

4-18-2020

Facility Security Measures at Ujung Jabung Port: a Review in Terms of The International Ship and Port Facility Security Code

Mochammad Farisi

Faculty of Law, Universitas Jambi, Indonesia, akbarkurnia@unja.ac.id

Akbar Kurnia Putra akbarkurnia@unja.ac.id

Budi Ardianto

Rahayu Repindowaty Harahap

Follow this and additional works at: <https://scholarhub.ui.ac.id/ijil>

Recommended Citation

Farisi, Mochammad; Putra, Akbar Kurnia akbarkurnia@unja.ac.id; Ardianto, Budi; and Harahap, Rahayu Repindowaty (2020) "Facility Security Measures at Ujung Jabung Port: a Review in Terms of The International Ship and Port Facility Security Code," *Indonesian Journal of International Law*: Vol. 17 : No. 3 , Article 3.

DOI: 10.17304/ijil.vol17.3.790

Available at: <https://scholarhub.ui.ac.id/ijil/vol17/iss3/3>

This Article is brought to you for free and open access by UI Scholars Hub. It has been accepted for inclusion in Indonesian Journal of International Law by an authorized editor of UI Scholars Hub.

FACILITY SECURITY MEASURES AT UJUNG JABUNG PORT: A REVIEW IN TERMS OF THE INTERNATIONAL SHIP AND PORT FACILITY SECURITY CODE

**Mochammad Farisi, Akbar Kurnia Putra, Budi Ardianto
& Rahayu Repindowaty Harahap**

Faculty of Law, Universitas Jambi, Indonesia
Correspondence: akbarkurnia@unj.ac.id

Abstract

Ujung Jabung is a region located in the District of Sadu at Tanjung Jabung Regency, Jambi Province, Indonesia. The area strategically lies in the Indonesian Archipelagic Sea Lane 1 (ALKI 1), which is the international trading and shipping lane. It brings about an excellent opportunity for economic development in Jambi Province. With this in mind, the Government of Jambi develops the region into a strategic area that includes Ujung Jabung Port. Based on the 2011-2031 Region's Spatial Plan (RTRW) of East Tanjung Jabung Regency, the regency designed it to be the main port with the name of Samudera Ujung Jabung Port. The international shipping routes at the port are Ujung Jabung-West Asia-East Europe and Ujung Jabung-Southeast Asia-East Asia. Due to its international nature, the construction of Samudera Ujung Jabung Port should follow the international measures on the security of the port, shipping, and facility. As a Member of the International Maritime Organization (IMO), Indonesia is subject to international law. It ratifies the United Nations Convention on Safety on Life at Sea (SOLAS) 1974 and the auxiliary instrument of International Ships and Port Facility Code (ISPS Code). Accordingly, the construction of Samudera Ujung Jabung Port should comply with the international safety standard as written in the ISPS Code.

Keywords : Pelabuhan Samudera Ujung Jabung, International Ships and Port Facility Code, ISPS Code.

Submitted : 4 February 2020 | Revised : 28 March 2020 | Accepted : 19 April 2020

I. INTRODUCTION

Ujung Jabung region at East Tanjung Jabung Regency, Jambi Province, Indonesia is geographically strategic. Lying at the international trading and shipping lane, Indonesia's Archipelagic Shipping Lane and the growing economic area in Southeast Asia,¹ provides an opportunity for sustainable economic development in the region. Looking at this chance, the Government of Jambi establishes a Strategic zone of Jambi Province in the region. The establishment of such zone is stipulated in Regional Regulation of Jambi Province Number 4 of 2015 on Strategic Zone of Jambi Province. The purpose of

¹ Indonesia. *Penjelasan Peraturan Daerah Provinsi Jambi Nomor 4 Tahun 2015 tentang Kawasan Strategis Ujung Jabung. (Explanation to Regional Regulation of Jambi Province Number 4 of 2015 on Strategic Zone of Jambi Province)*, Part 1 General Provision.

establishing a strategic zone is to utilize spaces efficiently, to accelerate and increase economic activity, increase the economic competitiveness, enhance the investment competitiveness, improve the construction of facility and infrastructure, and set an important location for natural disaster mitigation in Sumatera Island.²

The Provincial Government of Jambi divides the strategic area into several regional areas, and one of them is the area of Ujung Jabung Port. Referring to Regional Regulation of East Tanjung Jabung Region Number 11 of 2012 on the 2011-2031 Spatial Planning of East Tanjung Jabung Regency, the government will develop a sea transport network system that consists of port structure and shipping lanes. The design sets Ujung Jabung port as the main port and names it *Samudera Ujung Jabung Port*. The international shipping lanes are Ujung Jabung – Southeast Asia – East Asia and Ujung Jabung – West Asia – East Europe.³

The construction of Ujung Jabung port begins in 2013 and continues to progress until recently. The project is a collaborative work between the Government of East Tanjung Jabung Regency and the Government of Jambi Province. This project has been considered a priority by the Government of Jambi Province that they construct access roads to Ujung Jabung all the way the port area.⁴ The Provincial Government acquired one hundred and one (101) hectares of land for the establishment of the port. It also put a commitment for sustainable development of the port, as written in an agreement between the Governor of Jambi, Chief of Regional House of Representative of Jambi Province, Jambi Province constituency at Commission V of House of Representative of the Republic of Indonesia, the Regent of East Tanjung Jabung, the Regent of Muaro Jambi, and Chief of Sub Regional House of Representative of East Tanjung Jabung Regency and Muaro Jambi Regency. Those parties signed the agreement on the 63rd Anniversary of Jambi Province in the building of the Regional House of Representative of Jambi Province.⁵

As part of the commitment, the central government, represented by the Ministry of Transportation and the Ministry of General Development and

² Explanation to Regional Regulation of Jambi Province on Strategic Zone of Jambi Province, art. 25.

³ Indonesia. *Peraturan Daerah Kabupaten Tanjung Jabung Timur Nomor 11 Tahun 2012 tentang Rencana Tata Ruang Wilayah Tahun 2011 – 2031. (Regional Regulation of East Tanjung Jabung Regency on Spatial Planning of East Tanjung Jabung Regency 2011-2031 Number 11 of 2012)*, Article 20 (2) and (3).

⁴ Fadly, "Mulai Dari Pembebasan Lahan, Ini Tahapan Pembangunan Ujung Jabung Tahun ke Tahun [Starting from Land Acquisition, These are the Stages of Development of the Ujung Jabung]," *Tribun Timur*, 11 December 2018, accessed 20 February 2020, <https://jambi.tribunnews.com/2018/12/11/mulai-dari-pembebasan-lahan-ini-tahapan-pembangunan-ujung-jabung-tahun-ke-tahun>.

⁵ "Bupati Apresiasi Kelanjutan Pembangunan Pelabuhan Ujung Jabung [Regent Appreciates Development of Tanjung Jabung Port]," *Tribun Timur*, accessed 20 February 2020, <https://tanjabtim.go.id/berita/detail/49/bupati-apresiasi-kelanjutan-pembangunan-pelabuhan-ujung-jabung>.

Housing, continues to support the construction of the port by disbursing billions of rupiah as a fund for the procurement and design of end tower and platform,⁶ The Central Government also issued the Master Plan of the Ujung Jabung Port in Jambi Province.⁷ serves as the guidelines for the construction and development of the port.

Due to its international nature, the construction of *Samudera Ujung Jabung Port* cannot be detached from SOLAS, which is the international measures on the security of the port, shipping, and facility. SOLAS is the first international agreement regulating the safety of shipping and setting the minimum standard for the construction of infrastructure and operation of the ship. Indonesia ratified the convention in 1980⁸

Since its publication in 1974, SOLAS has been amended several times to include measures against international terrorism and the safety of shipping and port facility. In 2002, the ISPS Code was added to the convention. ISPS Code is an additional instrument ruling the importance of safety standard of the port facility on international shipping. Coastal states around the world adopt the safety standard and implement the ISPS Code. For example, China applies the code in the Port of Shanghai,⁹ Singapore employs the safety code in the Port of Singapore, Netherland implements the security measures in the Port of Rotterdam,¹⁰ Germany follows the safety standard in the Port of Hamburg,¹¹ Furthermore, the U.S. applies the safety measures in the Port of Los Angeles.¹² These countries increase and modernize their port infrastructure and operations accordingly.

What about Indonesia? Since 1961 Indonesia is a member of the International Maritime Organization (IMO), a United Nations' special agency on the safety and security of sea voyage. IMO functions to generate international con-

⁶ Ikbal Ferdial, "Pemprov Jambi Komitmen Wujudkan Pembangunan Pelabuhan Ujung Jabung [Jambi Government Committed to Achieve Tanjung Jabung Port]", *Metro Jambi*, 14 January 2019, accessed 20 February 2020, <https://metrojambi.com/read/2020/02/07/39199/pemprov-jambi-komitmen-wujudkan-pembangunan-pelabuhan-ujung-jabung>.

⁷ Indonesia. *Keputusan Menteri Perhubungan Nomor 43 Tahun 2019 tentang Rencana Induk Pelabuhan Tanjung Jabung Provinsi Jambi. (Minister of Transportation Regulation Number 43 of 2019 on the Master Plan of the Ujung Jabung Port in Jambi Province)*.

⁸ Indonesia. *Keputusan Presiden Nomor 65 Tahun 1980 tentang Mengesahkan 'International Convention for the Safety of Life at Sea 1974'. (Presidential Decision Number 65 of 1980 on Ratification 'International Convention for the Safety of Life at Sea 1974')*.

⁹ "Chinese Shipbuilding", Global security, accessed 19 February 2020, <http://www.globalsecurity.org/military/world/china/shipbuilding.htm> Retrieved on 19/02/2020.

¹⁰ "Port Security", Port of Rotterdam, accessed 19 February 2020, <http://www.portofrotterdam.com/en/Shipping/rules-regulation/Pages/port-security.aspx>

¹¹ Wolfgang Hurtienne, "Port Logistic-Challenges of the Future", Ship Efficiency, accessed 19 February 2020, <http://www.ship-efficiency.org/onTAM/pdf/HURTIENNE.pdf>.

¹² "Project Description 2.0", Port of Los Angeles, accessed 19 February 2020, http://www.portoflosangeles.org/EIR/CityDock/DEIR/2_Project_Description.pdf.

vention (regulation) on maritime that will be attended by all member nations. Due to its consistent support for IMO, Indonesia was elected a member of the IMO Board in 1973-1979¹³ and is re-elected as a member of C Category of the IMO Board from 2020 to 2021, in the 2019 IMO Assembly.¹⁴ Consequently, Indonesia is subject to international law¹⁵ and must actively and continuously support the implementation of safety and security standard of international shipping in its region by applying the Traffic Separation Scheme (TSS) in the Indonesian Archipelagic Sea Lane 1 (ALKI 1) which is close to *Samudera Ujung Jabung Port*.

To enforce the implementation of this convention, Indonesia ratifies the SOLAS and the ISPS Code by issuing the Decision of the Minister of Transportation Number 33 of 2003 on the Implementation of the Amendment of 1974 SOLAS on the Security of Ship and Port Facility (International Ship and Port Security/ISPS Code). Accordingly, the ISPS Code took into effect on July 1 2004. ISPS Code consists of the regulations and series of action needed to be taken to allow a port to elevate the security measure of its facility for international shipping. A port with ISPS Code standard may serve international passenger ships, including high-speed passenger craft with >500 GT tonnage, or mobile offshore drilling unit (MODU). Moreover, such port may expand the provisions that regulate the required facility for a domestic port that cater to international shipping.¹⁶ Port that has applied the ISPS Code will receive Statement of Compliance of Port Facility (SoCPF) from the Directorate General of Sea Transportation, a designated authority to issue such document. Ports without SoCPF are not allowed to serve foreign ship.

Following the ratification of SOLAS, Indonesia issues several national regulations and laws concerning shipping and port facility and security. They are Law Number 17 of 2008 on Sea Voyage, Regulation of the Government Number 61 of 2009 on Harbor, Regulation of the Minister of Transportation Number 51 of 2015 on Management of Sea Port, and Regulation of the Minister of Transportation Number 134 of 2016 on Management the Security of Ship and Port Facility.

To comply with the provision of ISPS Code, 348 ports in Indonesia have implemented ISPS Code b the end of 2017, according to data from Directorate

¹³ "IMO", Embassy of the Republic of Indonesia, accessed on 28 May 2020, <http://indonesiaembassy.org.uk/imo>.

¹⁴ "IMO", Ministry of Foreign Affairs of the Republic of Indonesia, accessed on 28 May 2020, kemlu.go.id.

¹⁵ Sumaryo Suryokumoro, *Pengantar Hukum Organisasi Internasional [Introduction to International Organisation Law]* (Jakarta: PT Tatanusa, 2007), 8.

¹⁶ "Sekilas tentang ISPS Code [A Glimpse of ISPS Code]," *Jurnal Maritim*, 21 July 2017, accessed on 18 May 2020, <http://jurnalmaritim.com/sekilas-tentang-isps-code>.

General of Sea Transportation. Capt. Jhony R. Silalahi, Director of Sea and Coast Guard Unit, in his report on the ISPS Code Workshop: Port Security and the Cruise Industry in Bali in 2018, mentions that in the 14 years of the implementation of ISPS Code Indonesia is consistently providing secured facilities of port; both the domestic and the international ports. Optimum port service will bring in a positive impact for business and economic activities in Indonesia, specifically for the government on the port's location.¹⁷ Samudera Ujung Jabung Port that lies in the ALKI and the SIBAJU will have to serve international shipping in the future; therefore, it is necessary to apply ISPS Code in the port. For this reason, this article discusses the construction and development plan of the port and the implementation of ISPS Code in the construction of the Samudera Ujung Jabung Port in Jambi Province, Indonesia.

II. THE CONSTRUCTION AND DEVELOPMENT SETTING OF SAMUDERA UJUNG JABUNG PORT

This section discusses the setting of *Pelabuhan Samudera Ujung Jabung* construction and development plan. The authors will first explain the meaning and criteria harbour based on the prevailing laws and regulations. Article 1 (1), Govt. Reg. 61/2009 defines harbour as land or water site containing certain boundaries for governmental and business activities. The site is where the ships are docking, passengers are boarding and getting off the ship, and goods are loading and unloading. The article also explains a port is consisting of terminals and docks that are equipped with safe and secured infrastructures for shipping and other supporting activities in the port such as transfer of modes of transportation.

Article 6, Govt. Reg. 61/2009 categorizes port into sea and river or lake-port. Based on the hierarchy, seaport functions as main (MP), collector (CP), and feeder port (FP). MP serves both domestic and international shipping activity, CP caters domestic shipping, and FP provides service for domestic shipping, limited transfer of domestic freight. FP is a feeder for the main and collecting port. Provision of Article 3 of the regulation conveys information about port spatial planning and hierarchy. Spatial planning for the main port, based on the stipulation of the article, should be in synchronization with the national, regional, and sub-regional spatial planning. It must also be based on geographical proximity to international market destination and international

¹⁷ "Jelang 14 Tahun Penerapan ISPS Code di Indonesia Kemenhub Konsisten Ciptakan Keamanan Fasilitas Pelabuhan [14 Years Application of ISPS Code in Indonesia, Ministry Consistently Contribute Port Security]" Department of Transportation of the Republic of Indonesia],” accessed 19 May 2020, <http://hubla.dephub.go.id/berita/Pages/JELANG-14-TAHUN-PENERAPAN-ISPS-CODE-DI-INDONESIA,-KEMENHUB-KONSISTEN-CIPTAKAN-KEAMANAN-FASILITAS-PELABUHAN.aspx>.

shipping lanes, apply safety measures on shipping procedures, and form a legitimate authority of the port. The following section reveals in detail the port construction and development planning based on the prevailing legislation.

A. REGIONAL REGULATION OF EAST TANJUNG JABUNG NUMBER 11 OF 2012

Planning for the construction and development of *Pelabuhan Samudera Ujung Jabung* is written in Chapter III, Part 3, Paragraph 3, East Tanjab, Reg. 11/2012. This chapter details the regulation on network system infrastructure for main sea transportation. Article 3 of the regulation explains that the sea network transportation system is consisting of harbour spatial planning and shipping lanes. The spatial planning for *Pelabuhan Samudera Ujung Jabung* in Sadu District is to make the port as the main port for international shipping operation in the region with two main lanes of *Ujung Jabung – Southeast Asia – East Asia* and *Ujung Jabung – West Asia – East Europe*. The construction of the port will take into account the availability of well-functioning supporting infrastructures and the safety measures of the ISPS Code.

B. REGIONAL REGULATION OF JAMBI PROVINCE NUMBER 10 OF 2013

Jambi Prov. Reg. 10/2013 sets the spatial planning in Jambi Province for 2013-2033. It is mentioned in Article 6 of the regulation that Jambi will develop a primary infrastructure network of sea transportation in forms of harbour and shipping lanes. Jambi will build *Pelabuhan Samudera Ujung Jabung* in East Tanjung Jabung Regency. Article 52, Jambi Prov. Reg. 10/2013 mandated that the construction of the port applies the ISPS Code to ensure the safety and security of shipping operation in the region.

Both regulations, the East Tanjab Reg. 11/2013 and Jambi Prov. Reg. 10/2013 inspire to create *Pelabuhan Samudera Ujung Jabung* as the main port for international shipping. Therefore, application of the ISPS Code is a necessity. The application is in line with Article 110 (4) (d) of the MT Reg. 51/2015.

C. REGIONAL REGULATION OF JAMBI PROVINCE NUMBER 4 OF 2015

Ujung Jabung has tremendous economic potential. It lies in the international trading and shipping lane and the growing economic regional market of Southeast Asia. To capture the economic opportunity, the Government of Jambi develops a Strategic Zone of Ujung Jabung. The notion is to bring in the

economic activities to Jambi, therefore, creating competitive and sustainable development in the region.

Chapter III of the regulation describes the setting of the strategic economic zones. Article 3, Jambi Prov. Reg. 4/2015 stipulates the government divides the area into seven (7) strategic zones, and *Pelabuhan Samudera Ujung Jabung* is one of them. To correctly manage the harbour zone, the government forms a board of supervisors and an agent of management of the port. One of the main functions of the supervisory board is setting up the zone, ensuring the zone is equipped with standard functioning facilities, ascertaining that safety and security standard of infrastructures and facilities is in place, and confirming that ISPS Code is followed.

D. DECISION OF THE MINISTER OF TRANSPORTATION NUMBER KP 432 OF 2017

The Minister of Transportation Decision 432/2017 decides about the master plan for national harbours. It explained that five (5) harbours are in function in Jambi, namely the Talang Duku, Kuala Tungkal, Nipah Panjang, Kuala Mendahara, and Muara Sabak harbour. *Pelabuhan Ujung Jabung* is under construction.

Table 1. Name and hierarchy of harbour in Jambi Province

No.	Name of Location	Name of Harbor	Harbor Hierarchy			
			2011	2015	2020	2030
1	Muaro Jambi Regency	Talang Duku	CP	CP	CP	CP
2	West Tanjung Jabung Regency	Kuala Tungkal	CP	CP	CP	CP
3	East Tanjung Jabung Regency	Kuala Mendahara	RCP	RCP	RCP	RCP
4	East Tanjung Jabung Regency	Muaro Sabak	CP	CP	CP	CP
5	East Tanjung Jabung Regency	Nipah Panjang	CPR	CPR	CPR	CPR

6	East Tanjung Jabung Regency	Ujung Jabung	CP	CP	CP	CP
---	-----------------------------	--------------	----	----	----	----

Source: MT Decree 432/2017 Master Plan of National Harbor 2011-2030

Legend: CP is Collecting Port and CPR is Regional Collecting Port

Based on the category in the table, *Pelabuhan Ujung Jabung* is projected to be a collecting port with the criteria as follow:

- 1) Should have at least 10 hectares of land;
- 2) The dock should be 120-350 m long;
- 3) To be 50 miles closer to the national shipping lane;
- 4) To have -7 to -9 mLWS depth of harbour pool;
- 5) To be 50 miles closer to other collecting port;
- 6) To be equipped with relevant loading and unloading tools; and
- 7) To have docks with a minimum capacity of 3000 DWT.

E. DECISION OF THE MINISTER OF TRANSPORTATION NUMBER 43 OF 2019

The Master Plan of National Harbor (or RIP) writes that East Tanjung Jabung Regency lies in the east coastal line of Sumatera. It borders with Riau Islands and places within the Singapore-Batam-Johor triangle hinterland area of economic growth (or SIBAJO). The sea lane of East Tanjung Jabung Regency is a part of the international shipping lane and the Indonesian Archipelagic Sea Lane. Henceforth, geographically, the region is potentially growing. Development of a reliable and relevant sea transportation network that connects the area to the rest of the world is vital to consider. RIP provides details of the harbour construction in terms of the general view of the zone, the current state of the harbour in Jambi Province, development analysis of the region, estimation of freight services, harbour development planning, harbour financial support estimation, and the natural resources management plan. The government bases the plan to build *Pelabuhan Ujung Jabung* on the RIP.

The construction of *Pelabuhan Ujung Jabung* is still in progress; hence the port is yet to function. It is estimated to conclude in the 2020s along with the completion of access roads leading to the port. Until recently, the government has built 2.6 KM of Trestle (it is still the process of staking), Center Transfer Tower, a 212x104 M2 and a 182.4x295 M2 of barrows, 182.4 Taluds, and 5.325 pieces of sandbags. The target was to build three units of Breasting Dolphin in 2017. The construction of the port took a halt in 2015-2019 due to government succession in Jambi Province. The change of governor changes the government policy. During this time, the government focuses more on the

development of Muara Sabak Port, leaving the construction of Ujung Jabung port in pause. The spirit to continue the construction of Ujung Jabung port revives in 2020 following the signing of the memorandum of development acceleration by the Governor of Jambi and Jambi Province Constituency at the Commission V of the House of Representatives and the Regional House of Representatives of Jambi Province.

The construction of *Pelabuhan Ujung Jabung* is in line with the recommendation from *Badan Koordinasi Penataan Ruang Daerah* (BKPRD or a coordinating board for regional spatial planning). The board recommends that the construction of Ujung Jabung port should comply with the RIP, Regional Regulation on Spatial Planning of Jambi Province, and District Regulation on Spatial Planning of East Tanjung Jabung Regency. *Pelabuhan Ujung Jabung* is built to support the Master Plan for the Acceleration and Enhancement of Economic Development in Indonesia (or MP3EI), For this reason, improvement of service in harbour is essential to elevate the competitiveness of the harbour, which will eventually affect the competitiveness of export and goods distribution activity.

A review of the regulations underpinning the construction of Ujung Jabung port reveals a disagreement of the category of the port. Referring to the hierarchical level of the port as written in Decree of MT 432/2017 on RIP, *Pelabuhan Ujung Jabung* is set to be a collecting port. RIP of Ujung Jabung port does not mention about the instalment of standard safety infrastructures for ship and port as mandated by the international law on the construction of the international port. Meanwhile, the Regional Spatial Planning of Jambi Province states differently. The plan categorizes the port as a primary port (an outlet) in Jambi Province. By main port, it means that the port is planned to serve all kinds of shipping activities for both domestic and international lanes. According to the authors, whether or not the port is set to be an international port, the government still needs to review its plan. In doing the review, the government must take into account the economic value of the region, and the safety measures of the port infrastructures, which must be following the ISPS Code. The measure, as mentioned earlier, is needed because, one day, the status of the port might be elevated.

III. THE SETTING OF PORT SECURITY STANDARD BASED ON THE ISPS CODE

A. INTERNATIONAL MARITIME ORGANIZATION (IMO)

IMO is a special UN agency responsible for the safety and security of international shipping activity and prevention of sea pollution by this shipping activity. IMO consists of committee and sub-committee. Technically, IMO recovers, develops, and adopts new regulations on international shipping such as preventive measures on ship collision, standardization on the design of ships, construction of a port, instalment of equipment, operational activities of port and shipping, and human resources in the shipping industry. IMO gives birth to International Convention for the Safety of Life at Sea (SOLAS) in 1974.¹⁸

IMO is previously known as Inter-Governmental maritime Consultative Organization (IMCO). The organization is established by the UN in 1948 to coordinate the safety of international maritime activities. IMO is actively functioning in 1958 and based on London, England. IMCO is formed in response to the tragedy of Titanic, and the formation is paused during World War I. When the war is over, IMCO is revived and established a set of regulation about ship construction and safety, which is called Safety Life at Sea (SOLAS). Each year, SOLAS is amended and modernized to allow the adaptation of safety measures to technological development and new issues and events in water.¹⁹

Following up the September 11 terrorist attack in New York, a Diplomatic Conference on Maritime Security took place in the 22nd IMO Assembly in November 2001. Unanimously, the members agree on the new provisions on security of ship and port facilities and suggest adopting the provisions in the Conference of SOLAS Convention of Contracting Government. A year after, in December 2002, a Diplomatic Conference on Maritime Security adopts the new provisions of SOLAS Convention to improve the safety of the maritime activity. These new provisions create an international framework for collaborative action to detect and prevent events that may threaten the security of sea transportation sector. The new provisions can be considered as milestones of the creation of the ISPS Code.²⁰

Indonesia has been a member of IMO since 1961 and becomes a Board Member in 1973-1979 and 1983 onwards. From the beginning, Indonesia is actively involved in IMO events, dedicates its attention to the safety of life at sea, being responsible for the security and protection of natural resources in the sea, and promotes the development of collaborative work in the field of

¹⁸ "IMO", Ministry of Foreign Affairs of the Republic of Indonesia, accessed on 21 February 2020, https://kemlu.go.id/london/id/pages/international_maritime_organization_imo_/2964/etc-menu.

¹⁹ "History of IMO," International Maritime Organisation, accessed on 21 February 2020, <http://www.imo.org/en/About/HistoryOfIMO/Pages/Default.aspx>.

²⁰ "IMO Adopts Comprehensive Maritime Security Measures," International Maritime Organisation, accessed 21 February 2020, http://www.imo.org/blast/mainframe.asp?topic_id=583&doc_id=2689.

safety and security of shipping activity.²¹

B. INTERNATIONAL SHIP AND PORT SECURITY CODE (ISPS CODE)²²

ISPS Code is a product of IMO. It regulates national government measures on overcoming terrorism threat at sea. The formulation of the ISPS Code starts in 2001, as arranged by the Maritime Safety Committee (MSC) and the Maritime Security Working Group (MSWG). In December 2002 at a conference, Contracting Government agrees to include ISPS Code in the Convention of SOLAS in 197 and on July 1, 2004, the ISPS Code takes into effect.

The amendment of the SOLAS stipulated under Chapter XI-2. The chapter includes the provisions in attempts to improve maritime security (Special Measure to Enhance Maritime Security). As a contracting member, Indonesia has signed and ratified the ISPS Code, therefore, is obliged to apply the provisions of the ISPS Code consistently. Ratification of the ISPS Code is taken by the issuance of the Decree of the President of Republic of Indonesia Number 65 of 1980 on Ratification of SOLAS 1974 (Decree of President 65/1980), Decree of the Minister of Transportation Number KM 33 of 2003 on the Implementation of the Amendment of SOLAS 1974 on the Security of Ship and Port Facility in Indonesian Territory (ISPS Code) (Decree of MT KM 33/2003). Following up, the Minister of Transportation publishes a regulation number PM 134 in 2016 (MT Reg. 134/2016) concerning the management of security and facility of port (Koda). This regulation serves as a guideline for the implementation of the ISPS Code in Indonesia. Article 3, MT Reg. 134/2016 governs the application of ISPS Code on international shipping activity, installation of infrastructure in port that serves international route, and installation of infrastructures in port that has met the criteria of ISPS Code. The safety infrastructures in terms of ISPS Code include a designated authority (DA) and port security system (PSC). DA means authorized agency responsible for the implementation of the ISPS Code in Indonesia. The Director-General shall appoint which agency that will become the DA. PSC refers to is an institution whose members is those responsible for the security of the port and is coordinated by Chief of Main Harbor Office and Port Authority and assisted by port security officer (PSO).

ISPS Code also requires a port to provide a recognized security organization (RSO), ship security assessment (SSA), and ship security plan (SSP).

²¹ "IMO", Ministry of Foreign Affairs of the Republic of Indonesia, accessed on 21 February 2020, https://kemlu.go.id/london/id/pages/international_maritime_organization_imo_/2964/etc-menu.

²² "Sekilas tentang ISPS Code [A Glimpse of ISPS Code]," *Jurnal Maritim*, 21 July 2017, accessed on 18 May 2020, <http://jurnalmaritim.com/sekilas-tentang-isps-code>.

RSO is a corporation consisting of intellectual people who are knowledgeable in security, risk management, and intelligence activity on ship and port. SSP is an on-board safety measures plan that is developed to ensure the protection over the people, the cargo, the loading tools, the storage, and the ship. Furthermore, SSA is an essential and integral part of the development and renewal of SSP.

Port is also required to have a port facility security assessment (PFSA), which is a plan for the development and renewal of security for the port facility, and a port facility security plan (PFSP), which is a plan for the implementation safety measures on port and facility. On the other side, Freight Corporation should have company security officer (CSO) or people who are appointed by the corporation to make sure that SSA procedures are taken place, ship security planning is developed, implemented, and preserved. The officer is also responsible for coordinating with PSO and SSO.

The Director-General of Sea Transportation will review the result of SSA, SSP, PFSA, and PFS. The ships that have been reviewed will be given a temporary (short term) ship security certificate (ISSC) and the ports will have a temporary port facility security facility (SoCPF) that are valid for five (5) months. The ships and the ports are hence required to go through internal audit and verification process. If declared clear, the ships and the ports will be handed a permanent ISSC and SoCPF that are valid for five (5) years.

Lastly, the ISPS Code requires ports and ships to perform a training program on the ISPS Code to the crew. SSO will provide training for ship crew, and PFSO provides training in terms of port facility management. They also have to conduct a drill or practical training program to test the procedures written in SSP and PFSP. This training involves internal parties who are in charge of the ships and port facility. Finally, they have to perform an exercising program or communication training. This program is aimed to test the coordination, availability and capacity of resources to communicate security threats. Communication training should involve the internal parties working for the ships and port facility and other parties that joined the PSC.

IV. CONCLUSION

Based on the findings and discussion above, we can conclude that the concept of development and construction of *Pelabuhan Samudera Ujung Jabung* may be divided into two categories. The first concept is the development of the port as a primary international port (East Tanjab. Reg 11/2012 and Jambi Prov. Reg. 10/2013). Therefore, it should implement the ISPS Code (Article

110 (4) (d), MT Reg. 51/2015). The second concept perceives the port as a collecting port (Decree of MT KP 432/2017, Decree of MT KM 43/2019). As a result, the concept implicates that the ISPS Code is not a requirement. The second concept also changes the name of the port from *Pelabuhan Samudera Ujung Jabung* into *Pelabuhan Ujung Jabung*.

The setting of port security measures in accordance with the ISPS Code in Indonesia are stipulated under the MT Reg. PM 134/2016. The safety measures included in the regulation are the availability of designated authority (DA); port security system (PSC); port security officer (PSO); recognized security organization (RSO); ship security assessment (SSA); ship security plan (SSP); company security officer (CSO); port facility security officer (PFSO); ship security officer (SSO); and temporary/permanent ISSC and temporary/permanent SoCPF, training, drilling, and exercising program.

The authors conclude that even though, two categories of the port are assigned to Ujung Jabung port, the government should maintain the application of ISPS Code in the construction of the port. With the strategic location of the port and the economic value of shipping activities surrounding the port, there is a chance to escalate the status of the port to be the primary port to serve international trading and shipping activity.

BIBLIOGRAPHY

Books and book chapters

- Dam, Syamsumar. *Politik Kelautan [Political Maritime]*. Jakarta : Bumi Aksara 2010.
- Kusumaatmaja, Mochtar, *Hukum Laut Internasional [International Law of the Sea]*. Jakarta: CV Trimitra Mandiri, 1999,
- Setia, Hadi, *Kawasan Perdagangan Bebas dan Pelabuhan Bebas [Free Trade Area and Free Harbor]*. Jakarta: Harvarindo, 2008.
- Soekanto, Soerjono and Sri Mamudji, *Penelitian Hukum Normatif : Suatu Tinjauan Singkat [Normative Legal Research : A Simple Explanation]*. Jakarta : Raja Grafindo, 2001.
- Suryokumoro, Sumaryo, *Pengantar Hukum Organisasi Internasional [Introduction to International Organisation Law]*. Jakarta : PT Tatanusa, 2007.
- Tunggal, Arif Djohan, *Hukum Laut Suatu Pengantar [Introduction to Law of the Sea]*. Jakarta: Havarindo, 2008.

Legal Documents

- Indonesia. *Keputusan Menteri Perhubungan tentang Rencana Induk Pelabuhan Nasional*, Nomor KM 432 Tahun 2017. (*Minister of Transportation Decision on the Master Plan of National Harbor*, Number KM 432 of 2017).
- Indonesia. *Keputusan Menteri Perhubungan tentang Rencana Induk Pelabuhan Ujung Jabung Provinsi Jambi*, Nomor KM 43 Tahun 2019. (*Minister of Transportation Decision on the Master Plan for Ujung Jabung Port in Jambi Province*, Number KM 43 of 2019).
- Indonesia. *Peraturan Daerah Kabupaten Tanjung Jabung Timur tentang Rencana Tata Ruang Wilayah Tahun 2011 – 2031*, Nomor 11 Tahun 2012. (*Regional Regulation of East Tanjung Jabung Regency on Spatial Planning of East Tanjung Jabung Regency 2011-2031*, Number 11 of 2012).
- Indonesia. *Peraturan Daerah Provinsi Jambi tentang Kawasan Strategis Ujung Jabung*, Nomor 4 Tahun 2015. (*Regional Regulation of Jambi Province on Strategic Zone of Ujung Jabung*, Number 4 of 2015).
- Indonesia. *Peraturan Menteri Perhubungan tentang Manajemen Keamanan Kapal dan Fasilitas Pelabuhan*, Nomor PM 134 Tahun 2016. (*Regulation of the Minister of Transportation on the Management of Ship and Port Facility*, Number PM 134 of 2016).
- Indonesia. *Peraturan Menteri tentang Penyelenggaraan Pelabuhan Laut*, Nomor PM 51 Tahun 2015. (*Regulation of the Minister of Transportation on the Management of Sea Port*, Number PM 51 of 2015).
- Indonesia. *Peraturan Pemerintah tentang Pelabuhan*, PP No. 61 Tahun 2009. (*Government Regulation on Harbor*, Law No. 61 of 2009).
- Indonesia. *Undang-Undang tentang Pelayaran*, UU No. 17 Tahun 2008. (*Law on Sea Voyage*, Law Number 17 of 2008 on Sea Voyage).
- International Convention for the Safety of Life at Sea 1974 (entered into force 25 May 1980).
- International Ship and Port Facility Security Code (entered into force 2004).

Internet Sources

- “Bupati Apresiasi Kelanjutan Pembangunan Pelabuhan Ujung Jabung [Regent Appreciates Development of Tanjung Jabung Port],” *Tribun Timur*, accessed 20 February 2020, <https://tanjabtim.go.id/berita/detail/49/bupati-apresiasi-kelanjutan-pembangunan-pelabuhan-ujung-jabung>.
- “Sekilas tentang ISPS Code [A Glimpse of ISPS Code],” *Jurnal Maritim*, 21 July 2017, accessed on 18 May 2020, <http://jurnalmaritim.com/sekilas-tentang-isps-code>.
- Department of Transportation of the Republic of Indonesia. “Jelang 14 Tahun Penerapan ISPS Code di Indonesia Kemenhub Konsisten Ciptakan Keamanan Fasilitas Pelabuhan [14 Years Application of ISPS Code in Indonesia, Ministry Consistently Contrive Port Security].” Accessed 19 May 2020, <http://hubla.dephub.go.id/berita/Pages/JELANG-14-TAHUN-PENERAPAN-ISPS-CODE-DI-INDONESIA,-KEMENHUB-KONSISTEN-CIPTAKAN-KEAMANAN-FASILITAS-PELABUHAN.aspx>.
- Fadly. “Mulai Dari Pembebasan Lahan, Ini Tahapan Pembangunan Ujung Jabung Tahun ke Tahun [Starting from Land Acquisition, These are the Stages of Development of the Ujung Jabung],” *Tribun Timur*, 11 December 2018, accessed 20 February 2020, <https://jambi.tribunnews.com/2018/12/11/mulai-dari-pembebasan-lahan-ini-tahapan-pembangunan-ujung-jabung-tahun-ke-tahun>.

