



## Cargo Manifest Forgery by Shipping Administration Officers under Indonesian Criminal and Shipping Law

### Pemalsuan Manifest Barang oleh Petugas Administrasi Pelayaran berdasarkan Undang-Undang Pidana dan Undang-Undang Pelayaran Indonesia

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#### ABSTRAK

Penelitian ini mengkaji tanggung jawab pidana petugas administrasi pelayaran (krani) yang terlibat dalam pemalsuan dokumen pelayaran tanpa verifikasi fisik. Analisis ini merujuk pada Pasal 263 Kitab Undang-Undang Hukum Pidana Indonesia dan Undang-Undang Nomor 17 Tahun 2008 tentang Pelayaran. Fokusnya adalah pada peran ganda krani sebagai pelaksana teknis dan subjek tanggung jawab pidana, sebagaimana diilustrasikan dalam Putusan Pengadilan Negeri Nomor 323/Pid.Sus/2017/PT.DKI. Menggunakan metode hukum normatif dengan pendekatan yuridis, konseptual, dan komparatif, studi ini mengacu pada ketentuan undang-undang, doktrin hukum, dan yurisprudensi yang relevan. Temuan menunjukkan bahwa petugas pelayaran memegang posisi hukum yang krusial dalam rantai tanggung jawab korporasi. Namun, kerangka regulasi tidak memiliki batasan yang jelas mengenai wewenang dan tanggung jawab mereka. Pengadilan menyimpulkan bahwa terdakwa secara aktif menyiapkan dan menandatangani dokumen palsu tanpa melakukan verifikasi yang tepat, memenuhi unsur-unsur tindak pidana. Namun, menimpakan tanggung jawab pidana secara eksklusif kepada petugas tingkat bawah dapat berisiko penyalahgunaan kekuasaan hierarkis dan memungkinkan impunitas bagi pejabat pengawas. Studi ini menekankan perlunya norma hukum yang lebih jelas untuk membedakan tanggung jawab pidana antara personel administratif, atasan, dan entitas korporasi. Disarankan untuk memperkuat kontrol internal dan menerapkan pelatihan kepatuhan berkelanjutan guna mencegah kriminalisasi yang tidak adil terhadap staf teknis yang tidak memiliki wewenang pengambilan keputusan substansial.

#### ABSTRACT

This study examines the criminal liability of shipping administrative officers (krani) involved in the forgery of shipping documents without physical verification. The analysis refers to Article 263 of the Indonesian Criminal Code and Law No. 17 of 2008 on Shipping. It focuses on the dual role of the krani as both a technical executor and a subject of criminal liability, as illustrated in District Court Decision No. 323/Pid.Sus/2017/PT.DKI. Employing a normative legal method with statutory, conceptual, and comparative approaches, the study draws upon statutory provisions, legal doctrines, and relevant jurisprudence. Findings indicate that shipping officers hold a crucial legal position within corporate responsibility chains. However, the regulatory framework lacks explicit boundaries regarding their authority and liability. The court concluded that the defendant had actively prepared and signed falsified documents without conducting proper verification, fulfilling the elements of criminal offense. Nevertheless, assigning criminal blame solely to lower-level officers may risk abuse of hierarchical power and allow impunity for supervisory officials. The study underscores the need for clearer legal norms delineating criminal responsibility between administrative personnel, superiors, and corporate entities. It recommends strengthening internal controls and implementing continuous compliance training to prevent the unjust criminalization of technical staff lacking substantive decision-making authority.

## INTRODUCTION

The shipping industry plays a vital role in the global economy, facilitating approximately 80% of international trade by volume (Dolumbia-Henry, 2020). When establishing a company, it is essential to take steps to brand the company. This creates a unique identity and distinguishes a company's products or services from those of other companies (Krisprimandoyo, 2024). Branding is very important for shipping companies in determining their success. This sector encompasses various components, including container shipping, bulk cargo shipping, cruise ship operations, and freight shipping. The expansion of international trade has increased the challenges and complexity of the shipping sector, driving technological advances, regulatory updates, and greater attention to environmental sustainability. The shipping industry itself has a highly complex operational structure and administrative system, characterized by a long chain of command, intensive documentation requirements, and a high level of vulnerability to legal violations and non-compliance with regulations.

Corporate crime, often associated with white-collar crime, refers to illegal acts committed by individuals who hold authority and important positions within a company's structure.

The main characteristics of this crime are its hidden nature, complexity, and widespread impact on economic stability and social order. As the business environment becomes increasingly complex, the study of corporate crime is becoming more significant in understanding its implications for business ethics and corporate governance systems.

Crime can occur in various sectors. An example is in the world of prostitution, The emergence of digital platforms has profoundly altered the landscape of prostitution, making it more accessible while simultaneously complicating regulatory efforts that rely on traditional methods. Unlike physical forms of prostitution, which can be more easily monitored and regulated through local enforcement, the digital realm presents unique opportunities for exploitation and illegal activities to flourish (Sufa et al., 2025).

Dehumanization, defined as the reduction of individuals to less than human status, is particularly relevant in this context. Historically, dehumanization has played a critical role in justifying social exclusion, discrimination, and violence (Farida et al., 2025). Essentially, corporate crime encompasses various acts that violate the law and deviate from ethical norms, such as fraud, embezzlement, insider trading, and violations of environmental protection regulations. The concept of white-collar crime proposed by Edwin Sutherland highlights that these types of violations are generally committed by individuals with high social status who hold professional roles, especially in the business environment (Langraw & Zaman, 2023).

Corporate crimes are generally not committed by a single individual, but are the result of a collective process involving the delegation of authority, division of functions, and internal working mechanisms. This raises a fundamental problem in determining who should be held criminally liable: is it the legal entity as a whole, its executive officers, or even its administrative staff?

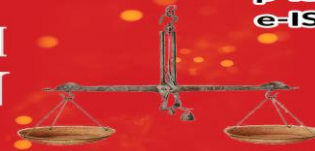
In the operational practices of shipping companies, there is a strategic position that bridges field activities and management, namely the clerk position. As a functional officer, the clerk is responsible for recording, data entry, managing documents related to cargo and ship departure schedules, as well as other administrative reporting. This role plays a crucial function in ensuring shipping operational compliance with maritime law provisions, as stipulated in Law Number 17 of 2008 concerning Shipping in Indonesia. This law establishes the authority of shipping officers, including the Harbor Master, who oversee safety and compliance at ports (Wahyudi et al., 2023) . The role of port officers includes monitoring compliance with safety standards and facilitating inspections conducted by Maritime Inspectors to ensure seaworthiness (Lumantow et al., 2024) .

Population administration in Indonesia is very important and plays a significant role in the development process and progress in the regions. Legal status is granted to citizens to guarantee access to legal protection (Pramana et al., 2024). The ship's officer plays a strategic role as an administrative official who is directly involved in the management of various shipping company legal documents, such as manifests, bills of lading, port clearance documents, and loading letters. This position places the krani not only as a technical implementer, but also as an essential part of the legal accountability structure in the shipping operational system. Referring to the doctrine of *functional daderschap*, every individual who acts within the framework of an organization and performs functions with legal consequences can be categorized as a subject who bears criminal responsibility (Liani et al., 2025) .

The provisions in Article 37 of the new Criminal Code reflect the adoption of the doctrine of *vicarious liability*, which allows for criminal liability to be imposed on individuals who are in a subordinate position in an employment relationship. In this context, supervisors may be held liable if they perform administrative duties in their capacity as permanent employees, particularly when such actions have legal consequences and should be carried out with due care and compliance with procedures. However, discretion is a crucial limitation. If it is proven that the subordinate had the capacity to refuse, clarify, or report instructions that were contrary to the law, then the liability that arises is no longer structural, but shifts to personal liability based on negligence or omission (Saipudin et al., 2025) .

This study presents a case study involving the defendant Nali (deceased), captain of the KM XYZ ship, which sailed from Kali Adem Port, North Jakarta to Tidung Island on January 1, 2017. In his capacity as captain, the defendant was fully responsible for preparing the passenger manifest, crew list, and *Master Sailing Declaration* submitted to the harbor master as a requirement for the issuance of a Sailing Permit (SPB). However, the manifest did not reflect the actual conditions on board. Official documents only recorded 100 passengers, even though the ship carried up to 220 people. Some passengers were even known to be using tickets belonging to other ships, such as KM Hasbi Jaya and KM Dolphin, causing a significant discrepancy between the administrative data and the actual situation on the ground.

The document falsification in this case was carried out by compiling a manifest based on ticket sales records without physical verification. The defendant signed the manifest and other sailing documents without ensuring the accuracy of the crew and passenger data. All of these documents were then submitted to the harbor master with the assumption that the information contained therein was valid. This action constitutes the criminal offense of document falsification, given that the false manifest was used to obtain sailing rights and directly posed a risk to passenger safety.



About ten minutes after the ship left the port, an explosion occurred in the engine room and immediately triggered a major fire. The absence of adequate safety procedures and the number of passengers exceeding capacity exacerbated the situation. A total of 23 people were reported dead, consisting of 20 victims found on board the ship and 3 others in the surrounding waters. Dozens of passengers were injured and rushed to a number of health facilities. The evacuation process was not optimal because the ship's exit route was blocked due to overcapacity. Based on the results of the investigation and the facts revealed in the trial, the prosecutor brought several charges against the defendant, including Article 302 paragraph (3) in conjunction with Article 117 of Law Number 17 of 2008 concerning Shipping on the basis of negligence resulting in death, Article 263 paragraph (1) and (2) of the Criminal Code concerning forgery and use of false documents, Article 188 of the Criminal Code concerning fire due to negligence, and Article 359 of the Criminal Code concerning negligence resulting in loss of life.

This study is limited so that the analysis remains focused and does not stray from the defined scope. The limitations applied include a primary focus on the criminal liability of *executives* in the context of corporate crime in the form of document forgery occurring in shipping companies. This study does not explore civil law aspects, such as employment disputes, termination of employment, or civil liability, except for brief mentions as contextual background. The scope of jurisdiction is limited to the national level, with the Indonesian legal system as the normative basis. The focus of the study is on general criminal law norms, particularly the Criminal Code (KUHP), sectoral provisions in the field of shipping, as well as doctrines and theories regarding corporate criminal liability that are substantively relevant to the issue under study.

Based on the background of the issues discussed above, several questions are formulated: How does the position of Krani relate to corporate criminal liability? How are the results related to the imposition of criminal sanctions in the case of cargo manifest falsification by Krani at a shipping company considered: a study of the decision of the District Court No. 323/PID.SUS/2017/PT. DKI?

In accordance with the background and problems outlined above, this study aims to systematically describe the position of the Krani position in relation to corporate criminal liability. And to analyze the considerations related to the imposition of criminal sanctions in the case of cargo manifest falsification by Krani at a shipping company: a study of court decision PN NO 323/PID.SUS/2017/PT. DKI.

This research is expected to make a significant contribution to both theoretical development and practical application in the field. From a theoretical perspective, this study enriches the discourse and development of doctrines related to criminal liability in the context of functional positions within corporations, especially for administrative-operational positions such as Krani. By examining normative limitations and legal indicators, this study also strengthens the argument regarding the urgency of distinguishing between active perpetrators and administrative executors within corporate structures.

In practical terms, the findings of this study can be used by law enforcement officials, including investigators, prosecutors, and judges, as a reference in assessing criminal liability in proportion to non-structural positions. For shipping companies, the results of this study can be used as a reference in the preparation of authority structures, compliance training programs, and the development of internal control systems to prevent the criminalization of administrative positions that do not have substantive authority.

## THEORETICAL BASIS

### The Concept of Criminal Acts by Shipping Administrative Officers

Shipping administration officials often abuse their authority, particularly in the procurement and licensing processes. Research conducted by Mubin on Indonesia's legal framework regarding abuse of authority in government procurement of goods and services shows that the shipping administration sector also faces similar risks of violations. This risk arises when officials use their position for personal gain or ignore applicable regulatory provisions (Mubin, 2025). These findings are consistent with the results of a study conducted by Linda and Prawira, which highlights the importance of analyzing the factors that encourage officials to engage in corrupt practices, especially those related to institutional weaknesses and the lack of effective oversight in the maritime governance system (Linda & Prawira, 2023).

### Models of Accountability for Shipping Administration Officers

The basis for accountability in the shipping administration system is formed through national legislation and international legal instruments, including provisions from the International Maritime Organization (IMO). Law Number 17 of 2008 concerning Shipping explicitly regulates the responsibilities of port authorities in ensuring the smooth and orderly flow of shipping (Wahyudi et al., 2023). The results of a comparative study on the level of compliance with the FAL Convention issued by the IMO show that

the implementation of these regulations plays an important role in ensuring operational accountability in the maritime sector (Agustirani, 2025) . The application of frameworks such as the International Ship and Port Facility Security (ISPS) Code further emphasizes the importance of accountability under the supervision of official authorities to ensure security and order in shipping and port operations (Hasanov & Alsulaiman, 2021).

### **The Position of Shipping Administration Officials in Corporate Offenses**

The global maritime industry is governed by very strict regulations, mainly due to its environmental impact. Recent research confirms that compliance with environmental regulations is essential to reduce pollution from shipping activities. Čović et al. identified a number of challenges in pollution prevention efforts, despite technological advances and strategies to improve accountability in maritime logistics (Čović et al., 2021) . Chlomoudis et al. also emphasize that ports must mainstream environmental issues into their operations and strengthen the link between corporate responsibility and environmental regulation (Chlomoudis et al., 2022) . In this context, shipping administrators (Krani) play an important role in ensuring that shipping practices comply with international and local regulations.

### **Corporate bodies vs. operational structure**

PT organs refer to entities that legally form an integral part of the corporate structure, which have positions, authorities, and responsibilities as stipulated in the Limited Liability Company Law (Law No. 40 of 2007). The main organs of a PT include the General Meeting of Shareholders (GMS), the Board of Commissioners, and the Board of Directors. These three are not merely administrative positions, but rather representations of the legal will of the corporation. Thus, when the statement refers to "corporate organs playing a central role in strategic management and supervision," what is meant legally are the organs of a PT that have the legal legitimacy to act on behalf of the corporation and have legal consequences for the entity (Jiang, 2022) .

### **The Concept of Shipping Administration Officer in Shipping Companies**

By definition, a secretary refers to an individual who performs administrative support and organizational task management functions. Their main activities include filing, data processing, and managing internal and external communications. The transformation of the role of corporate secretaries into a more strategic part of the corporate governance system, as stated by Ajibo et al., shows that the position of krani is no longer limited to a technical role, but has become an integral part of the administrative system that has a governance function (Ajibo et al., 2025) . This shows a broader recognition of the importance of the role of krani in supporting the overall institutional structure.

## **RESEARCH METHODS**

### **Type of Research**

Normative legal research is research that focuses on the study of legislation, court decisions, legal principles, legal systematics, legal synchronization, research on legal history, and comparative legal research. This research is prescriptive and applied normative legal research. It aims to formulate legal arguments on how criminal liability for technical administrative positions in shipping corporations should be constructed, based on positive legal norms, legal theory, and precedent. With this approach, the research not only describes the applicable legal conditions but also evaluates and offers new normative constructions to close regulatory gaps or ambiguities in corporate criminal justice practices (Soekanto & Mamudji, 2010) .

### **Research Approach**

This normative legal research uses two main approaches. First, *the statute approach*, which focuses on analyzing regulations relevant to the research topic. The regulations examined include Law Number 1 of 2023 concerning the Criminal Code, the Criminal Procedure Code (KUHP), Law Number 40 of 2007 concerning Limited Liability Companies, Law Number 17 of 2008 concerning Shipping, as well as various implementing regulations such as Government Regulations, Minister of Transportation Regulations, and technical circular letters related to shipping administration.

Second, *the case study approach* was used to conduct an in-depth analysis of Court Decision Number 323/PID.SUS/2017/PT.DKI. This decision was chosen because it contained the construction of corporate criminal liability and the involvement of subordinate employees. The case selection criteria included decisions involving business entities in the shipping or maritime transportation sector, containing issues related to the validity of administrative documents or procedural violations, and explicitly



mentioning the role or negligence of employees with technical-administrative functions such as clerks, operators, or administrators.

## Legal Materials

In normative legal research, the term used is legal material, which consists of three categories. First, primary legal materials include legislation that forms the basis for analysis of the issues under review. Documents in this category include Law No. 1 of 2023 concerning the Criminal Code, Law No. 40 of 2007 concerning Limited Liability Companies, Law Number 17 of 2008 concerning Shipping, technical regulations from the Ministry of Transportation such as Ministerial Regulation Number 39 of 2017, and court decisions related to corporate and shipping criminal liability, such as decision No. 323/Pid.Sus/2017/PT.DKI. Second, secondary legal materials include the results of literature studies, including legal literature, scientific journals, academic works, and various opinions from criminal law and business law experts relevant to the focus of the research. These sources are used to provide interpretation, analysis, and conceptual support for primary legal materials. Third, tertiary legal materials are supporting sources that provide additional understanding of legal terms and concepts, such as legal dictionaries, legal encyclopedias, and national legislation indexes. These three types of legal materials are used in an integrated manner to build comprehensive legal arguments.

## Analysis of Legal Materials

All legal materials obtained through literature studies, whether primary, secondary, or tertiary legal materials, were collected and then inventoried, classified based on the research problem formulation, and systematically arranged for further analysis (Soekanto & Mamudji, 2010). The researchers used several techniques in collecting relevant legal materials. The initial stage was carried out through searching and inventorying the legal norms contained in the Criminal Code, the Law on Shipping, and the Law on Limited Liability Companies, particularly the provisions governing the structure of accountability and administrative aspects in the shipping sector. The process of searching for court decisions was carried out by accessing the official database of the Supreme Court ([putusan.mahkamahagung.go.id](http://putusan.mahkamahagung.go.id)) and other directories, using keywords such as "corporate liability," "crani," "shipping administration," and "ship document forgery." All legal materials collected were classified according to the subject matter, covering the structure of criminal liability in corporations, technical-administrative positions such as ship's officers, and the characteristics of the shipping sector, including the types of documents that are vulnerable to misuse.

The analysis of legal materials in this study was conducted using descriptive qualitative methods. This method was used to present a comprehensive overview of the legal aspects studied using deductive reasoning to answer the legal issues that had been formulated (Soekanto, 1986). The analysis technique was carried out in several stages. First, legal interpretation was carried out, which included grammatical interpretation to understand the literal meaning of the text of the article, systematic interpretation to examine the relationship between norms in Law Number 1 of 2023 concerning the Criminal Code, and teleological interpretation to explore the normative objectives of the regulations related to administrative responsibility in order to prevent deviations in the implementation of the law.

Furthermore, legal arguments are constructed using the syllogistic method, with the major premise being the applicable legal norms, the minor premise being empirical facts from the cranial position or data in court decisions, and the conclusion being formulated as an argument about the type of criminal liability that can be applied normatively. Conclusions are drawn using a deductive approach, namely drawing legal implications from general principles to their application in specific cases, thereby producing a logical legal framework that can be applied in the context of shipping regulations.

The validity of the argument is tested through three main criteria. First, logical consistency, to ensure continuity of thought in the preparation of legal arguments. Second, normative harmonization, to ensure consistency between positive norms and applicable legal principles. Third, the argument is strengthened by referring to doctrine and jurisprudence, which provide a scientific basis while reinforcing the relevance and prescriptive accountability of the analysis results.

## RESULT AND DISCUSSION

### Result

#### The Position and Function of the Chief Officer in the Organizational Structure and Legal Accountability System of Shipping Companies

The Supreme Court decision affirms the normative obligations of ship captains and chief officers as stipulated in Article 302(3) in conjunction with Article 117(2)(a), (c), and (d) of Law No. 17 of 2008 on

Shipping. These duties encompass verifying the accuracy of passenger and crew lists, conducting physical inspections, and ensuring voyage safety. Any failure to perform these responsibilities, such as submitting false documentation or neglecting verification procedures constitutes a criminal offense, subject to penalties of up to six years' imprisonment and/or a fine of up to IDR 1.5 billion. Article 117(2) further delineates the administrative responsibility of ship officers and captains to ensure the completeness and authenticity of shipping documents.

The shipowner holds accountability for the administrative data that serve as the foundation for port authority decisions. Negligence at this level exposes systemic deficiencies that compromise safety. In a documented case, a ship officer falsified shipping data and disregarded physical checks, which degraded the monitoring system and escalated operational risks. During the ensuing incident, the lack of valid documentation impeded evacuation efforts and obstructed victim identification, thereby confirming that ship officers play an integral role not only in administrative compliance but also in the maritime safety system.

Functionally, the krani (shipping clerk) is positioned to uphold data accuracy and legal compliance to maintain shipping safety. However, in one incident, a krani submitted invalid data for the manifest and crew list, resulting in overcapacity. When a fire broke out, 23 passengers perished, and the evacuation and identification processes were severely delayed due to data inaccuracies.

Empirical findings emphasize the purser's strategic role in managing shipping documents and facilitating communication between company management, port authorities, and external stakeholders. Under corporate criminal law, violations by pursers fall within the category of systemic non-violent crimes (Gottschalk, 2023; Kumar et al., 2024). Criminal liability may be applied using the doctrines of directing mind, vicarious liability, or strict liability (Bhoobalan & Ragavee, 2024; Deru et al., 2025). Since krani personnel possess only administrative authority, their liability is constrained by authorization scope and due diligence requirements (Ajibo et al., 2025; Kulsaputro et al., 2022).

The integration of these provisions into the new Indonesian Criminal Code (Law No. 1 of 2023) reinforces the legal position of krani within the national penal framework. Articles 12–16 establish that criminal liability must be grounded in *actus reus* and *mens rea*, covering both negligent and manipulative conduct by krani. Articles 20–21 allow for the prosecution of individuals who facilitate criminal acts, including the submission of falsified data in Shipping Permit Documents (SPB).

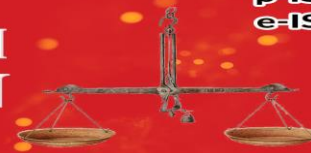
Article 49 outlines the hierarchical responsibility of corporate actors, encompassing both managerial and executive roles, in cases involving abuse of authority or gross negligence. Although Articles 31–35 and 40–44 provide for justifications or grounds for exculpation, these are not applicable when executives knowingly obey unlawful orders. Articles 54 and 56 require the judiciary to assess motive, impact, culpability, and standard operating procedure compliance when imposing penalties, in accordance with the individual's official responsibilities. Articles 86–87 authorize the revocation of public office when such positions are misused to commit legal violations (Presiden Republik Indonesia, 2023).

### **Legal Construction of Criminal Liability in Corporate Crimes: Placement of Functional Positions as Legal Subjects**

The interpretation of criminal liability for functional officials in corporate criminal acts is elaborated using grammatical, systematic, and teleological approaches. From a grammatical perspective, Article 263 of the Criminal Code and Article 302 in conjunction with Article 117 of Law No. 17 of 2008 on Shipping indicate that administrative officers, such as crane operators who falsify or neglect to verify shipping documents, may be held criminally liable if their actions contribute to accidents or fatalities (President of the Republic of Indonesia, 2008). Additionally, Articles 188 and 359 of the Criminal Code stipulate criminal sanctions for negligent acts resulting in fire or death. A systematic approach integrates provisions from Articles 51 and 55 of the Criminal Code with the Shipping Law, asserting that individuals, including those in functional positions, remain accountable when participating in or negligently facilitating legal violations.

Teleologically, criminal enforcement aims to deter administrative irregularities and uphold the standards of professionalism and accountability within technical roles. Functional officers, including crane operators, cannot claim immunity by citing corporate hierarchies or superior orders when proven to have committed negligent or unlawful acts.

Through legal syllogism, the general norm establishes that individuals who negligently or intentionally falsify documents or cause harm can be held criminally responsible. In the KM ZE case, the crane officer and captain failed to verify the passenger manifest and crew list, which led to overcapacity and a subsequent fire that resulted in 23 deaths. The court found that the actions met the legal criteria for both intentional and negligent culpability (*dolus* and *culpa*), rejecting defenses based on the execution of superior orders. Accordingly, functional officers, such as the chief engineer, are subject to criminal prosecution for administrative conduct that jeopardizes the legality and safety of maritime operations.



Various models of criminal liability, such as the identification or directing mind doctrine, vicarious liability, strict liability, and organizational fault can be applied based on the degree of involvement. Empirical evidence in shipping practices shows that administrative negligence by crane officers leads to significant losses. National jurisprudence consistently dismisses the defense of following orders when harm occurs. As such, the maritime criminal law system must adopt a framework of proportional liability for both individuals and corporate entities to ensure justice and prevent impunity.

The legal rationale for holding ship captains and administrative officers liable is validated through three analytical dimensions. First, the argument maintains legal consistency by applying deductive reasoning from general legal norms to specific administrative positions. Second, coherence exists between the Criminal Code, the Shipping Law, and corporate criminal law doctrines, which collectively treat functional officials as accountable legal subjects. Third, this reasoning is reinforced by doctrinal sources and jurisprudence, particularly in the *KM ZE* case, which underscores that reliance on superior orders cannot absolve culpability when violations lead to loss of life or injury (Direktori Putusan Mahkamah Agung Republik Indonesia, 2017; Simmons & Nelson, 2006; Wells, 2020).

This legal construct aligns with Law No. 1 of 2023 (the new Criminal Code), which codifies principles of individual and collective responsibility (Articles 36–37), excludes exculpation based on unlawful orders (Article 44), and affirms the applicability of vicarious liability, strict liability, and identification doctrines (Articles 45–50). The Criminal Code further embeds legal certainty, victim protection, and justice as foundational values (Article 51), and mandates that sentencing consider motives, the nature of the fault, and the official's involvement (Articles 54–56). Crane officers may be criminally prosecuted for violations committed within their administrative duties, whether through intentional misconduct or negligence (Article 49). Justifications or exonerations are narrowly defined and must meet objective evidentiary standards (Articles 44, 50). Consequently, the argument supporting criminal liability for functional officials is consistent with the contemporary national legal framework and offers practical applicability in maritime law enforcement ((Presiden Republik Indonesia, 2023).

## Discussion

The position of *krani* (clerk) in the shipping sector has evolved into a strategic role central to corporate governance and legal compliance. No longer limited to clerical duties, *krani* are responsible for managing key documents, such as manifests and crew lists, coordinating logistics, and ensuring operational accuracy (Irwansyah et al., 2024; Kulsaputro et al., 2022; Lam & Tang, 2023). Their function bridges management, operations, and external regulators, reinforcing governance structures and compliance with safety and environmental standards (Hu, 2023; Wandu et al., 2024; Wang et al., 2023).

However, complex organizational hierarchies and efficiency pressures expose *krani* to legal vulnerabilities, particularly when administrative discretion and responsibility boundaries are ambiguous (Marsden et al., 2020; Ratnawati et al., 2024). This was evident in the North Jakarta District Court's ruling in *KM ZE* (Decision No. 323/PID.SUS/2017/PT.DKI), where document falsification and verification failures by *krani* led to criminal liability and loss of life. The court held that such procedural violations are not mere administrative errors but constitute corporate crimes with systemic impact (Direktori Putusan Mahkamah Agung Republik Indonesia, 2017; Presiden Republik Indonesia, 2008).

Scholars view these acts as forms of white-collar crime, potentially triggering criminal liability under direct, vicarious, or strict liability models depending on the officer's role (Bhoobalan & Ragavee, 2024; Deru et al., 2025; Gottschalk & Hamerton, 2024; Kumar et al., 2024). The *krani*'s responsibility is further supported by Article 302(3) and Article 117 of Law No. 17/2008 on Shipping, and Articles 45–50 of the Criminal Code No. 1 of 2023, which stipulate individual and collective criminal liability for administrative failures (Presiden Republik Indonesia, 2023). Article 51 limits the defense of following unlawful orders.

Despite systemic pressures and informal practices like routine manifest adjustments, *krani* must uphold due diligence and personal accountability (QUIJANO & Lopez, 2021). Preventive efforts, such as strengthening internal controls, offering legal training, and defining job roles clearly are critical for building a culture of compliance (Wiriani, 2025). Maritime legal reforms must also address these vulnerabilities by defining discretion limits, safeguarding well-intentioned administrative personnel, and improving responsiveness to regulatory demands (Beño, 2021; Ratnawati et al., 2024).

From a management perspective, shipping firms are advised to adopt internal audit systems, SOP harmonization, and routine compliance training to reduce moral hazard and legal exposure (Bakhsh et al., 2023; Kravchuk, 2024). Empirical evidence from *KM ZE* reinforces the need to view administrative positions like *krani* as bearing full legal responsibility for their actions, irrespective of orders from superiors, particularly when gross negligence or intentional wrongdoing (*dolus*) is proven.

Theoretically, this aligns with doctrines of corporate criminal liability, identification/directing mind, vicarious liability, strict liability, and organizational fault (Deru et al., 2025). These frameworks assert that

individuals in strategic positions represent the corporate will and must answer for administrative decisions with legal consequences. The identification model holds *krani* accountable as corporate agents; vicarious liability extends responsibility to the corporation itself, while strict liability applies in the absence of fault if legally specified.

The study's legal argument is valid across three dimensions: logical consistency, norm harmonization, and reinforcement by doctrine and jurisprudence. It confirms that *krani*, as administrative actors, cannot evade liability under corporate structure protections when their actions result in legal or operational harm (Simmons & Nelson, 2006; Wells, 2020). Their role encompasses not just document management but also legal accountability for risks to safety, economic stability, and public welfare (Ajibo et al., 2025; Thissen & Karsten, 2025).

Administrative discretion for *krani* is therefore strictly limited to within SOP boundaries and internal controls. Any deviation due to structural pressure, negligence, or outdated practices remains legally punishable. Shipping companies must develop effective violation reporting, audit mechanisms, and consistent SOP implementation to mitigate such risks (Kravchuk, 2024).

The study also highlights the need for reform in maritime legal frameworks, including clearer authority boundaries, protections for good-faith administrative actors, and ongoing legal capacity-building. The integration of digital technologies big data, automation, and digitized records can further strengthen transparency and accountability (Zeng et al., 2025). Ultimately, this research reframes *krani* as strategic agents of compliance, not passive bureaucrats. Applying principles of due diligence and individual accountability ensures not only legal protection but also more resilient and adaptive corporate governance in the evolving, digitized maritime sector.

## CONCLUSION AND SUGGESTION

### Conclusion

The *krani* (chief administrative officer) in shipping companies plays a strategic legal role, managing key documents such as manifests, bills of lading, and loading letters. While functionally situated between technical operator and legal subject, *krani* may bear criminal liability when administrative violations with legal consequences occur. Although explicit legal norms defining *krani* as subjects of corporate criminal liability remain limited, the doctrines of *functional ouderschap* and vicarious liability (Article 37 of the New Criminal Code) support holding them accountable if, as permanent employees, their actions cause legal harm to the corporation. Criminal responsibility may shift from the corporate structure to individuals when it is proven that crew members had the capacity to reject, report, or clarify unlawful orders but instead chose to carry them out. Principles of due diligence and duty of care require employees to act with legal awareness and ethical vigilance. As such, the *krani* is not merely an administrative executor but part of the legal responsibility chain in shipping operations.

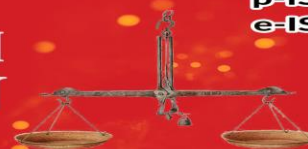
The District Court Decision No. 323/PID.SUS/2017/PT.DKI concerning *KM ZE* revealed systemic failure in verifying ship manifest data involving both the captain and the *krani*, where document falsification and neglect of safety procedures led to a deadly accident. The court ruled these actions constituted criminal conduct and imposed sanctions on both direct perpetrators and those in subordinate roles who allowed the violations to occur.

The case underscores the risk of scapegoating lower-ranking officers and the potential impunity of superiors. Judicial practices in Indonesia often expand criminal liability for administrative roles without clearly differentiating between decision-makers and order-followers. A more proportional legal framework is needed, one that attributes liability based on intent, authority, and capacity to prevent or report misconduct, not merely on compliance with instructions.

The study calls for Indonesian law enforcement to emphasize substantive justice by delineating responsibility among technical operators, supervisory officials, and corporate actors. It recommends adopting accountability models used in countries like Australia and Italy, which incorporate doctrines of attribution, corporate culture, and internal control mechanisms. These approaches can help ensure that corporate criminal law in the shipping sector is implemented fairly and effectively, promoting justice and preventing the misuse of administrative liability.

### Suggestion

Criminal liability in the shipping sector must be applied fairly and proportionally to all individuals involved in corporate crimes, not just to functional staff like crane operators. Law enforcement must also hold company leaders and owners accountable, especially those involved in policy-making and administrative decisions. Investigations should thoroughly examine intent and negligence by tracing the company's policy and command chain to prevent scapegoating. Courts must reject defenses based on



institutional loyalty or hierarchical pressure when administrative violations have caused serious harm or loss.

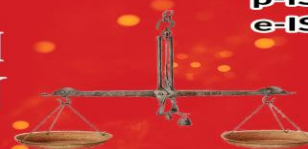
To enhance accountability, shipping companies must reinforce internal governance through rigorous supervision, standardized administrative procedures, continuous staff training, routine audits, and accessible reporting systems. These efforts should be underpinned by a strong legal compliance culture, a clear command structure, and thorough documentation of every policy and instruction to mitigate violations and promote institutional responsibility.

Future research is encouraged to explore the application of corporate criminal liability principles in other sectors with similar governance models. Comparative studies between the legal frameworks of Indonesia, Australia, and Italy can help identify the most effective models for dividing criminal responsibility between individuals and corporations. Additional research should also evaluate legal protections for administrative staff to prevent scapegoating and assess how internal control reforms affect corporate crime prevention. Empirical studies on compliance and perceptions of internal actors in the shipping industry are necessary to support the development of fair and responsive legal policies.

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