

**RESPONSIBILITIES OF THE CAPTAIN IN A SHIP COLLISION
BETWEEN KM TANTO BERSINAR AND TB MITRA JAYA XIX WHO
ATTRACTED TK MAKMUR ABADI V IN THE WATERS AROUND
BUOY NO. 3 WEST SURABAYA SHIPPING CHANNEL (APBS)
(Study Decision of Shipping Court Number : HK.212/08/VI/MP/2022)**

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ABSTRACT

The Captain has responsibility for the safety and security of the ship during the voyage, including when an accident occurs due to his negligence or gross error. Based on this description, researchers are interested in conducting research on the Captain's Responsibility for Ship Collision Accidents (Study of Shipping Court Decision Number HK.212/08/VI/MP.2022)

The formulation of the research problem is what are the responsibilities of the Captain in a ship collision between KM Tanto Bersinar and TB Mitra Jaya XIX who attracted TK Makmur Abadi V in the waters buoy No. 3 West Surabaya Shipping Channel (APBS) (Study of Shipping Court Decision Number : HK.212/08/VI/MP.2022). The method used in this research is normative juridical with analytical descriptive research specifications. The data source used is secondary data by collecting and using literature studies presented in narrative text, and the data analysis method used is normative qualitative.

The results of the research and discussion show that The Captain of KM Tanto Bersinar did not carry out his responsibilities as a Captain or ship leader because he did not implement the provisions in Article 138 paragraphs (2) and (3) of Law No. 17 of 2008 concerning Shipping. The Captain of KM Tanto Bersinar continued to operate his ship even though it did not meet seaworthiness requirements and did not report the actual condition of the ship to the Syahbandar. Apart from that, the Captain of TB Mitra Jaya XIX did not carry out his responsibilities as a Captain or ship leader because he did not implement the provisions in Article 138 paragraph (2) of Law 17 of 2008 concerning Shipping. The Captain of TB Mitra Jaya XIX does not show the hull navigation lights of the barge being towed. Therefore, the mistake of the Captain of KM Tanto Bersinar and TB Mitra Jaya XIX by not carrying out their responsibilities cause a ship collision between KM Tanto Bersinar and TB Mitra Jaya XIX in The Water Around Buoy No. 3 West Surabaya Shipping Route (APBS).

Keywords : *Responsibility, Captain, Ship Collision*

**TANGGUNG JAWAB NAKHODA DALAM PERISTIWA TUBRUKAN
KAPAL ANTARA KM TANTO BERSINAR DAN RANGKAIAN TB MITRA
JAYA XIX YANG MENARIK TK MAKMUR ABADI V DI PERAIRAN
SEKITAR BUOY NO. 3 ALUR PELAYARAN BARAT SURABAYA (APBS)
(Studi Putusan Mahkamah Pelayaran Nomor HK.212/08/VI/MP.2022)**

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ABSTRAK

Nakhoda memiliki tanggung jawab terhadap keselamatan dan keamanan kapal selama pelayaran termasuk ketika terjadi peristiwa kecelakaan disebabkan karena kelalaian atau kesalahan besar yang dilakukannya. Berdasarkan uraian tersebut, peneliti tertarik untuk melakukan penelitian tentang Tanggung Jawab Nakhoda Terhadap Kecelakaan Tubrukan Kapal (Studi Putusan Mahkamah Pelayaran Nomor HK.212/08/VI/MP.2022)

Rumusan masalah penelitian ini adalah bagaimana tanggung jawab Nakhoda dalam peristiwa tubrukan kapal antara KM Tanto Bersinar dan TB Mitra Jaya XIX yang menarik TK Makmur Abadi V di Perairan Sekitar buoy No. 3 Alur Pelayaran Barat Surabaya (APBS) pada Putusan Mahkamah Pelayaran Nomor HK.212/08/VI/MP.2022. Metode yang digunakan dalam penelitian ini adalah yuridis normatif dengan spesifikasi penelitian deskriptif analitis. Sumber data yang digunakan adalah data sekunder dengan pengumpulan dan menggunakan studi kepustakaan yang disajikan dengan teks naratif, dan metode analisis data yang digunakan adalah normatif kualitatif.

Hasil penelitian dan pembahasan menunjukkan bahwa Nakhoda KM Tanto Bersinar tidak melaksanakan Tanggung Jawab sebagai Nakhoda atau Pemimpin Kapal sebagaimana dalam Pasal 138 ayat (2) dan (3) Undang-Undang No. 17 Tahun 2008 tentang Pelayaran. Nakhoda KM Tanto Bersinar tetap menjalankan kapalnya meskipun dalam kondisi tidak memenuhi persyaratan kelaiklautan dan tidak melaporkan keadaan kapal yang sebenarnya kepada Syahbandar. Disamping itu, Nakhoda TB Mitra Jaya XIX tidak melaksanakan Tanggung Jawab sebagai Nakhoda atau Pemimpin Kapal sebagaimana dalam Pasal 138 ayat (2) Undang-Undang No. 17 Tahun 2008 tentang Pelayaran. Nakhoda TB Mitra Jaya XIX tidak memperlihatkan lampu navigasi lambung tongkang yang sedang di tunda. Oleh karena itu, kesalahan Nakhoda KM Tanto Bersinar dan TB Mitra Jaya XIX dengan tidak melaksanakan Tanggung Jawabnya mengakibatkan terjadinya tubrukan kapal antara KM Tanto Bersinar dan TB Mitra Jaya XIX di Perairan Sekitar Buoy No. 3 Alur Pelayaran Barat Surabaya (APBS).

Kata Kunci : *Tanggung Jawab, Nakhoda, Tubrukan Kapal*