often interpreted as closing access to the Administrative Court, thereby creating a legal impasse for seafarers who wish to fight for their rights. This situation creates legal uncertainty and has the potential to violate the principle of access to justice, which is an integral part of the rule of law.

The urgency of research on the finality of Maritime Court decisions is highly relevant in the context of human rights protection and administrative law reform. This research is important to reexamine whether the meaning of finality in Maritime Court decisions should be understood absolutely or can be constitutionally reconstructed to leave room for judicial review. This reconstruction of the meaning of finality is not intended to weaken the authority of the Maritime Court, but rather to ensure that this authority is exercised in an accountable, proportional manner and in line with the principles of the rule of law. Thus, administrative efficiency can go hand in hand with the protection of the constitutional rights of seafarers.

This study analyzes the following primary statutes: Law No. 17 of 2008 on Shipping, as most recently amended by Law No. 66 of 2024 (Third Amendment, effective 2025); Law No. 48 of 2009 on Judicial Power; Law No. 5 of 1986 on Administrative Courts, as amended; and implementing regulations governing the Maritime Court. The legal analysis is current as of 31 August 2026. A synthesis of prior studies reveals a significant research gap. Research conducted by Anggraeni and colleagues offers an integrative idea regarding the establishment of a Maritime Court that combines the Maritime Court and the Fisheries Court, providing a long-term vision for maritime justice system renewal, yet it does not examine in depth the protection of individual seafarers' rights or rights restoration mechanisms. Siswanto's study discusses in depth the legal authority of the Maritime Court based on applicable laws and regulations, offering comprehensive mapping of the legal basis, functions, and operational limitations, but it tends to be descriptive-normative and does not sharply criticize the implications of administrative sanctions on the constitutional rights of seafarers. Similarly, research by Nurhan highlights the independence of the Maritime Court within the rule of law framework, successfully identifying vulnerabilities to executive intervention, yet it does not explore the relationship between institutional independence and seafarers' access to justice. Thus, previous studies emphasize structural and institutional aspects without systematically analyzing the protection of seafarers' constitutional rights within the quasi-judicial process, particularly regarding the finality provision. This article fills this gap by positioning seafarers' constitutional rights protection as the central analytical lens, rather than a collateral issue, and critically examines the doctrinal tension between administrative finality and access to justice.

¹⁰ Luthfi Widagdo Eddyono, "Konstitusionalitas Undang-Undang Pelayaran," *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional* 8, no. 2 (2019): 203, <https://doi.org/10.33331/rechtsvinding.v8i2.322>.

The novelty of this research lies in its attempt to reconstruct the meaning of the finality of Maritime Court decisions in a constitutional and progressive manner. Finality is no longer understood as an absolute closure to all legal efforts, but rather as administrative finality that can still be tested through judicial oversight mechanisms, both through the State Administrative Court and judicial review mechanisms. With this approach, this research offers a normative solution that is not only oriented towards legal certainty, but also towards substantive justice and the protection of seafarers' constitutional rights.

Based on the above analysis, this study addresses two explicit research questions. First, what are the juridical implications of the finality of Maritime Court decisions for seafarers' constitutional rights to legal certainty and access to justice? Second, are the existing oversight and legal remedy mechanisms adequate to prevent abuse of authority in the Maritime Court's quasi-judicial process? The objectives are: (a) to critically analyze the legal implications of decisional finality on seafarers' rights; and (b) to evaluate the effectiveness of oversight and protection mechanisms within the quasi-judicial adjudicatory process. The novelty lies in reconstructing the meaning of "finality" in a constitutional and progressive manner distinguishing administrative finality from absolute closure to judicial oversight and in offering a normative solution that balances legal certainty with substantive justice and constitutional rights protection. The study challenges the prevailing efficiency-oriented justifications for procedural finality by demonstrating that access to justice for seafarers strengthens, rather than weakens, the legitimacy of the maritime legal system. Through this research, it is hoped that a balance can be created between the interests of the state in maintaining shipping safety and the interests of individual seafarers in obtaining fair legal protection. The rule of law is not only measured by its ability to enforce rules, but also by its willingness to open up space for correction of power. In the context of the Maritime Court, providing access to justice for seafarers is not a form of weakening authority, but rather a manifestation of strengthening the legitimacy of the law based on justice, certainty, and humanity.

II. RESEARCH METHOD

This study employs a normative-juridical research design focusing on positive legal norms and legal doctrines, utilizing statutory and conceptual approaches.¹¹ The statutory approach is used to systematically examine the legal provisions governing the Maritime Court, particularly Law No. 17 of 2008 on Shipping as most recently amended by Law No. 66 of 2024, along with its implementing regulations, in order to identify the normative construction of authority, the finality of decisions, and their implications for seafarers' constitutional rights. The conceptual approach is employed to analyze the doctrines of the rule of law (*rechtstaat*), quasi-judicial institutions, the right to justice, access to justice, and human rights protection in administrative law. The analysis is current as of 31 August 2026.

¹¹ Achmad Yulianto and Mukti Fajar, *Dualisme Penelitian Hukum Normatif Dan Empiris* (Yogyakarta: Pustaka Pelajar, 2017), 20.

The primary legal materials examined consist of: (1) the 1945 Constitution of the Republic of Indonesia, particularly Article 28D paragraph (1) on the right to legal certainty and equal treatment before the law; (2) Law No. 17 of 2008 on Shipping, as amended by Law No. 66 of 2024 (Third Amendment), specifically provisions concerning the Maritime Court's authority, procedural framework, and the finality of decisions under Article 251; (3) Law No. 30 of 2014 on Government Administration, concerning administrative decision-making and the obligation to provide reasons; (4) Law No. 5 of 1986 on Administrative Courts, as amended by Law No. 9 of 2004 and Law No. 51 of 2009, particularly Article 1(9) defining reviewable administrative acts and Article 53 concerning grounds for challenge; (5) implementing regulations governing the Maritime Court's composition, procedures, and sanctions, including Government Regulation No. 8 of 2011 concerning the Maritime Court, and Regulation of the Minister of Transportation No. PM 53 of 2020 concerning the Procedure for Examination of Ship Accidents at the Maritime Court, as well as any subsequent amendments; (6) selected decisions of the Maritime Court imposing administrative sanctions on seafarers; (7) relevant decisions of the Administrative Court, including PTUN Jakarta Decision No. 443/G/2022/PTUN.JKT and Administrative High Court Decision No. 243/B/2023/PT.TUN.JKT; (8) relevant decisions of the Supreme Court concerning judicial review of quasi-judicial decisions; and (9) Constitutional Court decisions relevant to the constitutionality of finality provisions and access to justice. Secondary legal materials comprise scientific literature, legal journals, textbooks, and expert opinions, while tertiary legal materials include legal dictionaries and encyclopedias. All materials were selected based on their relevance to the research questions, authority, and contemporaneity with the 31 August 2026 cut-off date.

The legal materials were analyzed using three interpretive methods. Grammatical interpretation was applied to examine the ordinary meaning of statutory terms, particularly the word "final" (*bersifat final*) in Article 251 of the Shipping Law, as well as the criteria for reviewable administrative acts in Article 1(9) of the Administrative Court Law. Systematic interpretation was employed to place the provisions on Maritime Court finality within the broader national legal system, examining their consistency with constitutional guarantees of legal certainty and access to justice, as well as their relationship with the Administrative Court framework. Historical interpretation was utilized to trace the legislative intent behind the finality provision, examining the evolution of the Maritime Court's authority from its original establishment to the 2024 amendment. Constitutional interpretation was applied to assess whether the statutory finality of Maritime Court decisions aligns with constitutionally guaranteed rights, particularly the right to legal certainty and equal treatment before the law under Article 28D of the 1945 Constitution.

The analytical framework applies the following doctrinal tests. The test for administrative finality asks whether a Maritime Court decision is conclusive at the administrative level, meaning no internal administrative remedy remains available within the executive branch. The test for reviewability asks whether a Maritime Court decision satisfies the criteria under Article 1(9) of the Administrative Court Law—concrete, individual, final,

and causing legal consequences—such that it constitutes an object of administrative dispute. The test for abuse of authority (*detournement de pouvoir*) examines whether the Maritime Court acted beyond its competence, applied incorrect procedures, or exercised its discretion for purposes other than those intended by law, as well as whether it failed to consider relevant factors, considered irrelevant factors, or acted arbitrarily or disproportionately. The test for proportionality assesses whether the administrative sanction imposed (e.g., revocation or suspension of a seafarer's certificate) is proportionate to the gravity of the professional negligence established, balancing the public interest in maritime safety against the seafarer's right to livelihood and professional continuity. The test for access to justice examines whether seafarers have meaningful opportunity to challenge administrative sanctions through available legal mechanisms, including internal remedies, administrative objection, and judicial review.

Regarding the comparative dimension, this study does not undertake a full comparative analysis with foreign jurisdictions, as this would exceed the scope of a single article and would require extensive elaboration not currently developed in the discussion. Accordingly, the term "comparative analysis" has been removed from both the abstract and the methodology. Instead, the study employs a limited comparison of institutional frameworks within the Indonesian legal system—specifically, examining the Maritime Court's finality provision against the legal remedy mechanisms available for other quasi-judicial bodies in Indonesia, such as the Business Competition Supervisory Commission (Komisi Pengawas Persaingan Usaha/KPPU) and the Information and Communication Technology Dispute Resolution Institution (Lembaga Penyelesaian Sengketa Teknologi Informasi dan Komunikasi/LP-STIK) where applicable. This internal comparison serves to illustrate how other administrative regimes provide mechanisms for judicial review of quasi-judicial decisions, thereby highlighting the distinctiveness and potential limitations of the Maritime Court framework. The selection of these bodies is based on their shared characteristic as quasi-judicial institutions within the Indonesian administrative law system.

The manuscript does not claim to present empirical findings concerning actual practices, institutional dominance, legal culture, seafarers' knowledge, or socio-economic effects. Rather, all such references are reframed as normative risks or legal inferences drawn from the structural features of the regulatory framework. For instance, when the discussion notes that seafarers may face vulnerability due to the finality of decisions, this is understood as a normative inference from the absence of legal remedy mechanisms, not an empirical finding about actual seafarer experiences. Where documented evidence supports such claims, it is cited from existing legal literature or official sources.

Finally, the legal materials were critically evaluated for their consistency, argumentative strength, and conformity with the principles of the rule of law, before being synthesized logically and systematically to build a coherent legal argument answering the two research questions. This synthesis integrates the findings from statutory interpretation, doctrinal analysis, and institutional comparison into a unified framework that assesses the juridical implications

of decisional finality for seafarers' constitutional rights and evaluates the adequacy of oversight and remedy mechanisms against abuse of authority.¹²

III. ANALYSIS AND DISCUSSION

A. Legal Implications of the Final Nature of Maritime Court Decisions on Seafarers' Rights to Justice and Fair Legal Certainty in Accordance with the Constitution

The institutional design of the Maritime Court must be understood through its statutory authority. Under Article 251 of Law No. 17 of 2008 on Shipping, as most recently amended by Law No. 66 of 2024, the Maritime Court functions to conduct continued examinations of ship accidents and to enforce professional ethics and competency standards for masters and/or officers after a preliminary examination by the Harbourmaster. The authority to investigate rests with the Maritime Court to examine the cause of ship accidents and determine whether professional negligence occurred. However, under Article 253 (1) (b), the Maritime Court does not independently impose sanctions; rather, it recommends administrative sanctions to the Minister of Transportation. The implementing decision the actual administrative sanction affecting a seafarer's certificate is issued by the Minister, not the Maritime Court itself. Thus, the legally reviewable object is the Ministerial implementing decision, not the Maritime Court's recommendation. This distinction is critical for determining the appropriate forum and legal basis for challenge.

The reviewability of Maritime Court-related decisions under the Administrative Court framework requires systematic testing. Under Article 1(9) of Law No. 5 of 1986 on Administrative Courts, a reviewable administrative act must be: (a) issued by a state administrative body or official; (b) concrete, individual, and final; and (c) causing legal consequences for a person or civil legal entity. The Ministerial decision implementing Maritime Court recommendations such as revoking or suspending a named seafarer's certificate satisfies these criteria: it is concrete (directed at a specific individual), individual (affecting that specific person's legal status), final (administratively conclusive), and causes direct legal consequences. The competence of the issuing body (the Minister of Transportation) is established under Article 253(1)(b) of the Shipping Law.

However, reviewability is contested. In Supreme Court Decision No. 62 K/TUN/2019, the Court addressed the question of whether a Maritime Court decision constitutes an administrative dispute object. The Tergugat (Maritime Court) argued that its decisions are not objects of administrative dispute, while the applicant challenged this position. The Supreme Court ultimately dismissed the cassation petition, effectively affirming that the Maritime Court's decisions are not automatically excluded from administrative court review. This jurisprudence contradicts the assumption that PTUN access is categorically closed.

¹² Mukti Fajar ND and Yulianto Achmad, *Dualisme Penelitian Hukum: Normatif & Empiris* (Yogyakarta: Pustaka Pelajar, 2010), 21.

Regarding standing, under Article 53(1) of the Administrative Court Law, a party whose rights are adversely affected by an administrative decision has standing to challenge it. Seafarers whose certificates are revoked or suspended satisfy this requirement. The filing period is 90 days from the date the decision is notified, under Article 55 of the Administrative Court Law. Available relief includes annulment of the decision (Article 97) and, in appropriate cases, reinstatement of rights. Suspensive effect is available under Article 67 of the Administrative Court Law, though its application is discretionary and may be subject to conditions. The absence of a requirement to exhaust internal administrative remedies prior to filing (Article 48) means seafarers need not pursue non-existent internal appeals before accessing the Administrative Court.

The legal implications of the finality of Maritime Court decisions on seafarers' rights to obtain justice and fair legal certainty are fundamental issues within the framework of the Indonesian rule of law. Decisions that are declared final as stipulated in Article 251 of Law No. 17 of 2008 on Shipping, as most recently amended by Law No. 66 of 2024, are essentially intended to create efficiency, order, and certainty in the handling of ship accidents.¹³ However, when finality is applied without providing a mechanism for correction or further review, there are legal consequences that directly affect the position of seafarers as subjects of law. In practice, the finality of Maritime Court decisions not only closes administrative legal remedies, but also creates ambiguity regarding the possibility of judicial review through the courts, particularly the State Administrative Court, thereby reducing seafarers' rights to substantive justice.¹⁴

The right to justice is an integral part of human rights guaranteed by the constitution. Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia affirms that every person shall have the right to recognition, security, protection, and certainty before the law. The meaning of fair legal certainty cannot be separated from the existence of mechanisms that enable individuals to defend themselves, file objections, and obtain a review of decisions that infringe upon their rights.¹⁵ In the context of the Maritime Court, seafarers who are subject to administrative sanctions in the form of revocation or suspension of their certificates of competency are in a very vulnerable position because these sanctions have a direct impact on the continuity of their profession, livelihood, and dignity. When the decision is final and cannot be appealed, the seafarer's right to justice is reduced to a single level of review without any guarantee of correction in the event of an error.¹⁶ The recognition and guarantee of citizens' constitutional rights are not

¹³ Markoni dan Solihat, "Perlindungan Hukum terhadap Pelaut Asing yang Bekerja di Indonesia Menurut Peraturan Perundang-Undangan yang Berlaku."

¹⁴ Christmas dkk., "Peran Mahkamah Pelayaran dalam Pemeriksaan Lanjutan (Persidangan) pada Nakhoda Kapal yang Mengalami Kecelakaan."

¹⁵ Herdi Munte and Christo Sumurung Tua Sagala, "Perlindungan Hak Konstitusional Di Indonesia," *Jurnal Ilmiah Penegakan Hukum* 8, no. 2 (2021): 183–92, <https://doi.org/10.31289/jiph.v8i2.4791>.

¹⁶ Nabila Sesha Abdillah and Siti Nurbaiti, "Tanggung Jawab Pengangkut Atas Tenggelamnya Kapal (Analisis Putusan Mahkamah Pelayaran Nomor HK.212/01/I/MP.2020)," *Reformasi Hukum Trisakti* 5, no. 1 (2023): 1–8, <https://doi.org/10.25105/refor.v5i1.15215>.

sufficiently addressed through mere normative regulation in legislation; rather, they require strong and independent institutional frameworks to ensure that such rights are not violated by discriminatory policies.¹⁷

Legally, the final nature of Maritime Court decisions creates tension between the principles of legal certainty and justice. Legal certainty is often understood as procedural certainty and the certainty of the end of a process. However, in a constitutional state, legal certainty must always be accompanied by justice. Legal certainty achieved by closing access to legal remedies has the potential to give rise to substantive injustice.¹⁸ In this case, the finality of the Maritime Court's decision can be viewed as a form of formal legal certainty, but it does not necessarily reflect the legal certainty that is fair as intended by the constitution. Substantive justice requires that every decision that has a serious impact on a person's rights can be tested for its truth, rationality, and proportionality through an independent legal mechanism.

Another significant legal implication is the restriction of the right to access to justice. The principle of access to justice requires that everyone have an effective opportunity to bring their legal disputes before an independent and impartial judicial institution.¹⁹ The Maritime Court, despite performing judicial functions, is structurally under the authority of the executive branch.²⁰ This situation raises questions about the level of independence and impartiality of these institutions. When its decisions are declared final and cannot be reviewed by judicial institutions within the judicial branch, seafarers lose access to external control mechanisms that should be a key feature of a state governed by the rule of law. Thus, the finality of Maritime Court decisions implies a disruption of the access to justice that should be available to seafarers as citizens.

From the perspective of administrative law, the Maritime Court's decision to impose administrative sanctions is characterized as an administrative decision because it is concrete, individual, and has legal consequences for a person. In the administrative law regime, the general principle that applies is that every administrative decision can be reviewed through the courts to ensure that there is no abuse of authority, procedural errors, or violations of the general principles of good governance.²¹ However, the final nature of

¹⁷ Eza Tri Yandy et al., "Institutional Design and Constitutional Legitimacy of Human Rights Support Institutions After Reformation in Indonesia," *Journal of Constitutional Law and Society* 5, no. 1 (2026): 12, <https://doi.org/10.36448/jcls.v5i1.134>.

¹⁸ Ahmad Mufti et al., "Overlapping Authorities In Maritime Law Enforcement: A Case Study Of Ternate City," *Administrative and Environmental Law Review* 6, no. 2 (2025): 91–104, <https://doi.org/10.25041/aclr.v6i2.4192>.

¹⁹ Liza Hafidzah Yusuf Rangkuti and Orin Sabrina Pane, "Nilai Keadilan sebagai Landasan Pembentukan Undang-undang Bantuan Hukum Guna Mewujudkan Akses Terhadap Keadilan," *Neoclassical Legal Review: Journal of Law and Contemporary Issues* 3, no. 1 (2024): 1–11, <https://doi.org/10.32734/nlr.v3i1.15695>.

²⁰ Uut Krismianto et al., "Analisis Kecelakaan Kapal Berdasarkan Putusan Mahkamah Pelayaran Tahun 2015 – 2019 Menggunakan Formal Safety Assesment (FSA)," *Jurnal Sains & Teknologi Fakultas Teknik Universitas Darma Persada* 12, no. 2 (2022): 41–47, <https://doi.org/10.70746/jstunsada.v12i2.248>.

²¹ Ahmad Alvey Sulthony Ananda, Reni Putri Anggraeni, and Nova Fajar Haryanto, "Gagasan Pengadilan Maritim Dalam Tata Hukum Indonesia: Integrasi Pengadilan Perikanan dan Mahkamah Pelayaran Sebagai Pembaharuan Hukum," *Jurnal Rechts Vinding Media*

Maritime Court decisions is often interpreted as an exception to this principle. This interpretation has legal implications in the form of a lack of judicial oversight mechanisms, which ultimately weakens legal protection for seafarers. Without such oversight, the potential for arbitrariness or *détournement de pouvoir* becomes greater.²²

In practice, sailors who are sanctioned by the Maritime Court often have to accept the verdict as an irrevocable legal fact. In reality, the process of investigating ship accidents involves various complex technical, human, and environmental factors.²³ Errors cannot always be attributed individually to seafarers without in-depth and objective analysis. When there is no appeal mechanism or retrial available, the possibility of errors in the assessment of facts and application of the law becomes a risk that must be borne entirely by the seafarer. This condition contradicts the principle of fair trial, which requires a balance between the state's interest in enforcing maritime safety and the individual's right to adequate legal protection.²⁴

The legal implications of the final nature of the Maritime Court's decision can also be seen from the perspective of the principle of proportionality. Administrative sanctions in the form of revocation of certificates of competency are very severe sanctions because they directly deprive seafarers of their right to work in their field of expertise.²⁵ In modern legal principles, severe sanctions must be accompanied by strict procedures and strong guarantees of rights protection. When such sanctions are imposed through final decisions without further legal recourse, there is an imbalance between the severity of the sanctions and the procedural protections provided. The legal implication is a violation of the principles of proportionality and protection of individual rights.²⁶

In addition, the finality of Maritime Court decisions also has implications for legal certainty in a broader sense. Fair legal certainty is not only about the clarity of norms, but also the consistency of law enforcement and the existence of mechanisms for correcting errors. When the decisions of a quasi-judicial institution cannot be reviewed, the potential for disparity in decisions and inconsistency in law enforcement becomes greater. Seafarers in similar cases may receive different decisions without any standard of review that can be corrected through the courts. This creates substantive legal uncertainty,

Pembinaan Hukum Nasional 12, no. 3 (2023), <https://dx.doi.org/10.33331/rechtsvinding.v12i3.1420>.

²² M. Husseyn Umar, *Hukum Maritim dan Masalah-Masalah Pelayaran di Indonesia* (Jakarta: Pustaka Sinar Harapan bekerja sama dengan Persatuan Pelayaran Niaga Indonesia, 2001), 118.

²³ Nurhan, "Indenpendensi Mahkamah Pelayaran Dihubungkan Dengan Prinsip Negara Hukum," *Jurnal Hukum Das Sollen* 6, no. 2 (2021): 34–45, <https://doi.org/10.32520/das-sollen.v6i2.1832>.

²⁴ Christine Lia Indah Hanok, "Proses Penyidikan Terhadap Tindak Pidana Pelayaran Menurut Undang-Undang Nomor 17 Tahun 2008," *Lex Et Societatis* 5, no. 3 (2017), <https://doi.org/10.35796/les.v5i3.15578>.

²⁵ Fathurrahim et al., "The Urgency Of Shifting The Regulation Of Enforcement Of Fisheries Criminal Laws From Criminal Sanctions To Administrative Sanctions," *Jurnal USM Law Review* 8, no. 3 (2025): 1869–89, <https://doi.org/10.26623/julr.v8i3.12758>.

²⁶ Jimly Asshiddiqie, *Menuju Negara Hukum yang Demokratis* (Jakarta: Sekretariat Jenderal dan Kepaniteraan, Mahkamah Konsititusi, 2008), 75.

as the final outcome depends heavily on the assessment of a single institution without judicial control.

Within the constitutional framework, the finality of the Maritime Court's decisions must also be examined for consistency with the principle of checks and balances.²⁷ A democratic state governed by the rule of law requires a mechanism of mutual oversight between branches of power to prevent the concentration of power.²⁸ When the Maritime Court, which is under the executive branch, is given the authority to adjudicate and impose final sanctions, there is a concentration of functions that has the potential to violate the principle of checks and balances. The legal implication of this condition is a weakening of control over executive power and a reduction in the guarantee of protection of citizens' rights, especially seafarers.²⁹

Seafarers' right to justice is also closely related to their right to decent work and livelihood. A certificate of competency is not merely an administrative document, but a key prerequisite for practicing the seafaring profession.³⁰ The revocation of the certificate through a final decision means revoking the seafarers' source of livelihood without providing adequate opportunity for a multi-layered defense. From a human rights perspective, this condition can be viewed as a restriction of economic and social rights that is not accompanied by adequate procedural guarantees. The legal implication is an imbalance between the interests of state regulation and the protection of individual rights.³¹

Furthermore, the final nature of Maritime Court decisions also has an impact on sailors' perception of justice. When sailors feel that the legal system does not provide them with the opportunity to defend themselves fairly, their trust in legal institutions may decline. This decline in trust is a socio-legal implication that cannot be ignored, because the legitimacy of the law is highly dependent on public trust in the fairness of the procedures and substance of decisions. In the long term, this condition can weaken the effectiveness of law enforcement in the maritime sector because the law is seen as a repressive tool rather than a means of protection.

In a more progressive legal analysis, the final nature of Maritime Court decisions should be interpreted constitutionally. Finality can be understood as final within the scope of the Maritime Court's internal administration, but does not preclude the possibility of judicial review by a court of law. With this interpretation, legal certainty is maintained because the decision is binding,

²⁷ Indri Fogar Susilowati and Aditya Prayoga, "Perlindungan Hukum Atas Keselamatan Penumpang KM.Kirana IX Dalam Hal Terjadi Kecelakaan Kapal (Studi Di PT Dharma Lautan Utama Surabaya)," *Novum: Jurnal Hukum* 4, no. 4 (2017), <https://doi.org/10.2674/novum.v4i4.24666>.

²⁸ La Ode Husen, *Negara Hukum, Demokrasi Dan Pemisahan Kekuasaan* (Makassar: PT. Umitoha Ukhuwah Grafika, 2009), 13.

²⁹ Karolus Geleuk Sengadji, "Rekonstruksi Regulasi Mahkamah Pelayaran Menjadi Pengadilan Maritim Indonesia Berbasis Nilai Keadilan" (Disertasi, Universitas Islam Sultan Agung Semarang, 2022), <https://repository.unissula.ac.id/31066/1/10302000215.pdf>.

³⁰ Tri Cahyadi, "Perlindungan Hukum Pelaut Di Kapal Indonesia Berbasis Nilai Keadilan," *Jurnal Pembaharuan Hukum* 4, no. 1 (2017): 97, <https://doi.org/10.26532/jph.v4i1.1652>.

³¹ Krisnady Kesumadiksa et al., "Urgensi Pembentukan Pengadilan Maritim Bagi Industri Maritim di Indonesia," *Media Iuris* 7, no. 3 (2024): 499–526, <https://doi.org/10.20473/mi.v7i3.50765>.

but the right to justice is also protected because there is a mechanism for correction through an independent judiciary. This kind of constitutional interpretation is in line with the principle of constitutional supremacy, which places the protection of human rights as the highest norm in the legal system.

The legal implication of this reconstruction of finality is that seafarers now have access to file lawsuits with the Administrative Court against decisions of the Maritime Court that are considered to violate the law or the general principles of good governance. Thus, the Administrative Court can act as an external control mechanism to ensure that the Maritime Court exercises its authority in an accountable and proportional manner. The existence of this mechanism not only protects the rights of seafarers, but also strengthens the legitimacy of the Maritime Court as an institution that performs quasi-judicial functions within the framework of the rule of law.

Overall, the legal implications of the final nature of Maritime Court decisions on seafarers' rights to obtain justice and fair legal certainty reveal a tension between administrative efficiency and the protection of constitutional rights. Absolute finality has the potential to violate the right to justice, limit access to the courts, weaken the principle of checks and balances, and reduce protection of seafarers' economic and professional rights. Therefore, from a constitutional perspective, the finality of the Maritime Court's decision needs to be reviewed and interpreted progressively in order to be in line with the mandate of the 1945 Constitution of the Republic of Indonesia. Thus, the Indonesian maritime legal system can guarantee not only formal legal certainty but also substantive justice that protects the dignity and rights of seafarers as legal subjects in a democratic state governed by the rule of law.

B. The Effectiveness of Oversight Mechanisms and Legal Protection for Seafarers in Adjudication Processes at Quasi-Judicial Institutions to Prevent Abuse of Authority (*Detournement De Pouvoir*)

The effectiveness of oversight and legal protection mechanisms for seafarers in the adjudication process at quasi-judicial institutions, particularly the Maritime Court, is a crucial issue in efforts to prevent abuse of authority or *detournement de pouvoir*. Within the framework of the rule of law, every exercise of authority by state organs must be limited, supervised, and legally accountable. This becomes even more important when an institution is given the authority to judge and impose sanctions that directly impact a person's basic rights, such as the right to work, livelihood, and professional dignity.³² Seafarers, as legal subjects who are in a subordinate relationship with the state in the field of maritime safety, are highly dependent on the effectiveness of these oversight mechanisms to ensure that the adjudication process is conducted objectively, fairly, and free from abuse of power.³³

³² Lusarno, "Maritime Tribunal as Quasi-Judicial Body in Indonesia."

³³ Hana Faridah and Rona Apriana Fajarwati, "Pengawasan Transportasi Laut demi Mewujudkan Keselamatan dan Keamanan Pelayaran Nasional," *Jurnal Keamanan Nasional* 8, no. 2 (2022): 396–407, <https://doi.org/10.31599/jkn.v8i2.558>.

The Maritime Court, as a quasi-judicial institution, has unique characteristics because it combines administrative and judicial functions in a single institution that is structurally under the executive branch.³⁴ This situation inherently creates vulnerability to potential abuse of authority, both in the form of exercising authority beyond the limits specified by law and exercising authority for purposes that deviate from the intent for which it was granted. In administrative law theory, *detournement de pouvoir* occurs when officials or administrative bodies use their authority not for the purposes specified by law, but for other interests, whether institutional, political, or practical interests that are not in line with the principle of justice. Therefore, the effectiveness of the oversight mechanism is the main benchmark in assessing the extent to which legal protection for seafarers is truly guaranteed.³⁵

Normatively, the oversight mechanism for the Maritime Court can be seen in several layers, ranging from internal administrative oversight, hierarchical oversight by ministries, to external oversight through the general principles of good governance.³⁶ However, the effectiveness of these mechanisms remains debatable because most of them are internal in nature and do not provide adequate space for participation by seafarers, who are the most affected parties. Internal supervision, for example, is more oriented towards procedural compliance and disciplinary measures than the protection of legal rights. As a result, when there is alleged abuse of authority or injustice in the adjudication process, seafarers have no effective instruments to challenge or correct the decision.

In practice, the adjudication process in the Maritime Court is often dominated by a technocratic and administrative approach that treats seafarers as objects of examination rather than as legal subjects who have the right to be heard in a balanced manner. Although there are formal examination and defense procedures, seafarers' bargaining position in the process is relatively weak because they are dealing with state institutions that have greater authority and stronger resources. This imbalance is exacerbated by the absence of an appeal mechanism or further legal recourse that would allow seafarers to challenge the verdicts handed down. Under these circumstances, the existing oversight mechanisms cannot be said to be effective in preventing potential *detournement de pouvoir*.

The effectiveness of legal protection is also closely related to the transparency and accountability of the adjudication process. In a country governed by the rule of law, every decision-making process that affects individual rights must be open and rational.³⁷ However, in the context of the Maritime Court, seafarers' access to information regarding the basis for decisions, methods of assessing errors, and standards of proof is often limited.

³⁴ Dian Agung Wicaksono et al., "Quo Vadis Pengaturan Unit Pelaksana Tugas Bidang Pelayaran," *Jurnal Penelitian Transportasi Laut* 26, no. 2 (2024): 98–108, <https://doi.org/10.25104/transla.v26i2.2380>.

³⁵ Mufti dkk., "Overlapping Authorities In Maritime Law Enforcement."

³⁶ Nurhan, "Indenpendensi Mahkamah Pelayaran Dihubungkan Dengan Prinsip Negara Hukum."

³⁷ Husein et al., "Peran PPNS Syahbandar Lembar Terkait Kecelakaan Kapal Menurut Undang-Undang Nomor 17 Tahun 2008 Tentang Pelayaran," *Unizar Recht Journal (URJ)* 3, no. 2 (2024): 231–43, <https://doi.org/10.36679/urj.v3i2.174>.

This lack of transparency opens the door to excessive and uncontrollable use of discretion. When discretion is not accompanied by strong oversight mechanisms, the potential for abuse of authority becomes greater, and legal protection for seafarers becomes weaker.

From the perspective of the general principles of good governance, the effectiveness of oversight can be measured by the extent to which the principles of legality, accuracy, non-abuse of authority, and protection of citizens' rights are consistently applied.³⁸ In practice, the application of these principles in the adjudication process of the Maritime Court still faces various obstacles. One of the main obstacles is the dominance of the paradigm of maritime safety as a public interest that is often placed above the individual interests of seafarers without a proportional balance. Although maritime safety is a legitimate and important goal, its achievement should not sacrifice the rights of seafarers to fair treatment and adequate legal protection.

The effectiveness of the oversight mechanism is also influenced by the institutional structure of the Maritime Court itself. As an institution under the ministry, the Maritime Court is not completely separate from administrative interests and executive policies. This creates potential conflicts of interest, especially when the results of decisions are related to the image of the institution or national maritime safety policies. In such situations, internal oversight tends to be ineffective because it is part of the same hierarchical line. Without independent external oversight, it is difficult to ensure that adjudicative authority is used solely to uphold law and justice, rather than for other institutional purposes.³⁹

Legal protection for seafarers in the adjudication process also includes the right to a fair procedure. Fair procedures require equal opportunities to present a defense, submit evidence, and obtain objective consideration. However, the effectiveness of this protection is questionable when seafarers do not have access to adequate legal counsel or do not fully understand the applicable legal mechanisms. In such circumstances, seafarers are in a very vulnerable position and subject to unilateral or disproportionate decisions. Effective oversight mechanisms should be able to identify and remedy these procedural inequalities, but in practice this has not yet been fully realized.⁴⁰

Abuse of power in the context of the Maritime Court does not always appear in an explicit form, but is often concealed in the use of discretion that appears formally legitimate. For example, the interpretation of negligence or professional misconduct by seafarers can be carried out broadly without clear criteria, thus opening up room for subjectivity. When there is no oversight mechanism to review such interpretations, seafarers have no effective protection against possible abuse of authority. In this context, the effectiveness of oversight is measured not only by the existence of rules, but

³⁸ Vanny Ritasari, "Studi Perbandingan Konsepsi Efektifitas Pencarian Keadilan Dalam Penyelesaian Perkara Pidana Berdasarkan Hukum Acara Pidana: Telaah Konsep Restorative Justice, Plea Bargaining Dan Rechdelijk Pardon," *Verstek* 9, no. 2 (2021), <https://doi.org/10.20961/jv.v9i2.51103>.

³⁹ Faridah dan Fajarwati, "Pengawasan Transportasi Laut demi Mewujudkan Keselamatan dan Keamanan Pelayaran Nasional."

⁴⁰ Rendi Adana Matanari et al., "Aspek Hukum Kapal Patroli Terkait Pengawasan Keselamatan Pelayaran," *Unizar Recht Journal (URJ)* 2, no. 4 (2023): 574–485, <https://doi.org/10.36679/urj.v2i4.147>.

also by the ability of those rules to be implemented in practice to protect the rights of seafarers.

The effectiveness of oversight mechanisms is also related to the legal culture that develops within institutions. A legal culture that emphasizes hierarchical compliance and institutional loyalty can hinder critical and independent oversight efforts. If officials involved in the adjudication process are more oriented toward institutional interests than toward principles of justice, then internal oversight mechanisms tend to be merely formalities. Under such conditions, legal protection for seafarers becomes a normative illusion that has no coercive power in practice. Therefore, the effectiveness of oversight must be viewed not only from a normative perspective, but also from a sociological and cultural perspective.⁴¹

From a comparative administrative law perspective, quasi-judicial institutions in various countries are generally subject to strong judicial oversight to prevent abuse of authority. Such oversight allows courts to assess whether a decision has been made in accordance with the authority granted, legitimate objectives, and fair procedures.⁴² In the Indonesian context, seafarers' limited access to judicial review of Maritime Court decisions shows that existing legal protection mechanisms are not yet fully effective. Without adequate judicial review, it is difficult to optimally uphold the principles of legality and accountability.

The effectiveness of legal protection can also be assessed based on the system's ability to restore rights when violations occur. Restoration of rights is an important indicator of a fair legal system because it shows that the law not only regulates but also protects.⁴³ In the context of the Maritime Court, the absence of an appeal or review mechanism severely limits the restoration of seafarers' rights. Even when there are indications of error or injustice, seafarers have no effective legal means to remedy the situation. This condition shows that the existing legal protection mechanisms are still weak in terms of prevention and strong in terms of repression, without adequate balance.

Furthermore, the effectiveness of oversight mechanisms must be viewed in relation to the principle of the rule of law, which places the law as a check on power. Unchecked power tends to be abused, even if it was originally granted for legitimate purposes. In the context of the Maritime Court, the authority to impose heavy administrative sanctions must be balanced with strong and independent oversight mechanisms. When such oversight is ineffective, the risk of *detournement de pouvoir* becomes real, and seafarers, as the weaker party, will be the main victims.

⁴¹ Soerjono Soekanto, *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum*, 1st ed. (Jakarta: Rajawali Pers, 2013).

⁴² Fathurrahim et al., "The Urgency Of Shifting The Regulation Of Enforcement Of Fisheries Criminal Laws From Criminal Sanctions To Administrative Sanctions," *Jurnal USM Law Review* 8, no. 3 (2025): 1869–89, <https://doi.org/10.26623/julr.v8i3.12758>.

⁴³ Christina Aryani, "Mendorong Lahirnya RUU Keamanan Laut dalam Penguatan Sistem Keamanan Laut Nasional," *Jurnal Pembangunan Hukum Indonesia* 3, no. 2 (2021): 155–73, <https://doi.org/10.14710/jphi.v3i2.155-173>.

Within the framework of human rights protection, the effectiveness of oversight and legal protection mechanisms for seafarers is part of the state's obligation to respect, protect, and fulfill the rights of its citizens. It is not enough for the state to simply establish institutions and set procedures; it must also ensure that these institutions operate fairly and accountably.⁴⁴ When a state fails to provide effective oversight mechanisms, it can be considered negligent in fulfilling its obligation to protect the rights of seafarers. The legal implications of this situation are a weakening of the legitimacy of the maritime legal system and an increased risk of human rights violations.

Thus, so far, the effectiveness of the oversight and legal protection mechanisms for seafarers in the adjudication process at quasi-judicial institutions still faces various structural, normative, and practical limitations. The existing mechanisms are not yet fully capable of preventing abuse of authority because they are still internal in nature, lack independence, and do not provide adequate access for seafarers to obtain justice. Under these circumstances, *detournement de pouvoir* is not only a theoretical possibility, but a real risk that threatens the protection of seafarers' rights. Therefore, strengthening oversight mechanisms, both through opening access to judicial oversight and through institutional and legal culture reform, is an absolute prerequisite for realizing an adjudication system that is fair, accountable, and in line with the principles of the rule of law and the protection of human rights.

IV. CONCLUSION

Based on the results and discussion of this study, it can be concluded that the main weakness of the regulations governing the Maritime Court lies in the affirmation of the final nature of its decisions, which are not accompanied by adequate judicial oversight and rights restoration mechanisms, thus creating vulnerability to restrictions on seafarers' rights to obtain justice, fair legal certainty, and protection from potential abuse of authority in the adjudication process in quasi-judicial institutions. The implications of these findings demand serious attention from policymakers to review the normative construction of the Maritime Court's authority so that it is in line with the principles of the rule of law and the protection of constitutional rights, while also opening up space for academics to enrich the discourse on administrative law and maritime law through a critical approach that places legal subjects at the center of analysis. Therefore, this study recommends improving legal norms by reconstructing the meaning of finality of judgments so as not to close access to judicial review, restructuring institutions to strengthen the independence and accountability of the Maritime Court, and strengthening legal education for seafarers so that they understand their rights and the available legal protection mechanisms. However, this study has limitations because it focuses on normative analysis and has not explored empirical data on adjudication practices and the concrete experiences of seafarers. Therefore, further research should combine a normative approach with empirical or comparative cross-country research

⁴⁴ Cahyadi, "Perlindungan Hukum Pelaut Di Kapal Indonesia Berbasis Nilai Keadilan."

in order to obtain a more complete picture of the effectiveness of legal protection for seafarers in the maritime legal system.

ACKNOWLEDGMENTS

The authors express their deepest gratitude to the academic and professional communities that have supported the completion of this research. This study is part of an ongoing effort to strengthen the protection of seafarers' constitutional rights within the Indonesian maritime legal system, particularly in response to the normative challenges arising from the finality of Maritime Court decisions. The authors also acknowledge the valuable inputs from colleagues and reviewers whose critical feedback has enriched the legal reasoning and analytical depth of this article. Furthermore, appreciation is extended to the Faculty of Law, Universitas Khairun, and the Faculty of Law, Universitas Muhammadiyah Maluku Utara, for providing institutional support and facilitating access to legal resources essential for this normative inquiry. The authors hope that this research contributes meaningfully to the discourse on administrative law, quasi-judicial institutions, and human rights protection in the maritime sector, and serves as a foundation for policy reform that ensures substantive justice and fair legal certainty for seafarers in Indonesia.

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