

## MARITIME SECURITY REGULATION CONCERNING INTERNATIONAL SHIP AND PORT FACILITY SECURITY CODE 2002 AND ITS IMPLEMENTATION IN INDONESIA

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Article Info	Abstract
<p><b>Keywords:</b> ISPS Code 2002, Ship Security, Port Facilities</p> <p><b>DOI:</b> 10.25041/lajil.v3i1.1985</p>	<p>Ministerial Regulation Number 134 of 2016 is a form of ratification of the International Ship and Port Facility Security Code 2002 (ISPS Code, 2002), the objective of which is to establish a consistent standard framework for evaluating risk and enabling the government to compensate for changes in threats through measures appropriate safety measures. In its development, there are several regulations related to implementing the 2002 ISPS Code in Indonesia. These regulations were formed by adjusting the standard regulations in the 2002 ISPS Code with the safety conditions of ships and ports in Indonesia. The problem is, Indonesia has several large ports that operate as international ports in international trade.</p> <p>The type of research used is normative legal research sourced from primary, secondary, and tertiary legal materials whose data collection is carried out by literature study. The results of the study show two things: (1) Maritime security arrangements relating to shipping safety standards and port facilities in the 2002 ISPS Code are divided into two parts, namely part A (Part A) containing systematic arrangements and implementation of the ISPS Code for signatory countries including and Definition, Purpose, Scope of Ship Safety Standards and Port facilities and ISPS Code Compliance Procedure. And part B (Part B) contains further explanation about part A including Determination of Security Level, Implementation of Ship Security, Implementation of Port Facility, and Information and Communication Security. (2) The implementation of the maritime security regulation related to security standards ships and port facilities in the ISPS Code in 2002 in Indonesia contained in via Law No. 17 the Year 2008 on the voyage, Ministerial Regulation Number 134 the Year 2016 concerning Management of Ship Safety and Port Facilities.</p>

### A. Introduction

The port is one of the important infrastructures in sea transportation. The port represents one as the means of carrying out transportation to and or from the interior, which connects various sea transportation facilities.<sup>1</sup> The port serves as a gateway to the economy, a center for the accumulation of goods from production to be transported to their destination, and as a distribution center for market goods.<sup>2</sup> With such an important function, it is only natural that matters relating to ports receive special attention. One of the important aspects of the port is the issue of security. This security issue is becoming increasingly important given the increasingly vital role of ports in the continuity of shipping and international trade. Security is one of the important factors in port activities, so threats to ship and port security must be immediately anticipated.<sup>3</sup>

The first development in maritime security was marked by the agreement of an international convention known as the United Nations Convention on Safety of Life at Sea (SOLAS) 1974. SOLAS is the first international convention regulating maritime safety on ships and setting minimum construction standards, equipment, and operations for a ship. Since being adopted by various countries in 1974, SOLAS has undergone several reforms. Since the adoption of SOLAS in 1974, port security regulations have not undergone significant reforms. Shipping security and port facilities have become more vulnerable due to issues of international terrorism. A joint international instrument called the International Ships, and Port Facility Security Code (ISPS Code) was agreed in an amendment to SOLAS in 2002.<sup>4</sup>

The formation of the International Ship and Port Facility Security Code 2002 (ISPS Code 2002) was motivated by the attack on the World Trade Center (WTC) building in the United States on September 11, 2001. The attack on the tanker ship 'Limburg' belonged to France and claimed a shipping attack by a group of terrorists in 2002. The attack has awakened the international community to the importance of a security standard for air and sea transportation facilities, including the security standard for port facilities, especially for ports used on international shipping routes.<sup>5</sup>

Indonesia, as an archipelago, has a sea area of 5.1 km<sup>26</sup> and several islands consisting of 17,510 islands. This has resulted in the role of sea transportation, becoming an increasingly dominant means of transportation. The abundant and uneven distribution of natural resources has made the function of sea transportation essential.<sup>7</sup> Indonesia has no less than 560 large and small ports scattered throughout the archipelago, 110 of which are relatively large commercial ports and are managed by four PT. (Persero) Pelabuhan Indonesia.<sup>8</sup> This interest then becomes one of the reasons why the Indonesian government must apply international standards to ships and port facilities throughout Indonesia's maritime territory, for this reason. The government has ratified the ISPS Code 2002 through Ministerial Regulation Number 134 of 2016 concerning Ship Security Standards and Port Facilities (International Ships and Port Facility

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<sup>1</sup> Husseyn Umar, *Maritime Law and Shipping Problems in Indonesia* (Jakarta: Pustaka Sinar Harapan, 2001), 235

<sup>2</sup> Olga Soejono, "The Application of Legislative Regulations in the Port Sector about the Organization and Work Procedures of Port Administrators," *In Enhancing the Role of Law and Legal Protection in Sea Transportation Activities* (Jakarta: IND.HILL-CO, 1987), 20.

<sup>3</sup> <http://www.hukumonline.com/berita/baca/lt547f2fca0e249/penegakan-law-on-the-sea-still-has-barriers>, Accessed April 4, 2018.

<sup>4</sup> Fred R David, *Strategic Management Concepts* (14th Edition) (New Jersey: Pearson Education Limited. Essex, 2013), 32.

<sup>5</sup> Christian Bueger, *What Is Maritime Security?* (Wales Uk: Cardiff University Press, 2015) 21.

<sup>6</sup> <http://www.mgi.esdm.go.id/content/morfologi-dasar-laut-indonesia>, Accessed on March 28, 2019.

<sup>7</sup> Eddy Suryanto Soegoto, "FACTORS AFFECTING PORTS IN KTI VISITED BY FLEET PERINTIS", *Unikom Scientific Magazine* 7, no. 1 (2013), 3.

<sup>8</sup> Pelni, *Privatization and Post Privatization* (Surabaya: PT (Persero) Pelabuhan Indonesia III), 1.

Security / ISPS Code 2002) in Indonesia's territory. ISPS Code itself came into effect in Indonesia starting July 1, 2004.<sup>9</sup>

Although the ISPS Code was officially declared valid in Indonesia on July 1, 2004, however, in its implementation, it appears that it has not been implemented optimally. One example is when the Tengela incident occurred at Motor Boat Levina I and Lampung Motor Ship. This incident is an indication that there are still many ports that are not ready to implement the ISPS Code properly. This is, of course, the result of a lack of understanding from all parties in implementing the ISPS Code at ports and on ships to become a separate problem for human resources in the port environment.<sup>10</sup> These problems make the authors feel interested in analyzing based on the data and sources obtained. The formulation of this research's problem is, how are the regulatory provisions in the 2002 ISPS Code and the implementation of Indonesia's regulations? The type of research used is normative legal research which is sourced from primary, secondary, and tertiary legal materials, which data collection is carried out by literature study.

## **B. Discussion**

### **1. Maritime Security Regulations Relating to Ship Security Standards and Port Facilities in the International Ship and Port Facility Security Code 2002**

The International Code for the Safety of Ships and Port Facilities contains the mandatory provisions made in chapter XI-2 of the International Convention for the Safety of Life at Sea (SOLAS Convention 1974) as amended. Changes to SOLAS 1974 were made in Chapter V. Safety of Navigation and additions to Chapter XI to Chapter XI-1 regarding special measures to enhance shipping safety (Special Measures to Enhance Maritime Safety) and Chapter XI-2 steps- special measures to enhance shipping security (Special Measures to Enhance Maritime Safety) known as the International Ship and Port Facility Security Code (ISPS CODE) or the international code for the security of ships and port facilities.<sup>11</sup> The ISPS Code has two parts: Part A and Part B. Part A contains the mandatory rules that must be applied in the safety standards of ships and port facilities. In contrast, Part B contains additional rules regarding the application of Part A. The code uses a management approach to ensure ships and port facilities' safety and determine appropriate security measures. A risk assessment should be carried out in each particular case.<sup>12</sup>

Its original aim was to establish an international framework that involved cooperation between governments, government agencies, local governments, and the shipping and port industry to detect security threats and take precautions against security incidents affecting ships or port facilities used in international trade. This includes determining the respective roles and responsibilities of signatory governments, government agencies, local administrations, and the shipping and port industry at the national and international levels to ensure maritime security. As well as ensure initial and efficient data collection and exchange of information related to navigation safety.<sup>13</sup> This includes providing a methodology for security assessments so that plans and procedures are in place to react to security level changes and ensure confidence that there are adequate and proportionate maritime security measures.<sup>14</sup>

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<sup>9</sup> Barry Buzan and Lene Hansen, "BEYOND "THE EVOLUTION OF INTERNATIONAL SECURITY STUDIES?", *Security Dialogue* 41, no. 6 (2010): 659-667, 660.

<sup>10</sup> Makmur Keliat, "KEAMANAN MARITIM DAN IMPLIKASI KEBIJAKANNYA BAGI INDONESIA." *Jurnal Ilmu Sosial dan Ilmu Politik* 13, no. 1 (2009): 111-129, 112, DOI:10.22146/jsp.10970.

<sup>11</sup> ISPS CODE, 116

<sup>12</sup> C. Bueger, "WHAT IS MARITIME SECURITY?", *Marine Policy Journal* 53, (2015): 159-164, 160, DOI: 10.1016/j.marpol.2014.12.005

<sup>13</sup> Muhammad Edrian, "MELIHAT KEAMANAN MARITIM INDONESIA DARI IDE POROS MARITIM", *Jurnal Defendonesia* 2, no. 2 (2017): 17-24, 21.

<sup>14</sup> ISPS Code Part A, Part Introduction, 4.

### a. Arrangement of International Ship and Port Facility Security Code 2002 Part A

This section on defining the ISPS Code explains some terms and meanings used and used in describing the situation, terms and meanings in the safety standards of ships and port facilities:<sup>15</sup>

- 1) *Designated Authority (DA)* is an administrator known within the government who agrees with the one responsible for ensuring the implementation of the articles' security of the security of port facilities and ship or port relations from the point of view of port facilities. In this case, the Director-General of Sea Transportation.
- 2) *Port Security Committee (PSC)* or the Port Security Committee is an organization consisting of the coordinator, head of the security and rescue sector as the executive coordinator, and representatives of related agencies.
- 3) *A recognized Security Organization (RSO)* or a recognized Security Organization is an organization with proper security and proper knowledge of ship and port operations, which is authorized to carry out an assessment, or a certification activity, required by part A of the ISPS Code.
- 4) *Ship Security Assessment (SSA)* A ship safety assessment is generally carried out before making a ship security plan.
- 5) *Ship Security Plan (SSP)* or Ship Security Plan is a design made to ensure its application to steps or actions on board a ship designed to protect people on board, its cargo, cargo transportation units, supplies the ship or the ship itself from various threats, risks, events or incidents that threaten the safety of the ship.
- 6) *Port Facility Security Assessment (PFSA)* or Port Facility Security Assessment is generally carried out before making a port facility security design.
- 7) *Port Facility Security Plan (PFSP)* or Port Facility Security Plan, is a design that is built to ensure its application to steps or actions designed and built to protect port facilities, ships, people, their cargo, cargo transportation units, and ship supplies within port facilities from the risk of an incident or security incident.
- 8) *Company Security Officer (CSO)* or Company Security Officer, is personnel assigned by the company to ensure that a ship safety assessment has been carried out, that a ship security design is strengthened, submitted for approval and then applies and maintains it and to liaise with port facility officers and ship security officers.
- 9) *Ship Security Officer (SSO)*, or Ship Security Officer, is a person on board who is responsible for the captain appointed by the company as the person in charge of ship security, including implementation and maintenance of ship security designs and coordinate with company security officers and port facility security officers.
- 10) *Port Facility Security Officer (PFSO)*, or Port Facility Security Officer, is responsible for developing, implementing, changing, and maintaining port facility security designs and liaising with ship security officers and company security officers.
- 11) *Statement of Compliance of a Port Facility (SoCPF)* is a written statement from the government (DA) that port facilities meet the requirements in ISPSCode. So a port that complies with the ISPS Code means that it has SoCPF.
- 12) *International Ship Security Certificate (ISSC)* is an International Ship Safety Certificate. Such certification is issued or authorized by an administration or by a recognized security organization acting on behalf of an administration or an international ship security organization, the validity period of which cannot be more than five years.
- 13) *Security Level 1* or Security Level 1 is the level at which the minimum protection from appropriate security measures should be maintained at all times.

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<sup>15</sup> ISPS Code, 4-18.

- 14) *Security Level 2* or Security Level 2 is the level at which additional protection from appropriate security measures should be maintained for a certain period due to an increased risk of a security incident.
- 15) *Security Level 3* or Security Level 3 is the level for the continuation of specific protective measures that should be set for a limited period when a security incident is possible or real. However, it may not be possible to find or recognize specific objectives.
- 16) *Mobile Offshore Drilling Unit* or Mobile Offshore Drilling Unit is an offshore drilling unit that is mechanically actuated as defined in rule IX / 1 or not in its location.
- 17) *Ship to Ship Activity* is any activity that is not related to port facilities, including the transfer of cargo and/or people from one ship to another.
- 18) *Ship / Port Interface* or Ship / Port Interact is an interaction that occurs when a ship is taking place and is immediately affected by an action involving the movement of people, goods, or supplies from port services to or from the ship.
- 19) *Declaration Of Security (DoS)* or Security Declaration is an agreement reached between a ship. It can also be a port facility or other ship and interact with each other in determining the security measures to be implemented by each party.
- 20) *Ship Security Alert System (SSAS)* is a system that contributes to the efforts of the (IMO) International Maritime Organization to strengthen security as well as protect the maritime world and suppress acts of terrorism and piracy against ships in the middle of the sea.
- 21) *Automatic Identification System (AIS)* or Automatic Identification System. An automated tracking system is used on ships and ship traffic services to identify and locate electronic vessel data exchanges with other vessels nearby.
- 22) *Verification* is an inspection or audit of the Ship Security Design (SSP) and/or Port Facility Security Design (PFSP), as well as all related provisions and procedures in ship and port security designs that must be met.

Each State that signs the framework set out in the ISPS Code has the obligations and objectives as a party that participates in implementing these arrangements into ships' safety standards and port facilities applicable in their country. Thus, there are several terms and conditions for implementing the ISPS Code:<sup>16</sup>

- 1) Intended for ship types operating on international shipping:
  - a) Passenger ships, including high-speed passenger ships.
  - b) Freight ships, including high-speed ships with size 500GT
  - c) The mobile offshore drilling unit
- 2) A port facility is serving ships operating on international shipping.
- 3) ISPS Code is effective as of July 1, 2004, so this code does not apply to warships, naval support equipment, or other vessels owned or operated by a signatory State. It is only used for non-commercial government services.
- 4) Collect and assess information relating to security threats and exchange this information with the government concerned.
- 5) Requires maintenance of communication protocols for ship and port facilities.
- 6) Prevent unauthorized access to ships, port facilities, and restricted areas.
- 7) Prevent the use of unauthorized weapons, incendiary devices, or explosives for ships or port facilities.
- 8) Provides a means of raising alarms in response to security threats.
- 9) Requires a port and ship facility security plan based on a security assessment.
- 10) Requires training, practice, and practice to ensure familiarity with the plan and the safety of procedures.

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<sup>16</sup> ISPS Code Article 3.1

The regulation of the level of security that takes effect at a certain time is the government party's responsibility to the signatory. It can apply to ship and port facilities. Part A of this Code defines three levels of security for international use. This is:<sup>17</sup>

- 1) Security Level 1, normal; the rate at which ships and port facilities normally operate;
- 2) Security Level 2 enhanced; the level of applicability as long as there is a high risk of security incidents; and
- 3) Security Level 3, exceptional, the level that applies to a period when there is a possible or imminent risk of a security incident.

#### **b. Arrangements for International Ship and Port Facility Security Code 2002 Part B**

Part B briefly describes the process involved in establishing and implementing the steps required to achieve and maintain compliance with the provisions of Chapter XI-2 and part A of this Code and can identify the main elements guiding paragraphs 2 through 19 Part B. This section also sets out important considerations, which must be considered when considering provisions relating to ships and port facilities' safety.<sup>18</sup>

The guidelines given in this section compile several things, especially relating to ships' protection while in port facilities. However, when a ship may pose a threat to port facilities, such as being inside a port facility, it can be used as a base for initiating an attack. When considering appropriate security measures to respond to ship-based security threats, those tasked with drafting a Port Facility Security Assessment framework or preparing a Port Facility Security Plan should consider the guidance offered in the following sections.<sup>19</sup>

The ISPS Code states that nothing in this part of the code can be read or interpreted contrary to any of the provisions of either chapter XI-2 or part A of the Code. The guidance provided in this section of the code should always be read, interpreted, and applied consistently with the goals, objectives, and principles set out in chapter XI-2 and part A of this Code.<sup>20</sup>

Based on the explanation in this part of ISPS Part A and Part B, ISPS describes implementing the ISPS mechanism for signatory countries wishing to implement ISPS as part of their respective countries' national regulations. In general, ISPS provides a structured systemization of procedures up to the verification and certification stages. This, of course, makes it easier for each signatory country to follow the required applied mechanisms. In Indonesia, especially in several ports specifically allocated to PT PELINDO, they are late in meeting the ISPS Code compliance standards. Several ports in Indonesia that have been recognized for certification and facilities by the United State Coast Guard (USCG) include PT Terminal Peti Kemas Surabaya, Port Banjarmasin, PT Pertamina UPMS III Jakarta, PT Pertamina UP V Balikpapan, Senipah Terminal Total E&P Indonesia Balikpapan, PT Caltex Oil Terminal Dumai, PT Pelindo II Jakarta Conventional Terminal, Jakarta International Container Terminal, PT Pupuk Kaltim Bontang, PT Badak Bontang. PT Indominco Mandiri Bontang, PT Pertamina UP II Dumai, PT Pelindo I Dumai Branch, Semarang International Container Terminal, Belawan Multi-Purpose Terminal, PT Multimas Nabati Asahan.<sup>21</sup>

## **2. Implementation of the 2002 ISPS Code in Indonesia**

<sup>17</sup> AH Madjid, "MARITIME THROUGH IMPROVING THE MARITIME SECURITY SYSTEM", *National Security Journal* 1, no. 1 (2015).

<sup>18</sup> Nancy Bermas-Atrigenio, "GOVERNMENTS IN DISASTER RISK REDUCTION", *Tropical Coasts* 14, no. 2 (2007): 1-64, 20.

<sup>19</sup> <http://jurnalmaritim.com/2014/11/maritime-security-benchmark-benchmark-achievementofgood-maritime-governance/>, Accessed on August 29, 2019.

<sup>20</sup> Part B General Provisions

<sup>21</sup> <http://dephub.go.id/beta2017/post/read/16-pelabuhan-di-indonesia-diakui-amerika-telah-mengimplementasikan-isps-code-sec1011>, Accessed on August 29, 2019.

The navigation service system's role is one way to realize security protection for various maritime activities in Indonesia. Since the implementation of the ISPS Code through the Minister of Transportation Regulation Number 134 of 2016 regarding Ship Security Management and Port Facilities, it was recorded that in 2017, 367 port facilities in Indonesia had implemented the ISPS Code.<sup>22</sup> Ports are generally organized for the benefit of public transportation services. The government carries out the administration of ports, and its implementation can be delegated to state-owned enterprises.<sup>23</sup> The Indonesian government, in this case, has developed the port area since 1960. Port Public Company (Perum) in Indonesia is divided into four operating areas, which were formed based on Government Regulation Number 15 of 1983. The status of this Perum was later changed to PT (Persero) Pelabuhan Indonesia I until IV in 1992 to present (Operational Area, 2010). PT Pelindo I is located in Medan, PT Pelindo II is domiciled in Jakarta, PT Pelindo III is domiciled in Surabaya and PT Pelindo IV is domiciled in Ujung Pandang.<sup>24</sup>

The Directorate General of Sea Transportation of the Republic of Indonesia as the Designated Authority made it clear that the ISPS Code's implementation in Indonesia implements optimal international security rules for ships and port facilities.<sup>25</sup> Every Indonesian ship and port that cannot meet the ISPS Code's provisions will impact Indonesian ports that will not be entered by foreign ships, rejection of Indonesian ships by ports in other countries and trade and the country's economy will be disrupted.<sup>26</sup> Thus the Indonesian government sets several rules as a concrete manifestation of ISPS Code implementation in Indonesia, as follows:

- a. Law No. 17 of 2008 concerning Shipping;
- b. Minister of Transportation Regulation Number 134 of 2016 concerning Ship Security Management and Port Facilities;
- c. Minister of Transportation Regulation Number 189 of 2015 concerning Organization and Administration of Port Authority and Port Authority;
- d. Regulation of the Minister of Transportation Number PM 7 of 2019 dated February 20, 2019, concerning the enactment of the use of AIS (Automatic Identification System) on ships sailing in Indonesian waters;
- e. Decree of the Minister of Transportation Number 33 of 2003 concerning Enforcement of the 1974 SOLAS Amendment on Safeguarding ships and Port Facilities (International Ships and Port Facility Security / ISPS Code) in Indonesian territory;
- f. Decree of the Minister of Transportation Number 3 of 2004 concerning the Appointment of the Director-General of Sea Transportation as the Designated Authority for the Implementation of Safeguarding Ships and Port Facility Security (ISPS Code);
- g. Decree of the Director-General of Sea Transportation KL. 93/1 / 3-04 dated February 12, 2004, concerning Guidelines for Recognized Organizational Designation (RSO);
- h. Decree of the Director-General of Sea Transportation Number UM-48/6 / 16-04 dated March 19, 2004, regarding guidelines for follow-up steps in the context of implementing the Decree of the Minister of Transportation number KM.3 of 2004 (Establishment of PSC);
- i. Decree of the Director-General of Sea Transportation Number KL.93 / 2 / 1-04 dated May 14, 2004, concerning the Appointment of the Director of Guard and Rescue as Person in Charge of Implementation of the International Code on Implementation of Security for Ships and Port Facilities-ISPS Code

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<sup>22</sup> [hubla.dephub.go.id/berita/pages/indonesia-implementasikan-isps-code-.aspx](http://hubla.dephub.go.id/berita/pages/indonesia-implementasikan-isps-code-.aspx), Accessed on April 6, 2019.

<sup>23</sup> Makmur Keliat, *Loc. Cit.*

<sup>24</sup> *Ibid.*

<sup>25</sup> *Ibid.*

<sup>26</sup> *Ibid.*

- j. Decree of the Director-General of Sea Transportation number KL.933 / 3 / 7DV-04 dated June 30, 2004, regarding the guidelines for applying the ISPS Code (Dos Procedure)
- k. Decree of the Director-General of Transportation number UM-480/12/3 / DV-04 dated July 1, 2004, regarding the ISPS Code Implementation Guidelines.
- l. Decree of the Director-General of Sea Transportation number UM-933/3/20 / DV-04 dated July 9, 2004, regarding the guidelines for the application of the ISPS Code (Application of pre-Arrival Notification of Ship Security)
- m. Decree of the Director-General of Sea Transportation No. KL.933 / 7/8 / DV-04 dated September 27, 2004, concerning the preparation of port and port facilities verification and ships.
- n. Decree of the Director-General of Sea Transportation No. 327 / phbl-04 dated December 24, 2004, concerning the communication network frequency for the ISPS Code, namely freq. 156,675 MHZ (Chanel 73)
- o. Decree of the Director-General of Sea Transportation No. KL.933 / 1/12 / DV-05 dated January 4, 2005, concerning Follow-up on the results of Verification of the Application of ISPS Code on ships.
- p. Decree of the Director-General of Sea Transportation No. KL.933 / 2/1 / DV-05 dated April 7, 2005, concerning the Maintenance and Improvement of ISPS Code implementation for Ports / Port Facilities obtained SoCPF.
- q. Decree of the Director-General of Sea Transportation No. KL.933 / 1/16 / -05 dated July 26, 2005, concerning Improving the Application of the ISPS Code for Ports / Port Facilities that have obtained SoCPF.
- r. Letter of the Director-General of Sea Transportation Number KL.993 / 17/15 / DV-04 dated January 3, 2004, concerning the implementation of the ISPS Code (Supervision by PSC / PSO)

The Indonesian government's regulations show the systematic steps taken in realizing the safety standards for ships and port facilities by distributing regulations to the parties to handle problems related to navigation. In Indonesia's practice, the ISPS Code regulation has been determined in several areas divided into four Indonesian port zones.<sup>27</sup> As an example of the implementation of the ISPS Code, the condition of the Port of Indonesia 1 (PELINDO 1) Belawan Main Port is one of several ports in Indonesia that has been declared compliance or fulfilled by the Director-General of Sea Transportation as DA (Designated Authority) through the "Short Term Statement of Compliance of a Port Facility" with KL Number 94/93 / ISPS / DV / ST-04 which was issued on July 1, 2004, in Jakarta. Several examples of companies are recognized as RSO in Indonesia, such as Semen Andalas Indonesia, PT. Waruna Nusa Sentana and PT Pertamina Jetty, which oversees PT PELINDO 1.<sup>28</sup> Second, the ISPS Code framework shows that the arrangements contained therein are a form of prevention and handling efforts that occur in ships and port facilities by explaining to each Contracting Government to take preventive measures as attached to the objectives of the 2002 ISPS Code. Regarding law enforcement on maritime security on ships and port facilities, it will be returned to a joint agreement between countries that agree on law enforcement outside of what is stipulated in the 2002 ISPS Code. For example, Indonesia also agreed to an action plan agreement with Australia related to maritime security.<sup>29</sup>

Explanation in the implementation of the 2002 ISPS Code in Indonesia, data was obtained from the ministry of sea transportation. As many as 367 ports in Indonesia had implemented

<sup>27</sup> Safril Hidayat, Ridwan, "Kebijakan Poros Maritim Dan Keamanan Nasional Indonesia: Tantangan Dan Harapan", *Jurnal Pertahanan dan Bela Negara* 7, no. 3 (2017): 107-121, 113-114, DOI: 10.33172/jpbh.v7i3.232.

<sup>28</sup> <https://www.pelindo1.co.id/id/gcg/pages/isps-code.aspx>, Accessed on August 29, 2020.

<sup>29</sup> <https://news.detik.com/berita/d-3919793/ini-9-poin-kerja-sama-maritim-indonesia-australia>, Accessed on August 29, 2020.

the 2002 ISPS Code.<sup>30</sup> When viewed from the mechanism for implementing the ISPS Code by the Indonesian government, it has a positive impact on Indonesia's port sector's growth. The Contracting States' problems still feel in implementing the ISPS Code are related to the shipping and port security insurance services offered by several insurance firms in various countries. When viewed from a large number of ISPS Code certified ports, not all of them get insurance guarantees and are considered to meet the terms and conditions provided by the insurance service provider. This determines that not all ships and ports that have been certified by the ISPS Code can be accepted at various international institutions providing security services or shipping and port insurance. For example, the International Maritime Bureau (IMB) recorded that in September 2017, 23 attacks were recorded and attempted attacks in the waters or at the Tanjung Priok port terminal.

The Joint War Committee, which represents various UK-based insurance firms, has also listed Tanjung Priok's port as a war risk zone since 2015. The negative impact of designating a port as a war risk zone is the imposition of additional insurance premiums (war risk surcharge / WRS) for ships sailing. The amount of premium for these two types of insurance depends on the port state's stability level. This represents various UK-based insurance firms and has also listed Tanjung Priok's port as a war risk zone since 2015. The bad impact of establishing a port as a war risk zone is the imposition of additional insurance premiums (war risk surcharge / WRS) for ships that sailed. The amount of premium for these two types of insurance depends on the port state's stability level. This represents various UK-based insurance firms and has also listed Tanjung Priok's port as a war risk zone since 2015. The bad impact of establishing a port as a war risk zone is the imposition of additional insurance premiums (war risk surcharge / WRS) for ships that sailed. The amount of premium for these two types of insurance depends on the port state's stability level.

### C. Conclusion

*International Ship and Port Facility Security code 2002* specifically and regulates ships and port facilities' safety standards. It is divided into two parts, namely part A (Part A), which describes the systematic regulation and application of the ISPS Code for the Contracting Government, including Terms and Definitions, Purpose, Scope of Security Standards for Ships and Port facilities, and Procedures for Compliance with the ISPS Code. And part B (Part B), which provides clearer guidance related to what has been mentioned in part A includes Determination of Security Levels, Implementation of Ship Security, Implementation of Security for Port Facilities, and Information and Communication.

The implementation of the 2002 ISPS Code in Indonesia is contained in Law Number 17 of 2008 concerning Shipping and Ministerial Regulation Number 134 of 2016 concerning Security Management of Ships and Port Facilities as well as other additional rules showing Indonesia's consistency as a country through which many international trade routes pass. contributing to the achievement of maritime security standards for ships and port facilities of international standard, with proven that 367 ports in Indonesia have been verified by ISPS Code 2002.

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<sup>30</sup> <http://www.harnas.co/2018/08/14/367-pelabuhan-terentuk-isps-code>, Accessed on August 29, 2019.

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