

ABSTRACT

This study aims to analyze the legal aspects of alleged corruption in tugboat service operations at the Port of Pangkalbalam during the period of 2020 to 2022. The suspicion of corruption arose from the fact that several vessels were not charged tug service fees, which was presumed to have potentially caused state financial losses. However, upon thorough examination, it was proven that these vessels did not fall under the category of ships that are mandatorily subject to tug service fees based on the applicable legal regulations.

The research method used is normative juridical with a statutory, case study, and jurisprudential approach. Data were obtained from case documents, maritime regulations, and relevant court decisions. The results show that the elements of state financial loss and abuse of authority were not fulfilled, leading to the decision not to proceed with prosecution. The vessels that were exempted from tug service fees were legally not required to be charged, in accordance with Law Number 17 of 2008 on Shipping, Ministry of Transportation Regulation Number PM 57 of 2015 concerning Pilotage and Towage Services, and the internal tariff policy of PT Pelindo.

Thus, there was no indication of unlawful enrichment, abuse of power, or state financial loss as stipulated in Articles 2 and 3 of Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 on the Eradication of Corruption. The internal investigation conducted by company management and supervisory units was part of the company's governance and anti-corruption control mechanism. Therefore, the case was not pursued further due to the absence of criminal corruption elements. This research recommends improving the classification system for vessels subject to towage fees and enhancing the regulatory understanding of port operational personnel.

Keywords: corruption, tugboat services, port operations, maritime law, internal investigation, legal analysis