

Legal Remedies for Preventing Uncertified Vessels: Following Their Expertise for Shipping Safety

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Artikel	Abstract
<p>Keywords: skipper; shipping safety; nautical expert certificates</p> <p>Artikel History: Published: Oktober 2022</p> <p>DOI: 10.30999/jph.v5i1.2403</p>	<p><i>Shipping safety is very important and occupies a central position in all aspects of the shipping world. Aspects inherent in shipping safety include characteristics, attitudes, values, and activities regarding how important it is to meet safety and security requirements related to transportation in water and ports. Shipping safety in Indonesia, especially when many crew members do not have certificates according to their expertise or are fake affects the safety of the skipper, the crew, and the passengers or goods they carry because it will have a negative impact. This research method was carried out using a Normative Juridical approach because in this study the source of legal material for laws and regulations. The method used is a method of approaching laws that are carried out by reviewing the laws and regulations handled. This study takes the example of a case regarding the forgery of a Level IV Nautical Expert Certificate based on the decision of the Subang District Court Number: 246/Pid.B/ 2020/ PN.Sng by a defendant named Sakban (57) who was proven to have forged a Level IV Nautical Expert Certificate in 2016 and was caught in 2020. The results of his research are the consequences caused by ship crews who do not have a certificate of expertise under their expertise can affect the safety of their voyages themselves if there are many crew members and ship captains who are not competent in their fields. There is also still weak supervision carried out by law enforcement officials and kesyabandar to prevent the rampant forgery of expertise certificates, especially for the crew and the skipper, so there are many loopholes for perpetrators of forgery of expertise certificates, especially in the shipping world.</i></p>

Introduction

Sea transportation facilities around the world, particularly in Indonesia, always prioritize safety and security, as well as affordability, speed, punctuality, and comfort. The occurrence of ship accidents such as sinking, burning, ship collisions, and others are problems related to the safety and security of sea transportation. The Directorate General of Sea Transportation has issued policies for preventing ship accidents in order to implement this increase in shipping safety, such as making shipping information about increasing supervision of shipping safety for passenger ships and making information about weather conditions in Indonesian waters, such as telegrams regarding the readiness of severe weather at sea. Shipping safety is very important and occupies a central position in all aspects of world cruises. Aspects inherent in shipping safety include characteristics, attitudes, values, and activities regarding how important it is to meet safety and security requirements related to transportation in waters and ports. Neglect of shipping safety tends to increase economic and environmental costs, such as decreased production, medical costs, pollution, and inefficient energy use. This low shipping safety can be caused by weak human resource management (education, competence, working conditions, working hours) and process management.

Maritime safety and security must be prioritized in shipping to support the smooth operation of sea transportation in Indonesia as an archipelagic country. Indonesia has sovereignty over the entire sea area of Indonesia, so it has a sufficient role both for the means of unifying the nation and territory of the Republic of Indonesia as well as the sea as an invaluable national asset and the future of Indonesia. Control of the sea has the result that the government is obligated to carry out marine law enforcement in the field, both against the threat of violations, the use of waters, and the maintenance and creation of optimal shipping safety. Shipping safety in Indonesia, particularly when many crew members lack or falsify certificates based on their expertise, has an impact on the safety of both the crew and the passengers or goods they transport. For example, one of the negative impacts of a crew member who does not have a certificate that matches his expertise is a ship captain who does not have a certificate of expertise but can still go to sea because he uses an inappropriate or fake certificate. This can result in things that endanger passengers, crew, and the goods they carry, such as ship accidents due to the negligence of a ship captain who does not have qualified expertise because the ship's crew is not ready to carry out his duties as a ship captain because he does not attend training education at the Ministry of Sea Transportation and does not have a certificate of expertise in accordance with his position. However, because he wanted to become a nahkoda without having to go through education and training, the crew committed fraud with criminal acts in the form of forging a nautical expert certificate as one of the conditions to become a ship captain. A conscientious attitude should be possessed by a

supervisor so that there is no fraud or falsification of data or files and that events like this are not rampant in the community.

One of the cases that occurred related to shipping safety with crew members who did not have a certificate of expertise in accordance with their expertise was when a ship crew member applied for a job to PT ASL Marine using a Level V Nautical Expert Certificate and was accepted to serve as a captain on the TB ASL Abadi 3 ship. However, because the defendant wanted to remain a ship captain, his intention was to participate in registration to become a participant in the Level IV Nautical Training at the Balai Pendidikan Penyelenggaraan dan Peningkatan Ilmu Pelayaran (BP3IP) through someone else in order to directly obtain a Level IV Nautical Expert Certificate. What this defendant did was very risky if it happened everywhere, just as there would be many accidents because the abk or nahkoda was not worthy of the nautical expertise test but because he wanted to get a position so as to forge a certificate for the sake of his position even though he was not worthy to sail into a nahkoda. Another case in point occurred with an Indian citizen who was arrested for using a fake nautical expert certificate issued by the Indonesian Ministry of Maritime Transportation. Whereas the Ministry of Transportation has never issued a certificate of expertise to foreign crew members and has confirmed that the rumored Indonesian seafarer's certificate owned by an Indian citizen abk is invalid or fake. In this case, some legal rules in certain respects turned out to be inconsistent, resulting in the rampant forgery of nautical expert certificates. Therefore, the author wants to examine what the consequences are for shipping safety when the ship's Nahkoda uses a certificate that does not match its expertise. and How are preventive efforts in shipping safety used to minimize Nahkoda ships that do not have certificates that match their expertise?

Methodology

The method used in this study is a normative-juridical approach, namely testing and reviewing secondary data. Secondary data sources for this study include: i) primary legal materials, namely binding legal materials; ii) secondary legal materials, namely legal materials that provide explanations for primary legal materials, such as doctrines, scholarly works, journals, and other writings of scientific significance; and iii) tertiary legal materials, namely legal materials that provide instructions and explanations to primary legal materials and secondary legal materials.

Data analysis is carried out descriptively and qualitatively. The specifics of this study use descriptive analytics, namely presenting data that aims to obtain a complete picture of certain legal events that occur in society to be analyzed based on relevant rules. With regard to the normative-juridical approach used, the research is carried out in two stages, namely literature studies and field research, which is only supportive. The data analysis used is qualitative juridical analysis,

namely, the data obtained, both in the form of secondary data and primary data, were analyzed without using statistical formulations.

Results and Discussion

Consequences in Shipping Safety Attributed to Ship Nahkoda Who Lack a Certificate Based on Their Expertise

The State of Indonesia is a country of law that has rules for providing provisions for actions. One of the main characteristics of a legal state lies in the assessment of actions carried out by society on the basis of legal regulations. The law is the set of rules that take care of the order of a society and therefore must be obeyed by that society.¹ Indonesia is a country based on the law (*rechtstaat*), as is clearly affirmed in the 1945 Constitution. This means that Indonesia is a democratic legal state based on Pancasila and the 1945 Constitution, upholding human rights and guaranteeing equal standing for every citizen in law and government.²

Indonesian criminal law is composed of a codified system and an out-of-codification system. The codified system is what is contained in the Criminal Code, and in the Criminal Code itself are various types of crimes that are classified as criminal acts, which can be punished. Outside the Criminal Code, there are also various arrangements regarding what acts can be punished with criminal sanctions. The law plays a critical role in maintaining social order. Therefore, the law is codified, and the Criminal Code, the Criminal Procedure Code, the Civil Code, the Civil Procedure Code, the Trade Law Book, and others contain orders, prohibitions, and sanctions. The law has sanctions, so the act of enactment is coercive. It is referred to as *lex perfecta* due to the fact that there are sanctions. Specifically, regulations are followed by sanctions (legal consequences). This means that there are regulations prohibiting or otherwise requiring the commission of an act, where the act is accompanied by provisions on sanctions if violated.³

Sanctions or punishments are the result of the application of law, whose meaning is broader than the criminal sense because it also includes the decisions of judges in the field of civil law.⁴ Sanctions are suffering given or caused by criminal acts by a person after a violation, crime, or mistake has occurred. Sanctions are one of the indicators that improve the course of an education's process of explaining a person's behavior so that, in the future, it can be overcome. Criminal acts according to the Criminal Code (KUHP) are divided into crimes (*misdrivjen*) and violations (*overtredingen*). Criminal acts are a social

¹ Wirjono Prodjodikoro, *Asas-Asas Hukum Pidana Di Indonesia*, 2nd ed. (Bandung: Eresco, 1986).

² Evi Hartanti, *Tindak Pidana* (Jakarta: Sinar Grafika, 2005).

³ *Ibid*, p. 18.

⁴ Barda Nawawi Arief, *Teori-Teori Dan Kebijakan Pidana: Masalah Pemidanaan Sehubungan Dengan Perkembangan Delik-Delik Khusus Dalam Masyarakat Modern* (Bandung: Alumni, 1992).

phenomenon that often occurs in this world and may not end in line with the development of social dynamics that occur in society. Even today, there are many criminal acts of forgery with various forms that point to their increasing complexity among the various types of criminal acts that occur in society, one of which is the crime of forgery. In his book, Chairul Huda explained that the basis for the existence of a criminal act is the principle of legality, while the basis for the conviction of the maker is the principle of guilt. This means that if the person who committed the crime committed any wrongdoing, he will be convicted.⁵ Therefore, criminal liability is the responsibility of people for the criminal acts they committed, so it is essentially a mechanism established by criminal law to react to violations of the "agreement to refuse" a certain act.⁶

The crime of forgery, or the "crime of forgery," is a crime in which something appears from the outside as if it were true, when in fact it contradicts the truth.⁷ Simons defines a criminal act (*delict strafbaar feit*) as an unlawful act committed intentionally or unintentionally by a person whose actions are accountable and have been declared a punishable act by law.⁸ Those who are sentenced to criminal sanctions according to the Criminal Law are those whose acts are, by law, declared subject to the law. In this case, a principle of *Nullum Delictu* is known: *Nolla Poena Sine Praevia Lege Poenali*. As a result of this principle, an event may be subject to criminal punishment under the power of customary law. So a judge cannot impose a sentence on an event that is not expressly referred to and outlined in the statute. Criminal acts (*delik*) have the following conditions: 1) fulfilling the elements contained in the formulation of the *delik*; 2) the perpetrator can be held accountable for his actions; 3) the perpetrator's actions were done intentionally (*dolus*) or unintentionally (*culpa*); 4) the offender is punishable; and 5) the circumstances accompanying the act that qualify as a condition of the accompanying circumstances.

Crime is synonymous with a violation of the law. A crime is an act that is done intentionally (*doleus*) and is committed in a conscious state with a certain intention to benefit oneself but harms others or society. Crime can now happen anywhere; one form of crime that is quite common in society is counterfeiting. The crime of forgery is a crime that contains an element of untruth or falsehood about something or someone, which at first glance appears from the outside as if it were true or genuine, when in fact it contradicts the truth. The crime of forgery is contained in Book II of the Criminal Code, which is grouped into 4 groups,

⁵ Agus Rusianto, *Tindak Pidana dan Pertanggungjawaban Pidana* (Surabaya: Kencana Prenada Media Group, 2015).

⁶ Kornelia Melansari D. Lewokwda, "Pertanggungjawaban Pidana, Tindak Pidana Terkait Pemberian Delegasi Kewenangan, , Volume 14 Nomor 28," *Jurnal Mimbar Keadilan* 14, no. 28 (2018).

⁷ Adami Chazawi, *Kejahatan Terhadap Pemalsuan* (Jakarta: Rajawali Pers, 2000).

⁸ H. Sadjiono, *Hukum Pidana Dalam Jabatan* (Yogyakarta: Laksbang Justitia, 2021).

namely:⁹ 1) the crime of perjury (Chapter IX); 2) the crime of counterfeiting money (Chapter X); 3) the crime of forgery of stamps and marks (Chapter XI); and 4) the crime of forgery of letters (Chapter XII).

In its development among the various kinds of criminal acts of forgery, the criminal act of forgery of letters has experienced such a complex development because, if you look at the forged object, namely a letter, it certainly has a very broad meaning. The definition of "making a fake letter" is to make the content similar to what it should be or to make a letter in such a way that it shows the origin of the letter that is not true. whereas the definition of falsifying a letter is to change it in such a way that its contents become different from the original content. Methods of forging letters vary; some forge signatures, forge the identities of others, or buy letters from people who make fake letters as if the letter is genuine.

Wirjono Projodikoro said that the criminal act in Article 263 paragraph (1) of the Criminal Code is called "qualification," i.e., "forgery of letters (*valscheid in geschrift*)" with qualifications in the first letter, a letter that can issue a right, an agreement, or an exemption from debt, and the second letter intended to prove the incident.¹⁰ From the list of forgery crimes listed above, forgery of letters is one that is still on the rise among the general public. From Article 263 of the Criminal Code to Article 276 of the Criminal Code, the regulation regarding the forgery of this letter is regulated. Forgery of letters in Article 263 of the Criminal Code consists of two forms of criminal acts, formulated in paragraphs (1) and (2), respectively. Based on the elements of the act, forgery of letters in paragraph (1) is called making fake letters and forging letters, while forgery of letters in paragraph (2) is called using fake letters or forging letters. Although these two verses are interconnected, the position of both stands alone, where different places and times of the crime can be committed by the same maker.¹¹ Initially, the title of "bachelor" was evidence and an indication that a person had succeeded in mastering certain sciences, so they were believed to have certain competencies or expertise based on science.

Based on Government Regulation No. 7 of 2000 concerning Marine Affairs, to be able to work on a ship or work in the shipping world as a crew member or captain, seafarers must have a qualification of expertise or skill. That expertise or skill is stated in the marine certificate. What is meant by a "marine certificate" is a valid marine document. The use of a professional title for someone who has a position is very important. However, in the laws and regulations, there is a prohibition on titles being used without rights by a person; this is in accordance with the formulation of Article 28 paragraph 7 of Law No. 12 of 2012 concerning universities, which reads, "Individuals without rights are prohibited

⁹ Adami Chazawi, *Kejahatan Mengenai Pemalsuan* (Jakarta: PT Raja Grafindo Persada, 2002).

¹⁰ Wirjono Projodikoro, *Tindak-Tindakan Pidana Tertentu Di Indonesia* (Bandung: Refika Aditama, 2010).

¹¹ *Ibid*, p 137.

from using academic degrees, vocational degrees, and/or professional titles." Criminal law sanctions are also waiting for everyone who uses an academic or professional degree without rights; the provision of imprisonment and fines regulated in Article 93 of Law No. 12 of 2012 concerning Higher Education can be subject to sanctions with imprisonment for 10 (ten) years and/or a maximum fine of Rp. 1,000,000,000 (one billion rupiah).

The imposition of sanctions that are quite severe does not necessarily discourage a person from doing anything for the sake of public recognition, that a person has a high educational background, which is indicated by a degree.

The imposition of severe sanctions does not necessarily shrink the guts of a person to do everything possible for the sake of public recognition, assuming that a person has a high educational background, which is indicated by a degree.¹² The reality is that cheating in the world of education has now become a moral disease for which there is no cure, and it has infected all levels of education. Not only the learners However, teachers, employees, and public officials also did not escape cheating in the world of education. There are also degrees, educational diplomas, or skill certificates that are forged just to be able to become an official or apply for a job. A diploma or certificate of education or skill is proof and a requirement for a person to attend school or obtain a position in a higher paying job. The factors that usually occur in the falsification of diplomas or certificates of expertise are due to the opportunity and desire to make it easier to obtain a diploma or certificate of expertise in order to get it instantly without having to attend education or training.

The rampant forgery of expertise certificates in the shipping world will greatly affect the community because it is very detrimental to the passengers of the ship and the crew itself, as well as the goods it loads, because it can threaten safety in shipping. Even worse, the people involved in the practice of making fake certificates of expertise are the shipping officials themselves. If this is allowed and becomes a habit for people to make fake certificates, there will also be more and more captains or crew members who are not competent in their fields but can work on the ship and serve on the ship, even though the crew does not have a qualified license or certificate of expertise to serve on the ship. One of the cases of expertise certificate forgery involving a captain of the TB ASL Abadi 3 ship in the Patimban water area of Subang Regency, West Java. It is known that the defendant, Sakban bin Ridwan (57), was proven to have forged a Level IV Nautical Expert Certificate. The defendant forged a Level IV Nautical Expert Certificate. Starting in 2015, the defendant applied for a job at PT ASL Marine using the original Level V Nautical Expert Certificate and was accepted for a position as a captain on the ship TB ASL Abadi 3. Because the defendant wanted

¹² Muhammad Ridwan Lubis, "Kebijakan Hukum Penanggulangan Tindak Pidana Menggunakan Gelar Akademik Palsu," *PKM Maju UDA: Vol 2 No 1 (2021): Edisi Bulan APRIL 2021*, 2021, <https://doi.org/10.46930/pkmmajuuda.v2i1.1184>.

to transfer duties to a larger ship and still get a position as a nahkoda on another ship, but to get the position of nahkoda on a larger ship, one must have a Level IV Nautical Expert Certificate, so the defendant inevitably had to attend education and training at the BP3IP. However, taking part in this education and training takes a significant amount of time in order to obtain a Level IV Nautical Expert Certificate. Then the defendant's intention arose to obtain the Level IV Nautical Expert Certificate instantaneously without having to go through a lengthy education and training process by purchasing a Level IV Nautical Expert Certificate through an individual making a fake skill certificate. Without thinking long and hard about the consequences of falsifying the certificate of expertise, the defendant purchased the Level IV Nautical Expert Certificate in 2016 without going through the process of sailing education and training in order to advance in his career. Furthermore, a Level IV Nautical Expert Certificate dated March 16, 2016 with certificate number 6200090939M40216 was issued on behalf of the defendant after making an online update. In 2018, armed with a level IV (fake) nautical expert certificate, the defendant finally moved to duty on the TB ASL Delta ship still owned by PT ASL Marine, and the defendant got the same position as a captain on the TB ASL Delta ship and began operating in November 2018 at the Patimban port construction project in the Subang Regency water area in the field of towing tug (mud-loaded barge). The defendant, as a ship's captain, carried documents consisting of: 1) a Level IV Nautical Expert Certificate; 2) a letter of confirmation and validity of the certificate according to the provisions of the international convention on training standards, certification, and guard duty; 3) letters of education and marine; 4) a Basic Safety Training (BST) skill letter; 5) a seaman's book; 6) a letter of sea employment agreement; and 7) an identity card.

On September 22, 2020, polairud police were patrolling the Patimban water area of Subang Regency to anticipate and overcome kamtibmas disturbances in the waters when the West Java Regional Police detected a tug boat or mud-laden ship, namely the TB ASL Delta ship, which was captained by the defendant and was throwing anchor. Then the polairud team approached the TB ASL Delta ship to check the documents of the ship, the nahkoda, and the crew. During the investigation, Poloirud police discovered 1 Nautical Expert Certificate Level IV Management of the Ministry of Sea Transportation number 620009093M40216 in the name of the accused Sakban, which was allegedly fake because there was no name of the accused after being traced at the school of the BP3IP. According to a letter from the Center for Education for the Implementation and Improvement of Shipping Science, the Transportation Human Resources Development Agency of the Ministry of Transportation (SM.106 / X / 1384 / BP3IP / 2020) dated October 5, 2020 regarding the identification of the COC / COP Certificate made and signed by the Director of the Center for Education for the Implementation and Improvement of Shipping Science, Sakban (the def. According to the defendant's testimony, the reason the defendant wanted to obtain a Level IV Nautical Expert Certificate was because to remain a ship captain

at PT ASL Marine, he must now at least have a Level IV Nautical Expert Certificate, while the defendant only had a Level V Nautical Expert Certificate. The Judge of the Subang District Court declared the defendant Sakban (57) legally and conclusively guilty of committing a criminal act of falsifying competency certification that was proven to be false and sentenced the defendant to imprisonment for one year and eight months and a fine of Rp. 100,000,000,- (one hundred million rupiah) and a sentence of three months confinement.

If this continues to occur, the forgery of certificates of expertise, especially the nautical expert certificate in the shipping world, will cause fatal events. Because every level of nautical expert is mandatory to be studied by the crew, especially on the Nahkoda ship, for example, from the Level V nautical expert level to the Level IV nautical expert level, there is some education that must be done because there are lessons that are not learned at the Level V nautical expert level. If it is not followed, of course, it can cause things that will threaten the safety of the lives of passengers, ship crew, and the ship's cargo itself, for example: 1) Ship accidents caused by negligence by ship crews because they are incompetent in their fields because they have never attended shipping education and training, namely, more and more crew members who are not competent in the shipping world and the increasing prevalence of people making fake skill certificates because such is the opportunity to buy and sell fake skill certificates.

Basically, the police, shahbandar, and other shipping supervisory authorities can investigate the criminal act of forging the certificate of expertise possessed by the Nahkoda and crew of the ship. Therefore, it is necessary to have the togetherness of all parties, including the police, Shahbandar, KPLP, and the community, also play a role in supervising and preventing the forgery of expertise certificates so that order and legal certainty can be realized in society.

Prevention Efforts in Shipping Safety: Minimize Ship Captains Who Do Not Have a Certificate of Expertise That Does Not Match Their Expertise

Prevention of criminal acts of forgery of shipping expertise certificates, namely by preventive and repressive efforts, where preventive and repressive efforts are part of crime prevention, The differences between preventive and repressive efforts in tackling criminal acts are as follows:

Preventive Attempts

According to Sutherland and Cressey, crime prevention can be done in several ways: (a) altering possible offenders using certain techniques; (b) correcting or exiling those found to be fond of committing crimes; and (c) eliminating or limiting the conditions of society that are encouraging towards crime. Regarding the sentencing system, although it is recognized as an important tool to fight crime, it is not the main factor capable of preventing crime. Develop behavior through education, expand or deepen traditions, and establish contact or mutual understanding between those who prioritize the assessment of norms

and those who are challengers to those norms.¹³ According to Rust S. Cavan, to deal with the problem, its prevention must start in childhood and adolescence. The prevention efforts, then, require direction on the following:

First, community reorganization The term "community reorganization" refers to the encouragement of people from all walks of life to participate in the prevention effort. Second, family reorganization It is uncommon to come across parents who do not wish for their children's happiness. Relatively speaking, there are also many parents who are more concerned about their own happiness. In relation to the issue of prevention, it is proposed that there be a counseling center that deals with marriage and provides clues. Third, emotional and mental disorders require a means of direction for crime prevention, so those who commit crimes due to emotional and mental distress also need a counseling center.

Cavan also believes that the problem of preventing delinquency and crime should impose accountability on all members of society. According to Walter C. Reckless, the main problem in crime prevention is an effort to develop legal awareness, so this legal awareness problem is a major element that supports crime prevention. Reckless also expressed the importance of instilling solid moral fibers, or what he called "strong moral fiber." Steadfast trust, strong ideals, and high judgments can strengthen moral fibers; for the performance of such a task, it is necessary for authoritative figures to give indoctrination and suggestion.

Non-penal efforts in the form of prevention without using criminal penalties such as the application of fines and administrative sanctions Another non-penal effort that is no less important is community mental health planning, as for criminal policies to combat crimes that are non-penal in nature through SPP typology as follows: First, primary prevention is directed both to the community as potential victims and perpetrators of crimes that have not yet been caught or as potential perpetrators of activities, which in this case can be the abstract mental health of the community and can also be physical and technological. Second, secondary prevention, which is an action directed at a certain group of perpetrators, potential perpetrators, or victims In this case, the forms of prevention are as abstract as the cultivation of professional ethics. Third, tertiary prevention is the application of preventive measures to specific types of criminal offenders as well as victims of specific crimes.¹⁴

Crime prevention can also be done with legal counseling. Legal counseling is an action that is commonly carried out so that it will not be difficult its implement, it is necessary to know that legal counseling is one of the activities of disseminating information and understanding legal norms and applicable laws and regulations to realize and develop public legal awareness to create a legal culture in the form of orderly and obedient or obedient to legal norms and applicable

¹³ Edwin H. Sutherland, Donald R. Cressey, and David F. Luckenbill, *Principles of Criminology* (New York: AltaMira Press, 1992).

¹⁴ M. Ali Zaidan, *Kebijakan Kriminal* (Jakarta Timur: Sinar Grafika, 2016).

laws and regulations for the establishment of supremacy law.¹⁵ The function of legal counseling is as follows: (a) Counseling as a preventive measure (Preventive) is to prevent the emergence of negative and destructive things that can result in harm to society. (b) Counseling as a corrective measure is to serve as a correction to existing things so that if there is something that violates the law, it can reduce the impact or eliminate it. (c) Counseling as a maintenance step (Preservative) is to encourage to foster enthusiasm to participate in legal development under their respective abilities and positions. (d) Counseling is a function of development, namely providing encouragement and input on something so that the community can be more independent and not dependent or relying on other parties.¹⁶

Preventive efforts that can be made in the case of forgery of nautical expert certificates include first conducting education, especially among prospective crew members and coastal area communities, most of whom work in shipping, so that people are not easily tempted by the lure of offers from individuals who buy and sell fake nautical expert certificates to get certification instantly without going through shipping education and training. Second, provide counseling to describe the impact and consequences that occur if they forge or buy and sell fake nautical expertise certificates to the community, especially prospective crew and Nahkoda in shipping education and training centers. Third, providing education to the public, especially prospective crew members and ship captains, about the sanctions that can be given to criminals for forgery of expertise certificates

Providing education to the public, especially prospective crew, about actions that fall into the category of criminal acts such as forgery of expertise certificates and explaining the fatal consequences of forging expertise certificates is also given, as is an overview of the punishment that awaits the perpetrators of forgery of expertise certificates.

Repressive Attempts

Repressive measures according to the KBBI repressive tindakan is an act that is oppressive, restrictive, restrained, oppressive, and healing. Repressive measures restore harmony that was once disturbed due to the occurrence of a violation by imposing sanctions in accordance with the violations committed. This measure is also aimed at conducting preventive measures against possible violations of social norms.

Repressive efforts that can be made to prevent the criminal act of forgery of nautical expert certificates, if associated with the crime of forgery of nautical expert certificates, are (a) strictly cracking down on perpetrators and individuals making false expertise certificates for crew members and ship captains. (b) Make improvements in the implementation of supervision carried out by the

¹⁵ Zamrony, *Buku Panduan Kuliah Kerja Nyata Pemberdayaan Hukum Masyarakat Pengguna Pengadilan* (Yogyakarta: Pusat Kajian Anti (PuKAT) Korupsi, Fakultas Hukum, Universitas Gadjah Mada, 2009).

¹⁶ *Ibid*, P.161-162.

shahbandar, especially regarding supervision on the documents of the crew members, skipper, and ship documents, as well as the ship's seaworthiness, in anticipation of the forgery of ship certificates of expertise or documents.¹⁷

Conclusion

In the description and analysis of the two problems in this study, it can be concluded as follows: First, the forgery of a certificate of expertise is a crime or a criminal act classified as a crime of forgery of letters. From the case of the forgery of a Level IV Nautical Expert Certificate carried out by the defendant on behalf of Sakban as a ship's captain, it shows how lacking supervision and prevention of forgeries of nautical expert certificates are. As a result, the crew and crew who do not have a certificate in accordance with their expertise can threaten the safety of passengers on the voyage itself because it can cause an increased risk of accidents caused by a ship captain or crew member who does not have expertise in their field because they do not conduct education and training at the shipping training center. The growing number of incompetent crew and skipper ships is the result of a large number of people buying and selling fake expertise certificates so that prospective crew and skipper ships can obtain nautical expertise certificates without having to attend training and education. Second, efforts to supervise and prevent counterfeiting crimes with preventive prevention efforts, such as counseling the public, particularly prospective crew and skippers, to educate them on the consequences of the criminal act of forging nautical expert certificates and how perpetrators of nautical expert certificate falsification will be sanctioned. Repressive prevention efforts can be carried out by strictly cracking down on individuals who make, buy, and sell fake nautical expert certificates.

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¹⁷ Dafid Ginting and Roma Helmauli Samosir, "Proses Penerbitan Certificate of Competency (COC) dan Certificate of Proficiency (COP) Oleh Kementerian Perhubungan" 2, no. 1 (2020), <http://ejournal.poltek-amimedan.ac.id/index.php/jme/article/view/21>.

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