The implementation of the International Ship and Port Facility Security (ISPS) Code in Indonesia

Budi Santoso

Follow this and additional works at: https://commons.wmu.se/all_dissertations

Part of the Transportation Commons

Recommended Citation

This Dissertation is brought to you courtesy of Maritime Commons. Open Access items may be downloaded for non-commercial, fair use academic purposes. No items may be hosted on another server or web site without express written permission from the World Maritime University. For more information, please contact library@wmu.se.
WORLD MARITIME UNIVERSITY
Malmö, Sweden

THE IMPLEMENTATION OF THE INTERNATIONAL SHIP AND PORT FACILITY SECURITY (ISPS) CODE IN INDONESIA

By

BUDI SANTOSO
Indonesia

A dissertation submitted to the World Maritime University in partial fulfilment of the requirements for the reward of the degree of

MASTER OF SCIENCE
in
MARITIME AFFAIRS
MARITIME LAW AND POLICY

2021

Copyright Budi Santoso, 2021
**Declaration**

I certify that all the material in this dissertation that is not my own work has been identified, and that no material is included for which a degree has previously been conferred on me.

The contents of this dissertation reflect my own personal views, and are not necessarily endorsed by the University.

(Signature):

(Date):

21st September 2021

Supervised by: Assoc Prof. Aref Fakhry

Supervisor’s affiliation: Associate Professor (Maritime Law and Policy)  
World Maritime University
Acknowledgements

First and foremost, I would like to say Alhamdulillah. Laa hawla wa laa quwwata illa Billaah (All praise is due to Allah. There is no power, no strength but from Allah). Only with His blessings and graces, I can finally complete my study and research at World Maritime University (WMU).

I would like to convey my deepest gratitude to Sasakawa Peace Foundation (SPF) for sponsoring my study at the prestigious University, WMU. All support from the faculty and staff members of the University, especially the faculty members of the Maritime Law and Policy (MLP) program for sharing their invaluable experience and knowledge in maritime affairs.

I would also like to express my sincere appreciation to my supervisor, Professor Aref Fakhry who has assisted me in the process of writing this dissertation. With his invaluable guidance, feedback, and advice I can finally complete my research. My sincere thanks also extend to all ESSP teachers Ms. Anne Pazaver, Ms. Inger Batista, and Ms. Siobhan Claesson. The experience I gained for three months of ESSP class had helped me in improving the writing skill of an academic paper. Further, I would like to extend my sincere thanks to:

1. All my colleagues in the Center of Partnership Facilitation and International Organization (PFKKI) Secretariat General of the Ministry of Transportation especially in the Multilateral Relation Division for the encouraging support.

2. All colleagues from the Directorate of Sea and Coast Guard (KPLP), Main Harbourmaster Offices (Kantor Kesyahbandaran Utama: Belawan, Tanjung Priok, Tanjung Perak, and Makassar), port operators (PT. Pelindo: I, II, III, and IV), and the shipping company (PT. Pertamina International Shipping) for participating in this research, and for providing some data related to the ISPS Code.
3. All Indonesian families and community, as well as students’ associations in Malmo which I could not mention one by one, for making my life in Malmo like I was living in my home.

4. All WMU fellow class of S21, especially the MLP colleagues, who always encourage one another during the difficult time of pandemic covid-19, and we finally were able to pass through all of these and finished our study. Our graduation does not mean our friendship has ended, it is just a beginning for all of us on behalf of our country to work together to realize the sustainability of safe and secure international shipping, and for a clean ocean.

5. All my siblings, Asep Bambang Somantri, Neng Budi Rahayu, Siti Sundari, and Edi Santoso, for giving continuous moral support to finish my study. Although it was very difficult for me with the loss of our mother in the middle of my study here. All your support and encouraging words made me able to get all this through. May Allah SWT grant our mother, father, and sister Lilis Sri Rahayu in the highest place in His Jannah.

Last but not least, my super special thanks to my beloved wife Rimawaty Ika Lestari for accompanying and always supporting me during the last six months living in Malmo.
Abstract

Title of Dissertation: The implementation of the International Ship and Port Facility Security (ISPS) Code in Indonesia

Degree: Master of Science

The purpose of this study is to investigate the progress of the implementation of the ISPS Code in Indonesia, and to analyse its impacts on the shipping industries as well as challenges faced by the stakeholders since the Code entered into force in 2004.

Indonesia, a contracting State to the ISPS Code since 2003, has made some efforts to show its commitment to enhancing maritime security by ensuring that all requirements set out in the Code are properly executed by the stakeholders concerned. This research identifies the impacts of the Code’s application to port facilities and on board Indonesian flagged ships. It has not been an easy task for the Directorate General of Sea Transportation (DGST) acting in the role of the Maritime Administration (MARAD) to manage and monitor the application of the Code by port facility operators and shipping companies. The main issue identified in this research is the legal basis for implementing and enforcing the Code. The procrastination in promulgating secondary regulation concerning the ISPS Code had caused some problems to stakeholders. This research also identifies other outstanding issues encountered by the DGST and its technical divisions as the Designated Authority for the Code and other issues faced by port facility operators and shipping companies.

This research analyses the achievements and challenges of the ISPS Code application in Indonesia based on information from previous research and recent data collected from the MARAD, and the shipping industries through the distribution of questionnaires. This study provides some recommendations, which are expected to
contribute to the enhancement of maritime security toward the realization of good maritime governance.

In conclusion, the dissertation provides a comprehensive overview of the efforts made by the government. It starts with the development of a legal basis concerning the ISPS Code for the last 19 years and measures carried out to meet the objectives of the Code and the level of compliance with its requirements. It also identifies obstacles encountered by the stakeholders in implementing the Code, especially the enforcement of the Code by the DGST and its technical divisions as the National Authority.

**KEYWORDS:** SOLAS Chapter XI-2, ISPS Code, Directorate General of Sea Transportation (DGST), Sea and Coast Guard of Indonesia (KPLP), Main Harbormaster Office, Kantor Kesyahbandaran Utama (KSU), Harbormaster and Port Authority, Kantor Kesyahbandaran dan Otoritas Pelabuhan (KSOP), Maritime Administration (MARAD), Designated Authority (DA), Port Security Committee (PSC), Port Facility Security Assessment (PFSA), Ship Security Assessment (SSA), Port Facility Security Officer (PFSO), Company Security Officer (CSO), Ship Security Officers (SSO), Global Maritime Fulcrum, Poros Maritim Dunia, Maritime Security, Ships and Port Facilities Security, Indonesian Shipping Law.
Table of Contents

Declaration......................................................................................................................................................... i

Acknowledgements.............................................................................................................................................. ii

Abstract............................................................................................................................................................... iv

Table of Contents.................................................................................................................................................. vi

List of Tables ....................................................................................................................................................... viii

List of Figures ..................................................................................................................................................... ix

List of Abbreviations ....................................................................................................................................... x

CHAPTER 1 INTRODUCTION .............................................................................................................................. 1

1.1 Background and Problem Statement ........................................................................................................... 1

1.2 Objectives, Expected Result, and Research Questions ............................................................................. 5

1.2.1 Objectives ............................................................................................................................................... 5

1.2.2 Expected Results ..................................................................................................................................... 5

1.2.3 Research Questions .................................................................................................................................. 6

1.3 Literature Review ......................................................................................................................................... 6

1.4 Research Methodology ................................................................................................................................. 10

1.5 Structure of Dissertation ............................................................................................................................. 11

CHAPTER 2 SOLAS CHAPTER XI-2 AND THE ISPS CODE ........................................................................ 13

2.1 Duties and responsibilities of contracting governments to SOLAS Chapter XI-2 and the ISPS Code .............................................................................................................................................. 14

2.2 The structure of the ISPS Code .................................................................................................................. 14

2.3 The objectives and scope of application of the ISPS Code ...................................................................... 16

CHAPTER 3 LEGAL INCORPORATION OF SOLAS CHAPTER XI-2 AND THE ISPS CODE IN INDONESIA ................................................................................................................................. 18

3.1 General overview of Indonesia’s maritime security .................................................................................. 18

3.2 National regulations concerning SOLAS Chapter XI-2 and the ISPS Code ....................................... 25

3.3 National Authority (Designated Authority) .............................................................................................. 27

CHAPTER 4 IMPLEMENTATION OF SOLAS CHAPTER XI-2 AND THE ISPS CODE IN INDONESIA .............................................................................................................................................. 30
<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.1</td>
<td>Progress of the ISPS Code in Indonesia</td>
<td>30</td>
</tr>
<tr>
<td>4.2</td>
<td>Cooperation among stakeholders</td>
<td>32</td>
</tr>
<tr>
<td>4.2.1</td>
<td>The role and responsibility of the Maritime Administration</td>
<td>34</td>
</tr>
<tr>
<td>4.2.2</td>
<td>The role and responsibility of port authorities</td>
<td>36</td>
</tr>
<tr>
<td>4.2.3</td>
<td>The role of port facility operators and shipping companies, and other stakeholders</td>
<td>38</td>
</tr>
<tr>
<td>4.3</td>
<td>Implications of the application of the ISPS Code requirements for the shipping industry in Indonesia</td>
<td>40</td>
</tr>
<tr>
<td>4.3.1</td>
<td>The impact to port facilities</td>
<td>41</td>
</tr>
<tr>
<td>4.3.2</td>
<td>The impact to the shipping companies</td>
<td>43</td>
</tr>
<tr>
<td>5.1</td>
<td>Identifying challenges of the Maritime Administration</td>
<td>45</td>
</tr>
<tr>
<td>5.2</td>
<td>Identifying challenges of port authority and port facilities operator</td>
<td>47</td>
</tr>
<tr>
<td>5.3</td>
<td>Identifying challenges of shipping companies</td>
<td>52</td>
</tr>
<tr>
<td>5.1</td>
<td>Identifying challenges of the Maritime Administration</td>
<td>45</td>
</tr>
<tr>
<td>5.2</td>
<td>Identifying challenges of port authority and port facilities operator</td>
<td>47</td>
</tr>
<tr>
<td>5.3</td>
<td>Identifying challenges of shipping companies</td>
<td>52</td>
</tr>
<tr>
<td>6.1</td>
<td>Summary and Conclusions</td>
<td>55</td>
</tr>
<tr>
<td>6.2</td>
<td>References</td>
<td>59</td>
</tr>
<tr>
<td>6.3</td>
<td>Appendices</td>
<td>65</td>
</tr>
</tbody>
</table>
List of Tables

**Table 1.** Articles related to security of ship and port in Shipping Law Number 17 Year 2008 (InforMEA, 2008). ................................................................. 20

**Table 2.** Some Articles under of the Minister of Transport Regulation Number 134/2016 related to Company Security Officer (CSO), Ship Security Officer (SSO) and Port Facility Security Officer (PFSO). ................................. 38

**Table 3.** Constraints and challenges in the implementation of the ISPS Code faced by port authorities and port facilities operators (question number 13 of research questionnaire – Appendix 4) ................................................................. 49
List of Figures

Figure 1. Port development plan in Indonesia under Medium Term Development Plan (Rencana Pembangunan Jangka Menengah/RPJM, 2015-2019). Source was taken from the website of the Coordinating Ministry of Maritime Affairs and Investment (Kemenkomar, 2016)................................................. 2

Figure 2. The Structure of Port Security Committee (PSC) of Tanjung Perak Port. Source was taken from the attachment of Decision Letter the Head of Main Harbourmaster office of Tanjung Perak Surabaya (SK Nomor. 207/02/07/SYB.Tpr-17, 7 July 2017)................................................................. 33

Figure 3. The Organizational Chart of the Directorate General of Sea Transportation (DGST), Ministry of Transportation. Source was taken from the website of the Ministry of Transportation (Kemenhub, 2019d)................................. 35
### List of Abbreviations

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADEPI</td>
<td>Asosiasi Depo Petikemas Indonesia</td>
</tr>
<tr>
<td>APBMMI</td>
<td>Asosiasi Perusahaan Bongkar Muat Indonesia</td>
</tr>
<tr>
<td>BAKAMI</td>
<td>Badan Keamanan Laut</td>
</tr>
<tr>
<td>BAKORKAMLA</td>
<td>Badan Koordinasi Keamanan Laut</td>
</tr>
<tr>
<td>CCTV</td>
<td>Closed-Circuit Television</td>
</tr>
<tr>
<td>CSO</td>
<td>Company Security Officer</td>
</tr>
<tr>
<td>CTP Fortune</td>
<td>Caraka Tirta Perkasa Fortune PT Caraka Tirta</td>
</tr>
<tr>
<td>DA</td>
<td>Designated Authority</td>
</tr>
<tr>
<td>DGST</td>
<td>Directorate General of Sea Transportation</td>
</tr>
<tr>
<td>DPC INSA</td>
<td>Dewan Pengurus Cabang Indonesian National Ship Association</td>
</tr>
<tr>
<td>DoS</td>
<td>Declaration of Security</td>
</tr>
<tr>
<td>FSI</td>
<td>Flag State Implementation</td>
</tr>
<tr>
<td>GAFEKSI</td>
<td>Gabungan Forwarder Ekspedisi Indonesia</td>
</tr>
<tr>
<td>Ginsi</td>
<td>Gabungan Importir Nasional Seluruh Indonesia</td>
</tr>
<tr>
<td>GPEI</td>
<td>Gabungan Perusahaan Ekspor Indonesia</td>
</tr>
<tr>
<td>GISIS</td>
<td>Global Integrated Shipping Information System</td>
</tr>
<tr>
<td>III</td>
<td>Implementation of IMO Instruments</td>
</tr>
<tr>
<td>IMO</td>
<td>International Maritime Organization</td>
</tr>
<tr>
<td>INSA</td>
<td>Indonesian National Ship Association</td>
</tr>
<tr>
<td>IPERINDO</td>
<td>Ikatan Perusahaan Industri Kapal dan Lepas Pantai Indonesia</td>
</tr>
<tr>
<td>ISM Code</td>
<td>International Ship Safety Management Code</td>
</tr>
<tr>
<td>ISPS Code</td>
<td>International Ship and Port Facility Security Code</td>
</tr>
<tr>
<td>ISSC</td>
<td>International Ship Security Certificate</td>
</tr>
<tr>
<td>JICT</td>
<td>Jakarta International Container Terminal</td>
</tr>
<tr>
<td>KEMENHUB</td>
<td>Kementerian Perhubungan</td>
</tr>
<tr>
<td>KEMENKOMAR</td>
<td>Kementerian Koordinasi Bidang Kemeritman dan Investasi</td>
</tr>
<tr>
<td>KM</td>
<td>Keputusan Menteri</td>
</tr>
<tr>
<td>KPLP</td>
<td>Kesatuan Penjagaan Laut dan Pantai</td>
</tr>
<tr>
<td>KODIM</td>
<td>Komando Distrik Militer</td>
</tr>
<tr>
<td>Acronym</td>
<td>Description</td>
</tr>
<tr>
<td>---------</td>
<td>-------------</td>
</tr>
<tr>
<td>KSOP</td>
<td>Kantor Kesyahbandaran dan Otoritas Pelabuhan</td>
</tr>
<tr>
<td>KSU</td>
<td>Kantor Kesyahbandaran Utama</td>
</tr>
<tr>
<td>KUPP</td>
<td>Kantor Unit Penyelenggara Pelabuhan</td>
</tr>
<tr>
<td>LAKSDA</td>
<td>Laksama Muda (Rear Admiral)</td>
</tr>
<tr>
<td>LANTAMAL</td>
<td>Pangkalan Utama TNI Angkatan Laut</td>
</tr>
<tr>
<td>MARAD</td>
<td>Maritime Administration</td>
</tr>
<tr>
<td>MARPOL</td>
<td>International Convention for the Prevention of Pollution from Ships</td>
</tr>
<tr>
<td>NPCT</td>
<td>New Priok Container Terminal</td>
</tr>
<tr>
<td>ORGANDA</td>
<td>Organisasi Angkutan Darat</td>
</tr>
<tr>
<td>PELINDO</td>
<td>Pelabuhan Indonesia</td>
</tr>
<tr>
<td>PELNI</td>
<td>Pelayaran Nasional Indonesia</td>
</tr>
<tr>
<td>PFSA</td>
<td>Port Facility Security Assessment</td>
</tr>
<tr>
<td>PFSP</td>
<td>Port Facility Security Plan</td>
</tr>
<tr>
<td>PFSO</td>
<td>Port Facility Security Officer</td>
</tr>
<tr>
<td>PKP</td>
<td>Penunjang Keselamatan dan Penyidikan</td>
</tr>
<tr>
<td>PM</td>
<td>Peraturan Menteri</td>
</tr>
<tr>
<td>PP</td>
<td>Peraturan Pemerintah</td>
</tr>
<tr>
<td>PSC</td>
<td>Port Security Committee</td>
</tr>
<tr>
<td>PT AKR</td>
<td>Perseroan Terbatas Aneka Kimia Raya</td>
</tr>
<tr>
<td>PT ISM</td>
<td>Perseroan Terbatas Indofood Sukses Makmur</td>
</tr>
<tr>
<td>PURN</td>
<td>Purnawirawan (Honorary rank given to a retired military officer)</td>
</tr>
<tr>
<td>RFID</td>
<td>Radio Frequency Identification</td>
</tr>
<tr>
<td>RPJM</td>
<td>Rencana Pembangunan Jangka Menengah</td>
</tr>
<tr>
<td>RSO</td>
<td>Recognized Security Organization</td>
</tr>
<tr>
<td>SATROLTAS</td>
<td>Satuan Patroli Terbatas</td>
</tr>
<tr>
<td>SoCPF</td>
<td>Statement of Compliance of a Port Facility</td>
</tr>
<tr>
<td>SOLAS</td>
<td>International Convention for the Safety of Life at Sea</td>
</tr>
<tr>
<td>SSA</td>
<td>Ship Security Assessment</td>
</tr>
<tr>
<td>SSO</td>
<td>Ship Security Officer</td>
</tr>
<tr>
<td>SSP</td>
<td>Ship Security Plan</td>
</tr>
<tr>
<td>Abbreviation</td>
<td>Full Form</td>
</tr>
<tr>
<td>--------------</td>
<td>-----------</td>
</tr>
<tr>
<td>SUA</td>
<td>Suppression of Unlawful Acts against the Safety of Maritime Navigation</td>
</tr>
<tr>
<td>STCW</td>
<td>International Convention on Standards of Training Certification and Watchkeeping for Seafarers</td>
</tr>
<tr>
<td>TKBM</td>
<td>Tenaga Kerja Bongkar Muat</td>
</tr>
<tr>
<td>TNI</td>
<td>Tentara Nasional Indonesia (Indonesian Army)</td>
</tr>
<tr>
<td>UPT</td>
<td>Unit Pelaksana Teknis</td>
</tr>
<tr>
<td>US</td>
<td>United States</td>
</tr>
<tr>
<td>WMD</td>
<td>Weapons of Mass Destruction</td>
</tr>
</tbody>
</table>
CHAPTER 1 INTRODUCTION

1.1 Background and Problem Statement

Maritime transport as the backbone of world trade and globalization plays an essential role in sustaining the economy and social life of people worldwide. More than 50,000 merchant ships carry all types of cargo internationally, and bring many benefits for consumers across the world through competitive freight costs (IMO, 2019a). The international shipping community must ensure that the transport of goods by sea from the port of origin to the port of destination, including facilities and infrastructure support are safe and secure. According to Mejia (2002) as cited by Hasanov (2019) “safety is designed to protect people from maritime accidents caused by unsafe operation of ships; on the other hand, security aims at protecting the crew and ship from criminal intent”. The Convention for Safety of Life at Sea (SOLAS) adopted by the International Maritime Organization (IMO) in 1974 initially focuses on the safety aspect of the ship. Due to the increasing number of threats posed by piracy and armed robbery against the ships including significant terrorism acts from the period of 1980 to 2005, the IMO adopted several instruments to deal with maritime security threats. The first was the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA) in 1988. This Convention was adopted following the hijacking of the Achille Lauro ship in October 1985 (IMO, 2019b).

The issue of security in the maritime industry has become and will remain a global concern, as it will disrupt the international trade flows of more than 90% goods carried by seas (Talaie, 2020). As the impact of devastating terrorist attacks in the United States (US) in 2001, known as the 9/11 incident, the IMO adopted the International Ship and Port Facility Security (ISPS) Code that regulated security measures on board ships and in ports (IMO, 2019b). The Code is included as an annex to SOLAS Chapter XI-2, which is aimed to assist contracting Parties to enhance maritime security through the establishment of an international and national cooperation framework. It is important for the SOLAS contracting governments to establish such cooperation at
national and international level as required under the ISPS Code; in the application of preventive measures to avoid any potential security threats that would endanger the ships, port and its facilities (IMO, 2019c). Every contracting States has different characteristics and policies in implementing and enforcing these instruments, in particular at the national level, of how to create better coordination among agencies and to avoid any intersecting issues. This is a common issue, which is also faced by Indonesia as a contracting State to these instruments.

Indonesia is a nation with 17,504 islands; 108,000 km of coastal length and a territorial sea of 290,000 km² (Kemenkomar, 2018). Shipping is a vital sector which can contribute significantly to the economy and social welfare of people across the country including defense, security and cultural sectors. In Figure I, show the grand vision of Indonesia as a Global Maritime Fulcrum (Poros Maritim Dunia). One of the efforts to achieve this goal is by the establishment of sea-toll (tol laut) to support connectivity.
among islands including infrastructure development, efficient use of the budget, and the facility for cargo ships (Kemenkomar, 2016).

At present, Indonesia has 1,241 ports in total, of which 141 are open to international trade (Indonesia, 2019). The designation of international ports would not only require safety support like nautical access, the depth level of water for larger sized ships, and vessel traffic services system. It would also require security support through the implementation and enforcement of ships and port facility security or the ISPS Code, as one of the primary requirements. To support an effective implementation of and compliance with the Code, Indonesia must have a national policy and legislation granting a clear and robust mandate to the agency that acts on behalf of the government as the Maritime Administration (MARAD) to the IMO for carrying out its responsibilities to uphold all the provisions of the Code.

Indonesia has been actively contributing to the international maritime community by ratifying some instruments adopted by the IMO, and prioritizes cooperation with other member States to strengthen the safety and security of international shipping (Jakartaglobe, 2019). As of 2020, there were 28 IMO Instruments to which Indonesia is a party (IMO, 2021a). The Directorate General of Sea Transportation (DGST) of the Ministry of Transportation of Indonesia as the MARAD plays an important role in the implementation and enforcement of IMO key conventions namely SOLAS, 1974, as amended; the Convention for the Prevention of Pollution from Ships, 1973, and its 1978 Protocol, (MARPOL 73/78); and the Convention on Standards of Training Certification and Watchkeeping for Seafarers of 1978 (STCW 78). Indonesia through DGST has been working to improve its capability and performance to enhance and strengthen the security of Indonesian maritime and shipping industry in accordance with SOLAS Chapter XI-2 and the ISPS Code.

The overlapping issue among agencies in the enforcement of maritime law, especially on the security aspect, remains the main concern of the government of Indonesia to
this date. There are many authorities engaged in the enforcement of law in Indonesian seas, which often lead to conflicts of interest and power among them. “The difficulty in coordinating these institutions cannot be separated from inter-agency competition that has long been plaguing Indonesia’s maritime governance”, according to Ikrami (2018). The Indonesian National Shipping Association (INSA) stated that the overlapping of authorities among institutions in maintaining security at sea has caused some trouble to the ship operations as well as the quality of cargo (Bisnis, 2019). Apart from the intersecting issue among agencies, the implementation of international instruments has also become a concern of the implementing agency. For example, the application of port facilities and ship security which has to be in line with the provisions of the ISPS Code. According to Rindarto (2016), many residents who live around the port area still do not have a sufficient knowledge on the importance of safety and security in the area, and the number of infringements by local people tend to be difficult to overcome due to limited personnel of the company. In addition, according to the research conducted by Kusumaningrum, et al. (2019) have identified some problems in the implementation of the ISPS Code in the case of MT CTP Fortune, such as lack of understanding of crew about how to implement the ISPS Code, inconsistency of crew in implementing the Code, as well as lack of motivation to follow the Code.

This research examines the experience of Indonesia in the application of the ISPS Code and the degree of conformity accomplished in the last 19 years since it was adopted in 2002. What kind of policy and national legislation or regulations have been developed by the government in relation to the implementation and enforcement of SOLAS Chapter XI-2 and the ISPS Code? How the National Authority applies the management of the ISPS Code and performs its function in coordinating the implementation of the Code requirements; and whether the coordination among stakeholders has been successfully established or improved? This research will also identify and analyse the issues faced by the interested stakeholders in the implementation of the Code.
1.2 Objectives, Expected Result, and Research Questions

1.2.1 Objectives

The purpose of this research is to provide a comprehensive overview on the progress made by Indonesia as a party to SOLAS Chapter XI-2 and the ISPS Code in implementing and enforcing the provisions required in these instruments, including obstacles faced by the stakeholders. The objectives of this research will focus on the following aspects:

1. To identify the level of compliance of Indonesia as a contracting government to the requirements of SOLAS Chapter XI-2 and the ISPS Code.
2. To analyse the impacts of the implementation of the ISPS Code provisions to maritime security and the shipping industries.
3. To identify the responsibility of the relevant technical division of DGST as the competent authority to uphold the ISPS Code, as well as the role of other related agencies and the shipping industries in accordance with the national law.
4. To review the performance of all stakeholders in relation to implementation of the ISPS Code in the last 19 years since its inception in 2002, and also to further analyse challenges faced by them in applying the Code.

1.2.2 Expected Results

This research is expected to make a positive contribution to the consideration of the importance of good governance in the enforcement of maritime law in Indonesia, in particular to the improvement of maritime security of ship and port facilities in accordance with the international instrument requirements. A good maritime governance should be well established among stakeholders for a better implementation of SOLAS Chapter XI-2 and the ISPS Code in order to achieve a sustainability of maritime security, which will bring a huge impact on the social and economic development of the country.
This research is also expected to show that observations on the ISPS Code implementation in Indonesia for the last 19 years in this research could also be a useful reference for the Government in the evaluation and improvement of performance of its agencies and the shipping industries in the future.

1.2.3 Research Questions

The following research questions have been developed to achieve the objectives of this dissertation:

1. What has been done by Indonesia as a contracting government to SOLAS Chapter XI-2 and the ISPS Code, and why is it crucial to improve the level of conformity with the provision of the Code?

2. What are the impacts of the ISPS Code implementation to the national maritime security and the shipping industries?

3. How does the DGST perform its function as the Designated Authority (DA) in coordinating the implementation and enforcement of the Code with other agencies and the shipping industries?

4. What are challenges faced by the stakeholders in performing their function in relation to the ISPS Code provisions in the last 19 years of its inception in 2002?

1.3 Literature Review

The introduction of special measures to enhance maritime security in SOLAS Chapter XI-2 and the ISPS Code has changed the world (Trelawny, 2017). Since entered into force on 1 July 2004, the ISPS Code became a mandatory international security regime for international shipping which required all member States to apply ships and port facilities security measures in compliance with the Code requirements (IMO, 2019c). Entering the 14 years the adoption of the ISPS Code a consistency and a new breakthrough is required in order to improve an ideal port facilities security, which in the end will have a positive impact on the global business world, and in particular the Indonesian economy as well as its maritime industries (Kemenhub, 2018). This
research focused on the accomplishments, impacts as well as challenges of the ISPS Code implementation in Indonesia as a contracting government to the instruments as discovered by the author in much of the literature.

The ISPS Code indicates obligations to the government, shipping companies, ship and port operators to collaborate in enhancing maritime security. It should be recalled that the ISPS Code aims to establish both international and national cooperation among governments, shipping communities, ship and port operators to ensure security of all aspects related to ship and port facilities of international trade. Thus, in implementing this rule, inspection is required before a ship enters the port as well as the necessity of verification on certification at the port. In other words, parties that are involved or relevant to the ISPS Code implementation will have the necessary management standards and information exchange (Puspitawati, 2019). In principle, the Code applies a practical approach on risk management to guarantee security of ships and port facilities by determining appropriate security measures, to assess the risk of each particular case. The Code provides a harmonized, coherent framework of risk evaluation that enables governments to counteract changes in threat with adjustments in vulnerability for ships and port facilities (Elentably, 2019). The ISPS Code does not specifically regulate any measures should be taken by ports and vessels in the fight against terrorism to protect its facilities and properties. However, the Code outlines a uniform structure or standardized framework of how to assess the risk, which enables governments to control or offset changes in threat with adjustments in vulnerability for ships and port facilities (Hendrapati, 2015).

Many States faced difficulties in implementing maritime security and enforcing its maritime law measures. According to Trelawny (2017), one of the major challenges is that “they are seen as departmental problems, issues for the navy, or the coast guard, or the marine police, or the maritime authority, or the port authority, or customs and border agency, in which all of those agencies are competing for scarce resources, rather than being part of a national, multi-agency response to emerging the port and maritime
sector”. Indonesia, as a country with a very large marine jurisdiction, has many problems related to its marine area. Constraints in the juridical aspect can be explained that in legislation that clearly regulates law enforcement in the Indonesian territorial waters, in one law the subject of law enforcement can be more than one agency or institution. In situations and conditions of disharmony in sectoral relations like this, it creates a situation that can lead to different perceptions of function and authority leading to institutional egos. The difference in perceptions of function and authority is very likely to trigger unclear coordination which results in law enforcement and security processes at sea so that in the end all conditions that arise against safety and security in Indonesian territorial waters become inefficient and unsuccessful in the process (Sasongko, 2020).

According to study by Aktar (2018) noted that the ISPS Code faces considerable challenges to implement effective counter measures against terrorism and proliferation of weapons of mass destruction (WMD):

First of all, the factor incorporating State not ratifying the code involves its huge cost of maintaining the whole process, which at times puts additional burden on States and some States have lack of capability to continue this system of speculation. For example, Indonesia, an archipelago with lack of capability in economic factors and enforcement power, has kept itself out of this robust system of speculation. Second, there are some gaps in the code, that ISPS Code excludes non-commercial and fishing vessels from its jurisdiction which provides the terrorist greater latitude to exploit this gap. (p. 20)

The trade economy of Indonesia is highly dependent on maritime transport, especially foreign trade, therefore the safety and security of ships and ports of which the ships are anchored is absolutely essential. Threats to ship safety have often occurred which
obviously bring great losses to ships and companies. It must be admitted that the application of the ISPS Code provision in Indonesia has not been fully implemented, because it still requires hard and serious efforts from all parties concerned, especially in the effort to realize the "Maritime Fulcrum" vision. In general, physical conditions, location, and environmental surroundings the ports in Indonesia contribute to the difficulties in implementing the ISPS Code (Sumakul, 2014; Khafendi, 2016).

A well-coordinated of risk based preventive strategy in protecting port infrastructure against terrorist attack, countering theft and other criminal activity, or preventing access to ships by terrorists, drug smugglers or stowaways, is a critical factor for the success of port and port facility security regimes (Trelawny, 2017). According to Rugman et al. (1999) and Bonardi et al. (2005) as cited by Mileski et al. (2015), “regulations have an impact on the strategies firms use”. Mileski also cited Barney (1991) research, “an organization’s strategy for compliance with regulation includes not only the plan of action but also how the plan is executed and implemented”. Furthermore, “strategies have a direct impact on firm performance or firm value in a variety of contexts such as human resources, stockholder engagement, logistics, and diversification” (Youndt et al., 1996; Hill and Snell 1988; Lynch et al., 2000; Gomez-Mejia 1992, Mileski, et al., 2015). The role of the government must be firm to achieve shipping safety and security by issuing clear laws according to the functions of each law enforcement agency in the sea (Sasongko, 2020).

This literature review has discussed the implementation of SOLAS Chapter XI-2 and the ISPS Code by contracting governments. How the effect of application of the security in ports facilities and ships as required in the Code to the country and its shipping industry. In order to better understand the implementation of SOLAS Chapter XI-2 and the ISPS Code in Indonesia, this dissertation paid attention to various research and data from other authors, official documents and records of national legislations and regulations, and also relevant websites of the international organization and government agencies.


1.4 Research Methodology

This research applied both qualitative and quantitative analysis methods. These two methods were used to enrich and further clarify the outcomes of the research. International instruments, codes, and national legislations on maritime security of Indonesia were performed as a literature review. In addition, previous journals, articles concerning ships and port facilities security of other experts and authors collected from books and websites were also used in supporting this research to further study the compliance to the ISPS Code provisions, as well as its implementations and challenges.

The method of qualitative analysis used in this research is to review and analyse all information available in the form of official documents, publications or data collected from international organizations and related stakeholders such as maritime authorities and the shipping industries which play an important part in the ISPS Code implementation.

The quantitative analysis method used in this research is to gather data from various stakeholders as primary data source. The collection of data provided achievements have been made by Indonesia as a contracting government to the ISPS Code, including challenges encountered by the National Authority and the shipping industries. Furthermore, these data were used to examine the progress of maritime security in particular ships and port facilities security in the aspect of regulation and its application.

Research questionnaires were distributed among stakeholders such as the MARAD and other related divisions, shipping companies, and port operators as a source in analysing the impacts as well as challenges of the ISPS Code application. These research questionnaires and other supporting information attached as the annexes to this dissertation are for the purpose of answering research questions.
These questionnaires were communicated via on-line or e-mail due to limitation of the researcher which could not travel to Indonesia due to covid-19 to collect all data.

1.5 Structure of Dissertation

The structure of the dissertation consists of five chapters, as follow:

1. Chapter one is the introduction that explains background and problem statement; objectives, expected result, and research questions; literature review; and research methodology.

2. Chapter two is a brief explanation of SOLAS Chapter XI-2 and the ISPS Code. This chapter will begin with the explanation of duties and responsibilities of the contracting governments to these instruments, followed by the structure of the Code, and the objectives and scope of application of the Code.

3. Chapter three is legal incorporation of SOLAS Chapter XI-2 and the ISPS Code in Indonesia. This chapter consists of three sections; the first part is general overview of Indonesia’s maritime security; the second part is the explanation of national regulations concerning SOLAS Chapter XI-2 and the ISPS Code; and the third part is the discussion of National Authority (Designated Authority).

4. Chapter four is the implementation of SOLAS Chapter XI-2 and the ISPS Code in Indonesia. The first part of this chapter explains about the progress and level of compliance of the ISPS Code in Indonesia; the second part is the establishment of cooperation among stakeholders, the role and responsibility of the Maritime Administration and its technical divisions which has a function as port authorities, the role of port facilities operator and shipping companies, and other stakeholders; the third part is the Implications of the application of the ISPS Code requirements to the shipping industries in Indonesia by analysing the benefits of the ISPS Code application to the port facilities and the shipping companies. The data used in this Chapter taken from relevant stakeholders through distribution of the questionnaire, and from several literatures.
5. Chapter five is the analysis of the issues concerning the ISPS Code implementation and enforcement in Indonesia based on the data collection from relevant stakeholders through the distribution of questionnaires and also from several literatures. This chapter consists of three parts which analyse the challenges faced by the Maritime Administration, port facilities authorities and operator, and the shipping companies.

6. Chapter six is the final conclusion and recommendation of this research.
CHAPTER 2 SOLAS CHAPTER XI-2 AND THE ISPS CODE

The year of 2001 marked the initial stage of agreement of the member States of the IMO that led to the adoption of a new Chapter XI-2 of SOLAS 1974 and the ISPS Code. The unanimous decision was made by the twenty-second of the IMO Assembly meeting in November 2001 for the establishment of a Conference (known as Diplomatic Conference on Maritime Security) to be held in December 2002. It aims to facilitate contracting States to the SOLAS 1974 for the adoption of new provisions to enhance maritime security, following the tragic events of 11th September 2001 in the US. The Conference held from 9-13 December 2002 had adopted the addition of Chapter XI-2 in the SOLAS concerning special measures to enhance maritime safety and security which makes a reference to the ISPS Code (LegCo, 2021). After the adoption by the Conference, the ISPS Code took effect on 1 July 2004 upon entering into force of the new Chapter XI-2 of the SOLAS Convention.

As of July 2021, the SOLAS 1974 had 167 contracting States, with a total 98.89% of the world tonnage (IMO, 2021b). Once the Countries become a party to the SOLAS Convention, they will be legally bound and have to follow all the provisions as set out in the Convention. This chapter will briefly emphasize duties and responsibilities of contracting States to SOLAS Chapter XI-2 and the ISPS Code, followed by the short explanation of the ISPS Code structure in the second part, and the objective and scope of application of the Code in the last part.

In all Convention, it specifies some responsibilities which have to be carried out by the contracting governments in order to meet the compliance with the requirements of the Convention itself. The first part of this chapter will briefly highlight the obligations of the ratifying States to SOLAS Chapter XI-2 and the ISPS Code.
2.1 Duties and responsibilities of contracting governments to SOLAS Chapter XI-2 and the ISPS Code

Responsibilities of contracting governments with respect to security are set out under the provisions of SOLAS Chapter XI-2, Regulations 3 and 7. The Administrations of contracting governments shall set appropriate security levels and provide guidance for security incidents to ensure the protection of the ships and port facilities. In the event of level 3 set by the contracting governments, they have responsibility to circulate appropriate instructions and provide security related information to the port facilities and ships that may be affected. Contracting governments shall also make an assessment on the effectiveness of the Ship or Port Facility Security Plans, or of amendments to such plans that have been approved by them or on their behalf, whenever they consider appropriate. In addition, contracting governments may delegate some security duties under Chapter XI-2 and part of the Code to the Recognized Security Organization (RSO), with the exclusion of following duties (SOLAS, 1974; ISPS Code, 2002):

1. establishing the practicable security level;
2. approving a Port Facility Security Assessment (PFSA) and its amendments;
3. defining the port facilities to which a Port Facility Security Officer (PFSO) will be required to be designated;
4. certifying a Port Facility Security Plan and its amendments;
5. applying control and compliance measures pursuant to regulation XI-2/9; and
6. determining the requirements for a Declaration of Security.

The ISPS Code provides a comprehensive guidance to be used by the contracting States for its implementation. And the second part of this chapter will further explain the structure of the Code.

2.2 The structure of the ISPS Code

The ISPS Code does not provide new enforcement powers, it provides a cooperative framework mechanism to detect any suspicion on port facilities and ships, and
ensuring the existing legal framework is sufficient to respond against the threats (Aktar, 2018). The ISPS Code has two major parts, Part A and Part B. Part A contains mandatory requirements of Chapter XI-2 of the Annex to the SOLAS Convention that shall be carried out by the port states and the vessels represented by the respective companies (Aktar, 2018). The structure of the Code in Part A consists of 19 sections which covers objectives of the Code, definitions and concepts used in the Code, scope of application, responsibilities and obligations of States and companies in the application of three security levels of ships and port facilities, and other procedures, rules as well as technical information pertaining to the provisions and requirements of the Code. Part A has two appendix forms: International Ship Security Certificates and International Ship Security Interim Certificates (Talaie, 2020; ISPS Code, 2002).

Part B is non-mandatory, or guidance concerning the provisions of Chapter XI-2 of the Annex to the Convention and Part A of this Code, which provides a series of guidelines for parties to implement security assessment and plans in order to comply with the requirements and obligations in Part A (Aktar, 2018). Part B of the Code is also in 19 sections with two appendixes, which provides more details about a series of recommendatory guidelines on how to fulfill the requirements and obligations set out in the provisions of Part A. It also determines specific security measures of ships and port facilities procedures for the three security levels, as verified by governments, which are stated in Part A of the Code (Talaie, 2020; ISPS Code, 2002).

Apart from understanding the obligation and the structure of the ISPS Code, it is also important for the contracting States to be familiar with the aim of the Code and the range of the application of the Code. The last part of this chapter two will briefly discuss the main objectives and scope of application of the ISPS Code.
2.3 The objectives and scope of application of the ISPS Code

In accordance with Part A in Section 1.2 as cited by Jeong (2013), the main objectives of ISPS Code are as follow:

- to create an international framework, in detecting security threats and taking preventive measures against security incidents on port facilities and ships engaged in international trade, through cooperation between contracting States, State agencies, local administrations and the shipping and port industries;
- to determine the respective roles and responsibilities of all these parties concerned, for ensuring maritime security at the national and international level;
- to confirm that security-related information is being collected and exchanged in advance and efficiently;
- to provide security assessments systems, so that plans and procedures of action on changing the level of security is in place; and
- to confirm that maritime security measures are prepared consistently and effectively. (p. 9)

The scope of application of the ISPS Code applies only to international passenger ships including high-speed passenger craft, international cargo ships including high-speed-craft of minimum 500 GT and upward, mobile offshore drilling units, and the port facilities serving such ships engaged on international voyages (Talaie, 2020).
According to IMO (2017) as cited by Ringsberg (2020) stated that:

The focus of the Code is to address security threats in three levels of management. First is the daily basis level, a minimal compliance with statutory and non-statutory security requirements; second is the potential threat level, which indicates that a potential threat has been detected; and third is the incident level, which indicates that a threat has occurred or a clear threat received from reliable information. (p 391)
CHAPTER 3 LEGAL INCORPORATION OF SOLAS CHAPTER XI-2 AND THE ISPS CODE IN INDONESIA

This chapter discusses legal aspects concerning the implementation of SOLAS Chapter XI-2 on maritime security and the ISPS Code in Indonesia. The discussion will consist of three sections. The first section will elaborate the general information on the policy and legislation concerning maritime security including the agencies engaged in maritime law enforcement; the second section will specifically discuss national legislation in relation to the implementation of SOLAS Chapter XI-2 and the ISPS Code; and the last section will describe the national institution appointed as the Designated Authority.

3.1 General overview of Indonesia’s maritime security

Indonesia has 13 institutions undertaking law enforcement at sea, of which 6 agencies have a maritime patrol task force and another 7 agencies do not have a maritime patrol task force. The six agencies which have a patrol task force at sea are: the Indonesian Navy; the Directorate of Marine Police (Indonesian Police); the Directorate General of Sea Transportation, part of the Ministry of Transportation; the Directorate General of Marine and Fishery Resources Supervision, part of Ministry of Marine Affairs and Fisheries; the Directorate General of Customs, part of the Ministry of Finance; and the Indonesian Coordinating Security Agency (BAKORKAMLA). As for the effort to enforce maritime law and security, according to Wulansari (2014), there are at least 17 national laws promulgated by these institutions, namely:

1. Law Number 1 Year 1973 concerning the Indonesian Continental Shelf;
2. Law Number 5 Year 1983 concerning the Indonesian Exclusive Economic Zone;
4. Law Number 5 Year 1990 concerning Conservation of Biological Natural Resources and Ecosystems;
5. Law Number 6 Year 2011 concerning Immigration;
6. Law Number 16 Year 1992 concerning Animal, Fish and Plant Quarantine;
7. Law Number 6 Year 1996 concerning Indonesian Waters;
8. Law Number 17 Year 2006 concerning Amendments to Law Number 10 Year 1995 concerning Customs;
9. Law Number 32 Year 2009 concerning Management and Protection of Environment;
10. Law Number 22 Year 2001 concerning Oil and Gas;
11. Law Number 2 Year 2002 concerning the Indonesian National Police;
12. Law Number 45 Year 2009 concerning Amendments to Law Number 31 Year 2004 concerning Fisheries;
13. Law Number 12 Year 2008 concerning the Second Amendment to Law Number 32 Year 2004 concerning Regional Government;
14. Law Number 34 Year 2004 concerning the Indonesian National Army;
15. Law Number 26 Year 2007 concerning Spatial Planning;
16. Law Number 1 Year 2014 concerning Amendments to Law Number 27 Year 2007 concerning Management of Coastal Areas and Small Islands;
17. Law Number 17 Year 2008 concerning Shipping.

The policy concerning security of maritime transportation is mentioned in Shipping Law Number 17/2008. Although this law does not explicitly regulate maritime security, it actually comprehensively provides for the safety and security of sea transport and specifically refers to the ISM and the ISPS Codes. This can be seen in the provisions of the Law which regulate in detail ship safety and security including port security. Maritime security under the Shipping Law places emphasis on efforts to protect the maritime environment from the threat of acts that violate the law, thus safety and security of ships as well as security of port facilities become very important in realizing maritime security (Puspitawati, 2019). The provisions on security of ships and ports are clearly and concisely mentioned in some articles of the Shipping Law 17/2008, as can be seen in the following table 1 (Kemenhub, 2021; InforMEA, 2008).
Table 1. Articles related to security of ship and port in Shipping Law Number 17 Year 2008 (InforMEA, 2008).

<table>
<thead>
<tr>
<th>Associated Articles in the 2008 Shipping Law related to ship and port security</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chapter VII (Harbor Affairs)</td>
</tr>
</tbody>
</table>
| - Part Six mentions Role of the Regional Government  | “In order to provide the benefits referred to in Article 114, the regional governments have the following roles, duties and authorities:  
- participate in the assurance of safety and security of port” |
| Chapter VIII (Safety and Security of Shipping)  | Article 117 Paragraph 2h;  |
| - Part Two mentions Safety and Security of Shipping  | “Ship sea-worthiness referred to in sub-article (I) letter a must be fulfilled by every ship according to its area of sailing, covering;  
- Management of ship's security” |
<p>| - Part Three mentions Safety and Security of Port  | - Article 120: “The construction and operations of ports must be performed by consistently observing the safety and security of ships operating in the port loading and unloading of goods, embarkation and disembarkation of passengers, as well as safety and security of the port itself” |</p>
<table>
<thead>
<tr>
<th>Associated Articles in the 2008 Shipping Law related to ship and port security</th>
</tr>
</thead>
<tbody>
<tr>
<td>Article 121: “Safety and security of port is a condition where the requirements on the management of safety and port facilities security system are fulfilled, covering: a. procedure of securing port facilities; b. port security means; c. communication system; and d. security personnel”.</td>
</tr>
<tr>
<td>Chapter IX (Ship Sea-Worthiness) - Part Eight mentions Management of Ship’s Security</td>
</tr>
<tr>
<td>Article 170:</td>
</tr>
<tr>
<td>(1) “Owner or operator of ships operating certain weight of ships must fulfill requirements on the management of ship security.</td>
</tr>
<tr>
<td>(2) Ships that had fulfilled the requirements on ship security management referred to in sub-article (1) shall be given a certificate.</td>
</tr>
<tr>
<td>(3) The certificate of ship security management referred to in sub-article (2) is in the form of International Ship Security Certificate (ISSC).</td>
</tr>
<tr>
<td>(4) The certificate referred to in sub-article (3) shall be issued following an external audit by competent government officials provided with</td>
</tr>
</tbody>
</table>
### Associated Articles in the 2008 Shipping Law related to ship and port security

<table>
<thead>
<tr>
<th>Chapter XI (Harbor-masters) - Part Two mentions Coordination of Government Activities in Port</th>
<th>Article 212:</th>
</tr>
</thead>
<tbody>
<tr>
<td>(5) Ship Security Management Certificate is issued by the official appointed by the Minister.</td>
<td></td>
</tr>
<tr>
<td>(6) Further provisions on procedure of audit and the issuance of Security Management Certificates shall be regulated with a Regulation of the Minister”.</td>
<td></td>
</tr>
<tr>
<td>(1) “In the performance of security and order in the port according to provisions of international conventions, the Harbor-master acts as Port Security Committee.</td>
<td></td>
</tr>
<tr>
<td>(2) In the performance of the function referred to in sub-article (1), the Harbor-master is authorized to request for assistance from the Police of the Republic of Indonesia and/or Indonesian National Army.</td>
<td></td>
</tr>
<tr>
<td>(3) The security and order assistance in a port referred to in sub-article (1) is</td>
<td></td>
</tr>
<tr>
<td><strong>Associated Articles in the 2008 Shipping Law</strong></td>
<td><strong>related to ship and port security</strong></td>
</tr>
<tr>
<td>-------------------------------------------------</td>
<td>---------------------------------------</td>
</tr>
<tr>
<td>- Further provisions on the procedure of the performance of security and order and request for assistance in a port referred to in sub-articles (1) and (2) shall be regulated with a Government Regulation”.</td>
<td></td>
</tr>
</tbody>
</table>

- Part Five mentions Ship Checking

- “Article 217: The Harbor-master (Syahbandar) has the authority to execute checks on the sea-worthiness and security of ships at port.

- Article 218:
  (1) In certain cases, a Harbor-master (Syahbandar) has the authority to execute checks on the sea-worthiness and security of ships flying Indonesian flag in the port.

  (2) The Harbor-master (Syahbandar) have the authority to execute checks on the seaworthiness and security of foreign ships in the port in accordance with provisions of prevailing statutory regulations.
The 2008 Shipping Law had adapted some provisions concerning ship and port security as set out in the ISPS Code. Therefore, the adoption of the ISPS Code has been considered as one of the crucial factors which led to the revision of the 1992 Shipping Law in 2008. This was confirmed in an interview with an officer from the Legal Division of DGST, who was one of the team or legal drafters involved in the revision. The main reason of the revision was as follows:

1. New maritime paradigm shift and strategic environment.
2. Separation of regulator and operator functions at the port.
3. Increase societal participation in the development and management of the shipping sector.
4. Organizational arrangement at the port related to the function of shipping safety and operation.

The revision of the Shipping Law has, however, caused an extensive delay in the promulgation of regulations for the implementation of the ISPS Code. The following section will consider relevant regulations, starting from accession to the SOLAS Convention up to the implementation of SOLAS Chapter XI-2 and the ISPS Code.
3.2 National regulations concerning SOLAS Chapter XI-2 and the ISPS Code

Indonesia as a maritime country and member of the IMO since 1960 has pledged its commitment to promote the safety of ships and property at sea and the lives of persons on board by acceding to the SOLAS Convention 1974 with Presidential Decree Number 65/1980 (Keputusan Presiden (Keppres 65/1980)) on the Accession of the SOLAS 1974 Convention signed on 17 December 1980 (Puspitawati, 2019). Indonesia is also a party to the SOLAS Protocols of 1978 and 1988 (IMO, 2021a). The procedure for the accession of international treaty instruments in Indonesia is provided for in Article 11 of Law Number 24/2000 concerning International Treaty, which reads: “Ratification of international treaty whose material does not include the material as referred to in Article 10, is carried out by presidential decree”.

On 14 August 2003, the government of Indonesia issued a new regulation to bring effect to SOLAS Chapter XI-2 and the ISPS Code. According to Hendrapati (2015), Indonesia promulgated the Minister of Transport Decree Number 33 (Keputusan Menteri Perhubungan (KM 33/2003)) concerning the application to the SOLAS, 1974 as amended and the ISPS Code. Following the adoption of the SOLAS, 1974 and the ISPS Code, Indonesia, through the Ministry of Transportation, issued regulations with a view to the implementation of these instruments, namely (Hendrapati, 2015):

- Minister of Transport Decree Number 3 Year 2004 (KM 3/2004) regarding the Appointment of the Director General for Sea Transport as Designated Authority (DA) for exercising provisions of the Code;
- Director General for Sea Transport Decree (KL 93/1/3-04, 12 February 2004) regarding Guidelines for Designation of Recognized Security Organizations (RSO);
- Director General for Sea Transport Decree regarding the Appointment of RSOs in Indonesia;
- Director General for Sea Transport Decree (No. KL 93/2/1-04) regarding the Appointment of the Director for Guard and Rescue Affairs (currently, it is known as the Director for Sea and Coast Guard) as the Agency responsible for ISPS Code Implementation; and
- Circulars of the Director General for Sea Transport were also issued in 2004 concerning Port Facility Committee, Declaration of Security, Pre-Arrival Notification of Ship Security, and Post State Control.

In 2016, the Minister of Transport Regulation (PM 134/2016) was adopted. This regulation provides guidelines for the implementation of the ISPS Code. It also aims to carry out the mandate of the Article 170 Paragraph (5) of Shipping Law Number 17/2008. Based on information received from respondents through a questionnaire, there were two recent regulations adopted in 2021 in connection with the ISPS Code, namely:
- Minister of Transportation Regulation (PM 51/2021) concerning Procedures for the Verification of Security Management of Ships and Port Facilities

According to Fresen (2015):

Many IMO treaties allow a broad interpretation of its provisions with regard to implementation into national legislation. Sentences such as “to the satisfaction of the Administration” are included in IMO treaties. This has as a result that IMO treaty provisions are being implemented into national legislation in a variety of ways by the IMO Member States. (p 30)

In Indonesia, the international treaty or convention must first be translated into national legislation or regulation before it can be applied at the national level. Almost all
conventions adopted by the IMO, the government have enacted legislation or adopted regulation so that the Convention can be implemented and enforced by the National authority. For the application and enforcement of the ISPS Code, Minister of Transport Decree Number 33 (Keputusan Menteri Perhubungan (KM 33/2003)) and Minister of Transport Regulation (PM 134/2016) were adopted.

The following section will further explain responsibilities of the national institution or agency acting as DA in Indonesia, in accordance with the provisions of SOLAS Chapter XI-2 and the ISPS Code and relevant national regulation.

3.3 National Authority (Designated Authority)

This section discusses the national institution or agency appointed as the Designated Authority (DA) in charge of the implementation and enforcement of the ISPS Code in Indonesia.

As mentioned in section 3.2, the Director General for Sea Transport was appointed by the Minister of Transport as the DA for exercising prerogatives and carrying out responsibilities under the Code. And the Director General for Sea Transport appointed the Director for Sea and Coast Guard as the technical division to carry out responsibility for ISPS Code implementation and enforcement. According to the IMO Global Integrated Shipping Information System (GISIS) (IMO, 2021c) concerning communication of information for the implementation of Chapter XI-2 and the ISPS Code (referring to SOLAS regulation XI-2/13), the Director for Sea and Coast Guard acts on behalf of the DGST (in accordance with the Decree No. KL 93/2/1-04) as the National Authority, responsible for the following communications:

- National Authority responsible for ship security according to SOLAS regulation XI-2/13.1.1
- National Authority responsible for port facility security according to SOLAS regulation XI-2/13.1.1
- Recipient of Ship-to-shore security alerts according to SOLAS regulation XI-2/13.1.3
- Recipient of maritime security related communications from other contracting Governments according to SOLAS regulation XI-2/13.1.4
- Recipient of requests for advice or assistance to ships and to whom ships can report security concerns according to SOLAS regulation XI-2/13.1.5

The DGST had also officially selected 18 Recognized Security Organizations (RSOs) to undertake certain security duties relating to ships. They act on behalf of the Administration to approve Ship Security Plans or their amendments, and to verify and certify the ships’ compliance with the requirements of Chapter XI-2 and Part A of the ISPS Code. In addition, they may conduct Port Facility Security Assessments required by the contracting State. The appointment of 18 Indonesian RSOs (as attached in Appendix 1) according to SOLAS regulations XI-2/13.2 concerning “the names and contact details of any recognized security organizations authorized to act on their behalf together with details of the specific responsibility and conditions of authority delegated to such organizations” can be found in the IMO GISIS (IMO, 2021c).

The provisions relating to the responsibilities of Indonesia as a contracting State to the ISPS Code have been regulated under the Minister of Transport Regulation Number (PM 134/2016). Article 4 of the regulation states that DA in this matter is the Directorate of Sea and Coast Guard (KPLP) of DGST has responsibility as follows:
- to determine maritime security levels nationally and locally;
- to validate the Ship Security Assessment (SSA) and the Port Facility Security Assessment (PFSA) and changes to them;
- to approve the Ship Security Plan (SSP) and the Port Facility Security Plan (PFSP) and changes to them;
- to determine port facilities which will be required to assign a Port Facility Security Officer (PFSO);
- to carry out supervision and measures for the implementation of the Code; and
- to establish requirements for implementing the Declaration of Security (DoS)

In addition, the DA has the authority to issue and revoke the International Ship Security Certificate (ISSC) and the Statement of Compliance of a Port Facility (SoCPF), and to determine and stipulate a Permit as RSO.

This chapter has discussed legal aspects concerning the implementation of SOLAS Chapter XI-2 and the ISPS Code. Provisions related to the ISPS Code have been accommodated in the Shipping Law Number 17/2008. The latter has clearly mandated the role of DGST and its technical divisions as the national authority in implementing and enforcing the ISPS Code. The following chapter will examine the level of compliance with the ISPS Code in Indonesia, as well as the key aspect of coordination among stakeholders in applying the Code.
CHAPTER 4 IMPLEMENTATION OF SOLAS CHAPTER XI-2 AND THE ISPS CODE IN INDONESIA

Proper implementation should be achieved by the Administration of any contracting Government to international instruments. The DGST must have a set of regulations and strategies in place in order to help evaluate and improve its implementation of the requirements of international conventions to which Indonesia is a State Party. “Regulations have an impact on the strategies firms use” according to Rugman et al. (1999), Bonardi et al. (2005), and Mileski et al. (2015). Promulgation of regulations by the relevant institution in charge for certain conventions can also be considered as the legal basis for their implementation and enforcement. In addition to regulations, a strategy may be required on how the plan for the fulfilment of the requirements in the convention can be properly executed. According to Barney, quoted by Mileski (2015), “an organization’s strategy for compliance with regulation includes not only the plan of action but also how the plan is executed and implemented”.

This chapter discusses the implementation and enforcement of the ISPS Code in Indonesia based on the national legislation and regulations, especially Peraturan Menteri Perhubungan (PM) Number 134/2016 concerning the management of the ISPS Code. The first part of the chapter discusses the progress and level of compliance with the ISPS Code; Part two considers the roles of and cooperation among stakeholders including the Maritime Administration and its technical divisions in the headquarters and in the regional port offices, port facility operators and shipping companies; the last part of the chapter discusses the implications of the application of the ISPS Code requirements on the shipping industry in Indonesia.

4.1 Progress of the ISPS Code in Indonesia

The Government of Indonesia has made efforts to ensure that its port facilities and ships flying its flag meet the standards required in the ISPS Code. As mentioned
earlier, Shipping Law 17/2008 is the primary legislation containing some general provisions related to safety and security of sea transport and port infrastructures (see chapter 3.1). The enactment of this law has led to the promulgation of the Minister of Transport Regulation Number 134/2016 concerning the management of the ISPS Code, which has provided guidance for stakeholders in implementing the ISPS Code.

A question which may arise is why the government of Indonesia took so long in adopting regulations related to the implementation of the ISPS Code. Reference is made to chapter 3.2 which discusses the national regulations concerning SOLAS Chapter XI-2 and the ISPS Code. We can see in that chapter that after the ISPS Code entered into force in 2004, the DGST as the MARAD adopted the regulation concerning the implementation of the ISPS Code (PM Number 134) in 2016. It took more than 11 years for the DGST to develop this regulation, which has caused some problems to stakeholders, as they did not have clear regulations or guidance to follow for implementing the Code. The lacuna in secondary regulation for the implementation of the ISPS Code in the period from 2004 until 2015 will be further discussed in chapter 5, in particular chapter 5.2 and 5.3.

The author is of the view that the reason behind the lengthy adoption of regulations related to the ISPS Code’s implementation was caused by the revision of Shipping Law of 21/1992 via the adoption of Shipping Law 17/2008. It has to be noted that the promulgation of secondary regulations for the implementation of some international instruments requires the existence of primary legislation, and it is the Shipping Law in the case of the ISPS Code. The DGST appears to have actually done it right by waiting for the new Shipping Law number 17 of 2008 being enacted, and did not refer to the Shipping Law 21/1992, which did not specifically cover security aspects related to the ISPS Code. Another reason for the revision of the Shipping Law was to eliminate the function of the Indonesia Port Corporation (PT. Pelindo), a State-owned company as regulator of Indonesian ports. The 2008 Shipping Law makes PT. Pelindo purely as port operators, while port authorities (KSU and KSOP) act on behalf of DGST as
regulators in all Indonesian ports. The structure of Port Security Committee (PSC) in chapter 4.2. will specifically show the role of KSU/KSOP and PT. Pelindo in connection with the ISPS Code.

It can be concluded that the adoption of PM 134/2016 relating to the management of the ISPS Code is crucial for Indonesia, especially for the stakeholders engaged in the process of the ISPS Code’s application. It has also shown the commitment of the competent authority to fully comply with the provisions of the Code in the aspects of legislation and regulations.

The next part of this chapter will further discuss strategies and plans adopted by the DGST and its technical divisions in the creation of inter stakeholder cooperation to achieve the objectives of the Code.

4.2 Cooperation among stakeholders

The implementation of IMO conventions will usually require the MARAD of contracting States to establish cooperation with other stakeholders. The ISPS Code also requires government agencies and local administrations including the shipping and port industries to establish cooperation and determine their respective roles and responsibilities in connection with maritime security in ports and on-board ships, at the national, regional and international levels. To achieve these objectives, a contracting State through its MARAD, port authorities or operators and shipping companies must designate appropriate security officers and personnel, namely, Port Facility Security Officers (PFSOs), Ship Security Officers (SSOs) and Company Security Officers (CSOs), who are charged with the duties of assessing, including preparing and implementing effective security plans that are able to manage any potential security threat (IMO, 2019c).

“Strategies have a direct impact on firm performance or firm value in a variety of contexts such as human resources, stockholder engagement, logistics, and
diversification” (Mileski, et al., 2015). According to Sasongko (2020), “the role of the government must be firm to achieve shipping safety and security by issuing clear laws according to the functions of each law enforcement agency in the sea”. Article 212 of the Shipping Law 17/2008 provides for the role of KSU/KSOP in carrying out its function to secure the port in accordance with the ISPS Code, and that they may request assistance from Indonesian Marine Police and Indonesian Navy in carrying out their tasks.

Regulation of PM 134/2016 contains clear guidance for the implementing division under DGST in establishing and designing cooperation with other agencies and stakeholders. The Shipping Law 17/2008 and PM 134/2016 serve as the legal basis for the establishment of cooperation among stakeholders for the implementation of the ISPS Code in Indonesia. The cooperation in relation to the ISPS Code or the structure of Port Security Committee (PSC) established with a Decision Letter the Head of Main Harbourmaster offices.

![Figure 2](image_url)

**Figure 2.** The Structure of Port Security Committee (PSC) of Tanjung Perak Port. Source was taken from the attachment of Decision Letter the Head of Main Harbourmaster office of Tanjung Perak Surabaya (SK Nomor. 207/02/07/SYB.Tpr-17, 7 July 2017)
The DGST through its regional offices, in four Main Harbourmaster offices (Kantor Kesyahbandaran Utama/KSU) and several Harbourmaster and Port Authority offices (Kantor Kesyahbandaran dan Otoritas Pelabuhan/KSOP), established a structure of PSC through the inclusion of other related stakeholders from government agencies and the private sector such as the navy, marine police, customs, state owned companies and private companies including port operators, shipping companies and related organizations at ports. Figure 2 above provides an example of the structure of PSC at Tanjung Perak Port. The role and responsibility of KSU/KSOP as a coordinator of PSC will be further discussed in chapter 4.2.2.

4.2.1 The role and responsibility of the Maritime Administration

This subsection will explain the role of the Maritime Administration of Indonesia to the IMO. The term “Maritime Administration” has been used by the IMO to refer to the National Agency of its member States or as a Focal Point. The Department for Transport (DfT) within the UK Government (UKG) is the Maritime Administration responsible for maritime, on behalf of the Secretary of State for Transport. The Maritime and Coastguard Agency (MCA) within the DfT has the responsibility for the implementation of maritime legislation and guidance; and to maintain oversight via the UK Maritime Steering Committee in relation to the IMO Instruments Implementation Code (III Code) with stakeholders (MCA, 2021). It has to be understood that the Maritime Administration is different from one country to another. Most IMO Member States appointed their Ministry of Transportation as the MARAD, and some countries appointed the Ministry of Ocean and Fisheries, Navy or other Ministries as their MARAD. It can be said that the government Agency which has a responsibility to carry out a function in regulating all matters related to the safety and security of shipping is considered as the MARAD.
In Indonesia, the MARAD is the Directorate General of Sea Transportation under the Ministry of Transportation. The appointment of the DGST as MARAD of Indonesia to the IMO specified in the Presidential Regulation Number 40 Year 2015 (Peraturan Presiden Nomor 40 Tahun 2015) concerning the Ministry of Transportation.

Article 44 Paragraph (1) of the Presidential Regulation Number 40/2015 states:

The Directorate General of Sea Transportation as the Institution/Agency in charge of implementing activities and administration of Government at the International Maritime Organization and/or other international shipping agencies, in accordance with the national legislation. (p 19)

---

**Figure 3.** The Organizational Chart of the Directorate General of Sea Transportation (DGST), Ministry of Transportation. Source was taken from the website of the Ministry of Transportation (Kemenhub, 2019d)
Figure 3 shows the organizational structure of DGST and its technical divisions. DGST consists of 6 divisions based in the headquarters, namely, Secretariat Directorate General of Sea Transportation, Directorate of Sea Traffic and Transport, Directorate of Port Affairs, Directorate of Marine Safety, Directorate of Navigation, and Directorate of Sea and Coast Guard. In addition, DGST has 296 technical division offices (UPT) that are spread all over Indonesia according to Kemenhub (2019d).

As discussed earlier, the DGST appointed KPLP as Designated Authority (DA) for the implementation and enforcement of the ISPS Code (based on the Director General for Sea Transport Decree (KL 93/2/1-04)). In general, the task of KPLP is to carry out the formulation and implementation of policies, drafting norms, standards, procedures and criteria, providing technical guidance and supervision as well as evaluation and reporting in the fields of patrol and security, law enforcement and advocacy, shipping order, disaster management and work, underwater facilities and infrastructure (Kemenhub, 2019). It can be said that KPLP is the national focal point for the communication of all matters in relation to maritime security, especially the ISPS Code.

4.2.2 The role and responsibility of port authorities

At the local level, KPLP is assisted by several technical division offices to monitor the implementation of the ISPS Code. Among these regional offices, the Main Harbourmaster office (KSU), and the Harbourmaster and Port Authority office (KSOP), Port Office of Batam, and Port Operator Unit Office (KUPP) (see Article 5 Paragraph (3)a of PM 134/2016) as the port authority play an important role in coordinating the implementation of the ISPS Code with stakeholders, especially with port operators and shipping companies. Structure of the Port Security Committee/PSC in which the Head of Main Harbourmaster office of Tanjung Perak is a Coordinator of PSC can be seen in chapter 4.2.
The subsection will further elaborate the role of these port authorities in undertaking their task as Port Security Committee (PSC), and how they perform their function to coordinate the ISPS Code with port facility operators and shipping companies.

The administration of government activities at ports such as customs, immigration and quarantine, is usually coordinated by the Harbourmaster (KSU/KSOP), who has the highest authority in accordance with Article 211 of the Shipping Law. Moreover, the Harbourmaster is responsible for coordinating all matters related to the ISPS Code implementation within her area. Pursuant to Article 212 of the Shipping Law, “In carrying out security and stability of the port in accordance with the provisions of the international convention (the ISPS Code), the Harbourmaster acts as Port Security Committee (PSC)”.

Article 5 of the Minister of Transport regulation number 134/2016 further regulates the role of Harbourmaster as a coordinator of Port Security Committee (PSC) to establish a PSC member by involving all related agencies. Furthermore, in accordance with Article 6, the PSC Coordinator has the authority to:
- determine and take security measures in accordance with the level of security that will and/or is currently occurring at the port;
- request assistance from the Indonesian National Police and/or the Indonesian National Army at security level 2 (two) and/or 3 (three) if necessary;
- take action in accordance with the provisions on the interaction of every ship that has/has not/does not have an ISSC with port facilities that have/has not/does not implemented the provisions of the Code; and
- carry out routine checks related to the implementation of the Code on port facilities under its coordination.
4.2.3 The role of port facility operators and shipping companies, and other stakeholders

The role of port facility operators and shipping companies for the implementation of the ISPS Code is explicitly mentioned in some Articles of Chapter VIII of PM 134/2016. Article 17 of the Regulation mentions categories of security officers, namely, the Company Security Officer (CSO), the Ship Security Officer (SSO), and the Port Facility Security Officer (PFSO), who are responsible for the security of ships and port facilities. Articles related to the responsibility of port facility operators and shipping companies to designate CSO, SSO and PFSO will be further explained in the following table.

Table 2. Some Articles under of the Minister of Transport Regulation Number 134/2016 related to Company Security Officer (CSO), Ship Security Officer (SSO) and Port Facility Security Officer (PFSO).

<table>
<thead>
<tr>
<th>Article 18 (Designation of CSO by the shipping company)</th>
<th>(1) The shipping company must designate a CSO.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(2) The CSO as referred to in Paragraph (1) may be responsible for one or more vessels based on the number of vessels and management policies.</td>
</tr>
<tr>
<td></td>
<td>(3) To be designated as a CSO, you must meet the following requirements:</td>
</tr>
<tr>
<td></td>
<td>a. have a proof of appointment from the shipping company;</td>
</tr>
<tr>
<td></td>
<td>b. have skills as evidenced by CSO certificate; and</td>
</tr>
</tbody>
</table>
### Article 20
(Designation of SSO by the shipping company)

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>c.</td>
<td>carry out updates on CSO certificates every 3 (three) years.</td>
</tr>
<tr>
<td></td>
<td>(The duties and responsibilities of the CSO is regulated in Article 19)</td>
</tr>
</tbody>
</table>

**Article 20**
(Designation of SSO by the shipping company)

1. The shipping company must designate an SSO for every ship that applies the Code.
2. To be designated as SSO, you must meet the following requirements:
   a. have a proof of appointment from the shipping company; and
   b. have a proof of SSO skills that can be accessed through the official website of Directorate General (DGST)

(The duties and responsibilities of the SSO is regulated in Article 21)

### Article 22
(Designation of PFSO by the Port Facilities Operator)

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>PFSO as referred to in Article 17 Paragraph (3), must be appointed for each port facility.</td>
</tr>
</tbody>
</table>
| (2) | To be designated as a PFSO, a person must meet requirements as follows:
   a. have a proof of appointment from the Port Business Entity/ management operator of special
(The duties and responsibilities of the CSO are regulated in Article 22 Paragraph (3)

4.3 Implications of the application of the ISPS Code requirements for the shipping industry in Indonesia

The application of IMO instruments by States will bring a positive impact to their shipping industries both at the national and international levels. The implementation of the ISPS Code in Indonesia should run well and consistently considering that ports in Indonesia must be able to compete at the international level. Successful
implementation of the ISPS Code requires willingness, cooperation and a common perspective from all parties involved. Thus, the goal of creating safe and secure conditions for ship operations and port facilities in an international context will be achieved, which in turn will have a positive impact on the business aspect and the Indonesian economy in general, and the Indonesian maritime sector in particular (Kemenhub, 2016).

This section discusses the benefits of the application of the ISPS Code from the perspectives of the shipping industry; port facility operators and shipping companies.

4.3.1 The impact to port facilities

A proper application of the ISPS Code by the contracting States in their ports can help them to establish trust and a good image in the international shipping community. This will also attract more attention from investors from other countries to invest in the maritime sectors of the countries involved. With a proper implementation of the ISPS Code, the port will be safe and secure so that it will indirectly increase the confidence of the maritime community to stop by, where this will have an impact on increasing ship visits, reducing high logistics costs and insurance premiums for risky areas, as well as attracting investment in ports and surrounding areas (ISG, 2019a). Based on the data received from the officer of KPLP, as of 2021 there are 421 port facilities in total that have been granted a Statement of Compliance of a Port Facility (SOCPF). This refers to question number 9 of the questionnaire (How many port facilities are in compliance with the ISPS Code (have been granted a Statement of Compliance of a Port Facility/ SOCPF) by your organization or your country?). The questionnaire attached as Appendix 3.

The author has made an analysis on the impact of the ISPS Code applied in some port facilities in Indonesia. To get updated data and information, a questionnaire (Appendix 4) was sent to four main ports in Indonesia; Tanjung Priok Port in Jakarta, Belawan port in Medan, Tanjung Perak port in Surabaya, and Makassar port. The author
received a response to the questionnaire from four port operators namely PT. Pelindo II in Tanjung Priok Jakarta, PT. Pelindo I in Belawan Medan, PT. Pelindo III in Tanjung Perak Surabaya, and PT. Pelindo IV in Makassar Port. Based on the information provided by all these port facility operators in relation to the impact of the ISPS Code on their facilities (based on question number 12: Please summarize the overall impact of the ISPS Code on ports managed by your organization/company?), the benefits of the ISPS Code’s application in ports can be summarized as follows:

- Increased security of the ship’s call and shipping traffic especially foreign ships.
- Improved security in some terminals that make loading and unloading activities as well as logistics flows run smoothly.
- Reduced security risk that can lead to incidents, both in the short term and in the long term.

Moreover, based on question number 11 (Please indicate whether the ports managed by your organization/company have, since the implementation of the ISPS Code, experienced any of the following?). According to the information from the four respondents, the ISPS Code has brought some positive impacts in reducing theft and criminal activity. It has also increased efficiency, throughput, competitiveness, and use of information and communications technology. The ISPS Code has enforced a stringent inspection of cargo and documents, gamma ray for cargo in containers and x-ray inspection of luggage when leaving the area, which can prevent and reduce theft. Passenger baggage detection with x-ray machines and metal detection at the passenger terminal can help identify smuggling of sharp weapons and illegal drugs, thus preventing and reducing criminal activity in destination areas. Moreover, the ISPS Code has increased the use of information and communications technology. Security plan development is carried out continuously with the implementation of information technology such as RFID (Radio Frequency Identification) system for access and restricted area, barcode system, CCTV for monitoring and cyber security for data and information.
4.3.2 The impact to the shipping companies

The compliance of Indonesian-flag ships with the provisions of the ISPS Code provisions will enable them to enter the ports of other member States that apply this Code. On the contrary, Indonesian ships will be refused entry to the destination country. DGST stated that “currently 1,572 units of Indonesian-flagged ships that apply and comply with the ISPS Code” as of 2019 (ISG, 2019b). Based on the data received from the officer of KPLP, as of 2021 there are 1921 ships in total that have been granted the International Ship Security Certificate (ISSC). This refers to question number 11 of the questionnaire (Appendix 3) (How many ships of your country’s flag are in compliance with the ISPS Code (have been issued an International Ship Security Certificate/ISSC) by your organization or country?)

According to the questionnaire sent to the shipping companies, and PT. Pertamina Shipping replied that the overall impact of the ISPS Code to the company (question number 18 of the questionnaire: Please summarize the overall impact of the ISPS Code on your company). The respondent said that ISPS Code provides the security perspective on keeping the ship safe and smooth operation. PT. Pertamina has also fulfilled its obligation in improving the competency of Company Security Officer (CSO) and Ship Security Officer (SSO) through participation in the capacity building and training course programs, as well as drills and exercises, as required by the ISPS Code and the national regulation (questions number 5, 11, 13, and 15 of the questionnaire).

The enactment of the Shipping Law Number 17/2008 and the promulgation of the Minister of Transport Regulation Number 134/2016 on the management of the ISPS Code had helped the stakeholders in carrying out their function in the application of the ISPS Code requirements to achieve the objectives of the Code. The Law and Regulation have clearly specified the role of DGST as the MARAD in delegating the task to KPLP as the national level, and KSU and KSOP at the local level as Designated Authorities to enforce and coordinate the application of the Code with the
stakeholders. The promulgation of PM 134/2016 has a positive impact to the port facility operators and the shipping companies to the enhancement of security level.
CHAPTER 5 ANALYSIS OF THE ISPS CODE ISSUES IN INDONESIA

The adoption of convention by the IMO will require its member States to implement and enforce them by the time they become a party. The issues of lack the expertise, experience and resources necessary as well as other factors have caused improper implementation of conventions by the States party, and become a concern of the IMO on how to address this problem. In 1992, the IMO established a Sub-Committee on Flag State Implementation (FSI) to ensure the performance of governments, which was then renamed to Implementation of IMO Instruments (III) in 2013 (IMO, 2019d). It has to be noted that the IMO does not have a coercive power over its member States with regard to the convention issued by them. According to the IMO Convention 1948 as cited by Fresen (2015) “the mandate of the IMO is limited to “recommend to Members for adoption regulations and guidelines…”(refer to Article 15(j)). He further states that “the founding document of the IMO does not contain any provisions that give the IMO enforcement and monitoring powers”. Nevertheless, contracting states have the power to enforce sanction to other states which do not comply with the requirements of a Convention. For example, Indonesia as a party to the ISPS Code may refuse entry into their ports to the ships of other states which failed to comply with the Code requirements, and vice versa.

In this chapter, the author had made an analysis on the problems encountered by the MARAD, port authorities and port facilities operators, and the shipping companies. The analysis of the issues based on several literatures and also the questionnaire sent by the author to all parties concerned.

5.1 Identifying challenges of the Maritime Administration

The ISPS Code was adopted by Indonesia in 2003, but the number of petty theft and armed robbery against ships at the ports of Tanjung Priok, Tanjung Perak, and Tanjung
Emas still happen every year, especially from the period of 2009 until 2013. According to Rindarto (2016), the number of petty theft actions from 2009 as many as 8 actions increased dramatically and continuously until 2013 which reached 80 actions in one year. The author is of the view that the main issue was the absence of technical regulation as a guidance for all stakeholders to implement the Code. The reason behind the impediment of the adoption of the regulation was the revision of the Shipping Law as had been discussed in chapter 4.1. It has to be noted that the issue in terms of secondary regulation used as legal basis for the implementation and enforcement of the ISPS Code has been resolved by the DGST through the adoption of PM Number 134 in 2016.

Another outstanding issue faced by the DGST is a regulation concerning Sea and Coast Guard which has never been accomplished until now. This regulation is required to make the sea and coast guard function stronger. The establishment of Indonesian Sea and Coast Guard under the Shipping Law of 17/2008 (see Chapter XVII on Sea and Coast Guard, Articles 276-281) is the empowerment of BAKORKAMLA (it has changed to BAKAMLA) and reinforcement of KPLP. It was expected that through the integration of these two agencies the enforcement of law in the field of shipping safety and security can be implemented in an integrated manner and well-coordinated so that there would be no overlap in enforcing the law at sea among authorities which can downgrade the image of Indonesia in international shipping community.

The issue is getting more complex for the DGST and has caused a dilemma when a new Law Number (PM 32/2014) concerning Marine Affairs adopted by the Ministry of Ocean and Fisheries. According to Darmawan (2020) he wrote that “two of these organisations have the authority to run an Indonesian coast guard. The first is the Indonesian Sea and Coast Guard under the umbrella of the Ministry of Transportation, mandated by National Law No. 17 (2008) on Shipping. The second is BAKAMLA under Law No. 32 (2014) on Marine Affairs. This fragmentation prompted the idea of creating a single Indonesian coast guard under BAKAMLA, preventing overlap in
authority among institutions”. However, according to Laksda TNI (Purn) Soleman B. Ponto who had been interviewed by Rahman Fajriyansah, in his statement (minutes 4:27) views that Indonesian Sea and Coast who is recognized by the international community or the IMO is KPLP under the DGST of Ministry of Transportation (Fajriyansah, 2016).

The author is of the view that the reinforcement of KPLP under the Shipping Law of 17/2008 needs to be realized. It will help in improving the performance of its function as the DA on behalf of the DGST as the MARAD in the enforcement of safety and security of shipping, especially the ISPS Code as they responsible for the communication of information for the implementation of Chapter XI-2 and the ISPS Code (referring to SOLAS regulation XI-2/13) as had been discussed in chapter 3.3. The establishment of Indonesia Sea and Coast Guard under the Law of 32/2014 will need further research and deep analysis by legal experts in the maritime field especially the shipping industry.

5.2 Identifying challenges of port authority and port facilities operator

The position of Harbourmaster (KSU/KSOP) in the conception of international law of the sea as a commander or the main leading sector to maintain the safety and security of the country's territory, in this case the marine environment territory is still not well implemented in the territorial waters of Indonesia, especially in the vicinity of Batam port, this because the means and facilities owned by the KSU/KSOP is still deficient if compared to the facilities and infrastructure available owned by other marine law institutions/agencies (Sasongko, 2019).

The ISPS Code Implemented at some Indonesian ports like Tanjung Priok, Tanjung Perak, and Tanjung Emas that has been carried out by each element with the ISPS Code Verifier in each port as a representative of the regulator, proved unable to reduce the number petty theft and armed robbery against ships. This is caused by obstacles that occur both systematically and practically in the field. The obstacles in internal
factors consist of two the variables causing failure are the quality of human resources and the lack of completeness of facilities and equipment on ships and ports. Still a lot of people those living around the port area still do not understand the importance of security and safety in the area, the number of violations by residents tends to be difficult to overcome due to the lack of personnel from the ISPS Code implementer against them, even though they have and will continue to gain knowledge in the form of socialization from the government. These violations must have serious attention because most of them are related to access in and out of the port area and also the welfare of those who have implications for theft and armed robbery against ships (Rindarto, 2016).

The problems encountered by some ports in Indonesia is the lack of facilities support for the work PFSO. For example, the Port of Tanjung Emas Semarang is one of the busiest ports on the island of Java and serves international sea transportation. According to the research by Muhammad (2019) discovered that several incidents of security disturbances have occurred in the Tanjung Emas Port area of Semarang. One of them is the smuggling of firearms carried out by unscrupulous passengers on ships owned by PT. Pelni occurred during the Lebaran homecoming in 2018 and it is very dangerous if it escapes the supervision of the port security system, either endangering the reputation of the port, the security of port facilities, passengers and also endangering all activities at the port. This has led to criticism from other sea transportation service users who have urged Semarang's Tanjung Emas Port to improve security in the port area. Incidents like this show that the security system in the Tanjung Emas port area of Semarang has not been implemented optimally with the application of the applicable ISPS Code rules. (p. 3)
The author has made an analysis on the challenges encountered by port authorities and port facilities operators. A questionnaire (Appendix 4) was sent to four main ports in Indonesia; Tanjung Priok in Jakarta, Belawan in Medan, Tanjung Perak in Surabaya, and Makassar to get updated data and information. And the author has received a positive response to the questionnaire from four port authorities and port facilities operators. Based on the information gathered from the officers of port authorities and port facilities operators in four regions assigned to fill the questionnaire concerning challenges in implementing the ISPS Code in the port areas (question number 13: Please summarize the constraints and challenges in the implementation of the ISPS Code faced by your organization/company?), it can be summarized as follow:

**Table 3.** Constraints and challenges in the implementation of the ISPS Code faced by port authorities and port facilities operators (question number 13 of research questionnaire – Appendix 4)

<table>
<thead>
<tr>
<th>Internal Issues</th>
<th>External Issues</th>
</tr>
</thead>
</table>
| **1** Main Harbourmaster Office of Belawan Medan and PT. Pelabuhan Indonesia I  
- Habit / culture of worker  
- Superiority of the several institutions in Port (person/oknum), not obey to the security inspection/regulation |  
- Local people (unemployment) can increase criminality |
<p>| <strong>2</strong> Main Harbourmaster Office of Tanjung Priok Jakarta and PT. Pelabuhan Indonesia II |</p>
<table>
<thead>
<tr>
<th><strong>Internal Issues</strong></th>
<th><strong>External Issues</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>The Port Security Officer has never received a copy of the ship's initial arrival report or pre arrival notification ship</td>
<td>The low awareness of all parties to the importance of coordination between regulators, operators and stakeholders in carrying out the mandate of the regulation of the Minister of transportation number PM 134 of 2016 concerning the management of ship security and port facilities.</td>
</tr>
</tbody>
</table>

3. **Main Harbormaster Office of Tanjung Perak Surabaya and PT. Pelindo III**
- Organizations should ensure that Security Officers do not hold concurrent positions so that they can focus on security responsibilities
- It is necessary to allocate human resources, in accordance with the responsibilities defined in the security plan
- Need to improve the competence of security officers, especially in knowing the development of types, patterns and scenarios of threats and latest security issues and the
- There are still limited regulations that are developmental in terms of security measures
- Coordination between institutions and related security stakeholder
- Knowledge and security capabilities of all port communities
- Awareness for the security of all port communities
<table>
<thead>
<tr>
<th>Internal Issues</th>
<th>External Issues</th>
</tr>
</thead>
<tbody>
<tr>
<td>development of effective and efficient security technology</td>
<td></td>
</tr>
<tr>
<td>- It should be noted that in order to comply with the ISPS code, the organization need to implement a comprehensive security management system, not just the responsibility of one person or one division</td>
<td></td>
</tr>
<tr>
<td>4 Main Harbourmaster Office of Makassar and PT. Pelindo IV</td>
<td></td>
</tr>
<tr>
<td>- There are still some obstacles, namely the lack of security facilities and there are still gaps of the entrance to the ISPS Code comply area and the lack of strict security units in protecting the ISPS Code comply area</td>
<td>- There is still a lack of order or it is difficult to manage people around the port area, especially for hawkers or street vendors who want enter inside the port until the pier area</td>
</tr>
</tbody>
</table>

From the above information in Table 3, it can be concluded that the internal issues encountered by these four port authorities and port facilities operators are varied. Problems in the aspect of human proficiency faced by Belawan port and Tanjung Perak port such as lack of competency of security officers, and personnel of several institutions who did not obey the security regulation. Problem in the aspect of management and procedure of ISPS code implementation faced by Tanjung Priok port, Makassar port, and Tanjung Perak port such as communication between Port Security Officer (PSO) with the CSO or SSO on initial arrival report of ship or pre arrival
notification ship do not well established, security facilities and the lack of strict security units in the ISPS Code comply area are yet manageable properly, the security officers do not focus on their responsibility as he/she hold other position, and security management system do not systematically applied. For the external issues are coordination between regulators, operators and stakeholders are still not well established; limited regulations that are developmental in terms of security measures; lack of knowledge and security capabilities as well as awareness on security of all port communities; and local people who live in the vicinity of ports area, especially for hawkers or street vendors are yet controllable.

In order to achieve the compliance of port facilities with the requirements of the ISPS Code will need a strong collaboration both from the government agency and the management of port facility operators. KPLP as the DA for the ISPS Code must be able to identify the issues faced by the stakeholders in this matter as port facilities operators. The report received from the Port Security Officers (PSC) as the verifier of the ISPS Code has to be evaluated regularly and appropriately, and provide some solutions to help the performance Port Facility Security Officers (PFSOs) in exercising theirs tasks to secure facilities at port.

5.3 Identifying challenges of shipping companies

According to research by Kusumaningrum, et al. (2019) with the title “optimization of the ISPS Code application in MT CTP Fortune PT Caraka Tirta”, she identified some issues like the crew does not understand what is ISPS Code and how its application, inconsistency of the crew in applying the ISPS Code, and the lack of motivation to learn the ISPS Code:

The identified problems based on direct experience of MV. CTP Fortune when departing from Singapore heading to Laem Chabang, Thailand to be exact at position 01' 14.6'N / 104'06.5' E where a high-speed boat approached from the
right of the stern and successfully docked on the right side of the hull. There were 6 people equipped with firearms and a long machete was about to go onboard the ship by climbing and wearing a bamboo stick equipped with a hook on the end of the stick to attach it to the riling/fence of the ship. But their action did not work because the captain who was watching around the ship then highlighted it with a flashlight and sounded the general alarm, so that made the pirates aware that the action is known and directly turned away and disappeared.

Another incident during MV. CTP Fortune anchored in Belawan, MV. CTP Fortune lost its bow thruster and no one knows because both guard officer or crew on duty was not at their post and less aware of the threat of theft against small ships around and still many other events which of course very much to the detriment of ship owners, cargo, crew, and environment. (p 198)

According to research by Monita (2020) with the title “Implementation of the International Ship and Port Facility Security Code on MV. Sinar Papua when the ship berthing” discovers the problems encountered by MV. Sinar Papua when the ship berthing, is the lack of knowledge and discipline of ship crew in applying the ISPS Code optimally on the ship, as well as the lack of drill time on the security threats on board.

The author has made an analysis on the challenges encountered by the shipping companies. Unfortunately, from the questionnaire (Appendix 5) sent to several shipping companies the author only received a response from one shipping company that is PT Pertamina Shipping. An external constrains encountered by the company is the issue of implementing agency at sea may differ from time to time not only KPLP, but also BAKAMLA, Directorate of Marine Police, and the Navy. Further, the
respondent is of the view that there should be a single agency to implement the ISPS Code, which is KPLP.

This chapter has discussed the challenges faced by key stakeholders like the DGST and its technical divisions as the National Authority, and port facility operators and shipping companies in implementing the ISPS Code. The first issue was the lacuna in secondary regulation for the implementation of the ISPS Code from 2004 until 2015 has caused many problems to the stakeholders as they did not have a clear legal basis and guidance to apply the Code. The outstanding issue faced by the DGST is the realization of Indonesian Sea and Coast Guard as a mandate of the Shipping Law Number 17/2008, which seems to have never been accomplished until now. The author is of the view that the integration of KPLP and BAKAMLA under the Shipping Law is the most logical. It has some relevant provisions or legal basis required by the Coast Guard to carry out its function in implementing and enforcing the maritime law in Indonesia, especially the ISPS Code. Although the Port Security Committee (PSC) has been established based on the Ministerial Regulation Number 134/2016, and has improved performance of port facility operators and shipping companies in applying the Code. Some issues are still identified which need further attention and evaluation.
CHAPTER 6 CONCLUSION AND RECOMMENDATION

Summary and Conclusions

The implementation of the ISPS Code in Indonesia has brought so many benefits to the shipping industry. Four main ports in Indonesia that applied the Code had been able to reduce security risks and improve security levels in their terminals, and led to the increasing of the ship’s call and foreign shipping traffic. On the other hand, the compliance of Indonesian-flag ships with the provisions of the ISPS Code will enable them to enter the ports of other member States that apply the Code without any negation. For this reason, the support of security on ships and port facilities is crucial because it will attract the international shipping community to open the global trade and cooperation with other countries, which can boost the economic growth of country. To achieve the objective and level of compliance with the ISPS Code requirements, the Government of Indonesia appointed the Directorate General of Sea Transportation (DGST) as the Maritime Administration (MARAD) to the IMO and as the Designated Authority (DA) to enforce the ISPS Code requirements and to coordinate its implementation with other stakeholders.

The DGST as the MARAD has been working actively to perform its duties and responsibilities to achieve the objectives and the level of compliance with the requirements of the ISPS Code. The enactment of the Shipping Law Number 17 in 2008, and the issuance of some regulations including the most important one is the Minister of Transport Regulation (PM 134/2016) had a positive impact on the improvement of the application of the ISPS Code. These regulations have improved the performance of technical divisions of the DGST, they are KPLP based in the Headquarter, and KSU/KSOP as Designated Authorities (DAs) in the regional port offices in the implementation and enforcement of the Code. In addition, this regulation had also assisted the port operators and the shipping companies in implementing the Code provisions appropriately.
A major problem identified by the author in this research was a legal lacuna of secondary regulation for the implementation and enforcement of the ISPS Code. The secondary regulation must first be adopted as legal standing and guidance for all stakeholders to implement the Code, and in particular technical divisions of DGST as Designated Authorities (DA) to enforce the Code. But it was not there for almost 12 years after the Code took effect in 2004, and it had affected the performance of all stakeholders concerned, particularly KPLP, KSU/KSOP, port facilities operators and the shipping companies. As described in Chapter three, the government adopted the SOLAS, 1974 as amended and the ISPS Code in 2003 with the Minister of Transport Decree (KM 3/2003), and no secondary regulations were adopted that specifically provide provision and guidance on how to implement and enforce in accordance with the Code requirements. Further, this research had identified some problems caused by the lengthy process of the promulgation of the secondary regulation (PM 134/2016) found in some literature. The issues were the quality of human resources and the lack of completeness of facilities and equipment on ships and ports. Lack of awareness or knowledge of local residents who live around the port on the importance of safety and security in the area, and also limited security personnel of the company to protect port facilities. While the problems faced by the shipping company are the lack of understanding of crew about how to implement the ISPS Code, inconsistency of crew in implementing the Code, as well as lack of motivation to follow the Code.

The secondary regulation (PM 134/2016) provides a clear guidance and provision pertaining to the implementation of the Code was adopted in 2016, which was relatively too long. The author views that the reason behind this was the revision of the Shipping Law from the Law Number 21/1992 to the Law Number 17/2008. However, it must be appreciated that the DGST had made a right decision by not taking reference to the previous Shipping Law 21/1992, and would rather wait for the new Shipping Law Number 17/2008 in order to promulgate secondary regulation for implementing the ISPS Code. Otherwise, it would affect the complexity in the making or drafting of such regulations, and would also make them work twice. Another
important aspect of the revision to the Shipping Law is the elimination of the function of Indonesian Port Corporation (PT. Pelindo) as regulator in all Indonesian ports. In the new Shipping Law, they are now purely operators, and KSU/KSOP are the only regulators in all Indonesian ports representing the DGST. Furthermore, PM 134/2016 makes clear the role of the KSU/KSOP as the Port Security Committee (PSC) Coordinator and also as auditor/verifier of the ISPS Code. PT. Pelindo and other ports operators are responsible to exercise all security matters related to Port Facility Security Plan (PFSP).

The adoption of PM 134/2016 has provided a clear structure of cooperation among stakeholders called the Port Security Committee (PSC) for the ISPS Code communication. It had brought some positive impacts in reducing theft, criminal activity, increased efficiency, throughput, competitiveness, and use of information and communications technology. Nevertheless, there are still some problems that need further attention such as lack of competency and professionalism of security personnel in some ports, and the problem of management and procedure of ISPS code implementation. These are the internal issues encountered by some port authorities and port facilities operators. Although the structure of PSC had been made, coordination among stakeholders is still not well established in some ports; lack of knowledge and security capabilities as well as awareness on security of all port communities, and the issue of local people who live in the vicinity of the ports area. These are the external problems encountered by some port authorities and port facilities operators. Further, the challenges faced by some shipping companies internally are the lack of knowledge and discipline of ship crew in applying the ISPS Code optimally on the ship, as well as the lack of drill time on the security threats on board. The external problems encountered by some shipping companies, there are still many agencies involved in the enforcement of the requirements of the Code beside KPLP.

The DGST has performed its role and function to ensure the security of ships and port facilities comply with the provisions of the ISPS Code and the national law. Although
national legislation and regulations have been developed to support their work in coordinating the application of the Code with other stakeholders, they still have a lot of work to do to address all the problems that currently are faced by port facilities operators and the shipping companies. The author is of the view that the government has to immediately promulgate a regulation for reinforcement of KPLP under the Shipping Law of 17/2008 to strengthen their performance as the authority in implementing and enforcing the international law concerning security in the maritime transport sector, especially the ISPS Code.
References


International Maritime Organization (IMO, 2019a). Theme provides opportunity to focus on critical link between shipping and global society and to raise awareness of IMO's role. https://www.imo.org/en/MediaCentre/PressBriefings/Pages/47-WMD-theme-2016-.aspx


Peraturan Menteri Perhubungan Nomor PM 134 Tahun 2016 tentang Manajemen Keamanan Kapal dan Fasilitas Pelabuhan [Minister of Transport Regulation Number PM 134 Year 2016 on Management of Ships and Port Facilities Security]

Peraturan Presiden Nomor 40 Tahun 2015 tentang Kementerian Perhubungan [Presidential Regulation Number 40 Year 2015 on the Ministry of Transportation]


Trelawny, C. (2017). The International Maritime Organization (IMO) and civil maritime security in ports.

*Undang-Undang Pelayaran Nomor 17 Tahun 2008 tentang Pelayaran* [Shipping Law Number 17 Year 2008]

*Undang-Undang Perjanjian Internasional Nomor 24 Tahun 2000 tentang Perjanjian Internasional* [International Treaty Law 24 Year 2000]


**References of Tables/Figures**


Keputusan Kepala Kantor Kesyahbandaran Utama Tanjung Perak Nomor 207/02/07/SYB.Tpr-17, 7 July 2017 [Decree of the Head of Main Harbournaster Office of Tanjung Perak Surabaya Number 207/02/07/SYB.Tpr-17, 7 July 2017]

Peraturan Menteri Perhubungan Nomor PM 134 Tahun 2016 tentang Manajemen Keamanan Kapal dan Fasilitas Pelabuhan [Minister of Transport Regulation Number PM 134 Year 2016 on Management of Ships and Port Facilities Security]
Appendices

Appendix 1

The list of RSOs in Indonesia appointed by the DGST was taken from the IMO GISIS (Maritime Security: Information communicated under the provisions of SOLAS regulation XI-2/13 (SOLAS chapter X1-2 and the ISPS Code) (IMO, 2021c):

1) PT. Jaya Harapan Terminalindo
2) PT. Global Ofshor Indonesia
3) PT. Don & Profesional
4) PT. Gema Abdi Nusantara
5) PT. Dantarsa Gatra
6) PT. Nawakara Perkasa Nusantara
7) PT. Yapanindo Konsultan
8) PT. Pertamina Trans Kontinental
9) PT. Bina Sena Bahari Sentosa
10) PT. Biro Klasifikasi Indonesia
11) PT. Sucofindo
12) PT. Surveyor Indonesia
13) PT. Kerabat Arto Segoro
14) PT. Mega Ocean Jaya
15) PT. Lautan Survey Indonesia
16) PT. Code For Academy
17) PT. Kaneta Efka Jaya
18) PT. Reksa Marine Konsultan
Appendix 2

KEPUTUSAN KEPALA KANTOR KESYAHBANDARAN UTAMA TANJUNG PERAK NOMOR. 207/02/07/SYB.TPR-17, 7 JULY 2017 [DECREE OF THE HEAD OF MAIN HARBOURMASTER OFFICE OF TANJUNG PERAK SURABAYA NUMBER 207/02/07/SYB.TPR-17, 7 JULY 2017]

KEMENTERIAN PERHUBUNGAN
DIREKTORAT JENDERAL PERHUBUNGAN LAUT
KANTOR KESYAHBANDARAN UTAMA TANJUNG PERAK SURABAYA

Jl. Kalimas Baru 194
Surabaya 60165
Telp. (031) 3291858
(031) 3291364
Fax. (031) 3291935
(031) 3291858
E-mail: syahbandarsby@yahoo.com

KEPUTUSAN KEPALA KANTOR KESYAHBANDARAN UTAMA TANJUNG PERAK SURABAYA

NOMOR : H.K. 207/02/07/SYB...TPR-17

TENTANG

PERUBAHAN ATAS KEPUTUSAN SYAHBANDAR UTAMA TANJUNG PERAK SURABAYA NOMOR : H.K.207/01/15/SYB.TPR-15 TANGGAL 17 MARET 2015 TENTANG PEMBENTUKAN KOMITE KEAMANAN PELABUHAN (PORT SECURITY COMMITTEE/PSC) DI LINGKUNGAN PELABUHAN TANJUNG PERAK SURABAYA

KEPALA KANTOR KESYAHBANDARAN UTAMA TANJUNG PERAK SURABAYA

Menimbang

: a. bahwa dalam rangka tindak lanjut pelaksanaan penerapan sistem keamanan pelabuhan sesuai ISPS Code dan ketentuan lain yang berlaku, di Pelabuhan Tanjung Perak Surabaya dipandang perlu dibentuk Komite Keamanan Pelabuhan (Port Security Committee/PSC),

b. Bahwa para pejabat/pegawai mewakili masing-masing instansi sebagaimana tersebut dalam lampiran 1 keputusan ini dianggap cukup untuk ditunjuk selaku pejabat/pelaksana Komite Keamanan Pelabuhan (Port Security Committee/PSC) di lingkungan pelabuhan Tanjung Perak Surabaya.

Mengingat

: 1. Undang - Undang Nomor : 17 Tahun 2008 tentang Pelayaran;
3. Peraturan Pemerintah Nomor : 20 Tahun 2010 tentang Angkutan di Perairan;
Authority (Penanggung Jawab/Otoritas yang Ditunjuk) dalam Pelaksanaan Pengamanan Kapal dan Fasilitas Pelabuhan (International Ships and Port Facility Security Code/ISPS Code);

7. Peraturan Menteri Perhubungan Nomor KM. 34 Tahun 2012 Tentang Organisasi dan Tata Kerja Kantor Kesyahbandaran Utama;

8. Peraturan Menteri Perhubungan Republik Indonesia Nomor PM 134 Tahun 2016 tentang Manajemen Keamanan Kapal dan Fasilitas Pelabuhan;


Memperhatikan


MEMUTUSKAN

Menetapkan

KEPUTUSAN KEPALA KANTOR KESYAHBANDARAN UTAMA TANJUNG PERAK SURABAYA TENTANG PERUBAHAN ATAS KEPUTUSAN SYAHBANDAR UTAMA TANJUNG PERAK SURABAYA NOMOR : HK.207/01/15/SYB.TPR-15 TANGGAL 17 MARET 2015 TENTANG PEMBENTUKAN KOMITE KEAMANAN PELABUHAN (PORT SECURITY COMMITTEE/PSC) DI LINGKUNGAN PELABUHAN UTAMA TANJUNG PERAK SURABAYA.

BERTAMA

Membentuk Komite Keamanan Pelabuhan (Port Security Committee /PSC) di lingkungan Pelabuhan Utama Tanjung Perak Surabaya yang terdiri atas pejabat dari Kantor Kesyahbandaran Utama Tanjung Perak Surabaya, Instansi Pemerintah, TNI-AL, POLRI, BUMN dan Swasta, Penyelenggara / Pengelola Pelabuhan dan para Asosiasi-asosiasi di Pelabuhan Utama Tanjung Perak Surabaya yang tugas dan
tanggungjawabnya terkait langsung dengan keamanan kegiatan pemerintahan di pelabuhan, sebagaimana tersebut pada Lampiran I Keputusan ini.

KEDUA: Tugas-tugas dan kewenangan anggota Komite Keamanan Pelabuhan (Port Security Committee PSC) sebagaimana tersebut pada Lampiran II Keputusan ini.


KEEMPAT: Struktur Komite Keamanan Pelabuhan Utama/Port Security Committee (PSC) Tanjung Perak Surabaya sebagaimana tersebut pada Lampiran III Keputusan ini.


KEENAM: Keputusan ini mulai berlaku sejak tanggal ditetapkan dan apabila di kemudian hari terdapat kekeliruan dalam penetapannya akan diadakan perbaikan sebagaimana mestinya.

Ditetapkan di : SURABAYA
Pada Tanggal : 07 JUL 2017

KEPALA KANTOR KESYAHBANDARAN UTAMA TANJUNG PERAK SURABAYA

KAB. SETYOBUDI
Pembina Utama Madya (IV/d)
NIP. 195707191987031001

Salinan keputusan ini disampaikan kepada Yth :
1. Direktur Jenderal Perhubungan Laut di Jakarta;
2. Para Direktur di Lingkungan Ditjen Perhubungan Laut di Jakarta;
3. Kepala Kantor Otoritas Pelabuhan Utama Tg. Perak Surabaya;
4. Kepala Kantor Distrik Navigasi Klas I Surabaya;
5. KOMANDAN SATROTTAS Lantamal Surabaya;
6. DANDIM 0830 Surabaya Utara;
7. Direktur POLAIR Polda Jawa Timur;
8. KAPOLRES Pelabuhan Tanjung Perak;
9. Kepala Kantor Balai Besar Karantina Hewan Pelabuhan Tg. Perak Surabaya;
10. Kapala Kantor Pelayanan Type "A" Bea & Cukai Tg. Perak Surabaya;
11. Kepala Kantor Karantina Tumbuh-Tumbuhan Pelabuhan Tg. Perak Surabaya;
12. Kepala Kantor Imigrasi Klas I Tanjung Perak Surabaya;
14. Kepala Pangkalan Armada PLP Tanjung Perak Surabaya;
15. Direktur Utama PT. Pelindo III (Persero) di Surabaya;
16. General Manager PT.Pelindo III (Persero) Cabang Tg. Perak Surabaya;
17. Direktur Utama PT. Terminal Petikemas Surabaya;
18. Direktur Utama PT. Berlian Jasa Terminal Indonesia di Surabaya;
19. Direktur Utama PT. Terminal Teluk Lamong di Surabaya;
20. Direktur PT. Pertamina (Persero) di Surabaya;
21. Direktur PT. ISM Bogasari Flour Mills di Surabaya;
22. Direktur Utama PT. AKR Coorporindo Tbk. di Surabaya;
Lampiran 1: Surat Keputusan Kepala Kantor Kesyahbandaran Utama Tanjung Perak Surabaya
Nomor: HK. 007/02/07/SYB. TPR-17
Tanggal: 07 JUL 2017

PEJABAT KOMITE KEAMANAN PELABUHAN UTAMA
(PORT SECURITY COMMITTEE/PSC) TANJUNG PERAK SURABAYA

<table>
<thead>
<tr>
<th>NO</th>
<th>JABATAN &amp; INSTANSI</th>
<th>FUNGSI / JABATAN DALAM KOMITE</th>
<th>KETERANGAN</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Kepala Kantor Kesyahbandaran Utama Tanjung Perak Surabaya</td>
<td>PSC</td>
<td>-</td>
</tr>
<tr>
<td>2</td>
<td>Kepala Bidang Penjagaan, Patroli dan Penyidikan - Kantor Kesyahbandaran Utama Tanjung Perak Surabaya</td>
<td>PSO</td>
<td>-</td>
</tr>
<tr>
<td>3</td>
<td>Kepala Bidang Lalu Lintas Lalu Lintas dan Angkutan Laut, Operasi dan Usaha Kepelabuhanan - Kantor Otoritas Pelabuhan Utama Tanjung Perak Perak Surabaya</td>
<td>Deputy PSO</td>
<td>-</td>
</tr>
<tr>
<td>4</td>
<td>Kepala Bagian Tata Usaha Kantor Kesyahbandaran Utama Tanjung Perak Surabaya</td>
<td>Sekretaris</td>
<td>-</td>
</tr>
<tr>
<td>5</td>
<td>Verifikator ISPS Code / Inspektor Keamanan</td>
<td>Verifikator / Inspektor Keamanan</td>
<td>-</td>
</tr>
<tr>
<td>6</td>
<td>Perwakilan Kantor Distrik Navigasi Klas I Surabaya</td>
<td>Anggota</td>
<td>-</td>
</tr>
<tr>
<td>7</td>
<td>Perwakilan SATROLTAS Lantamal Surabaya</td>
<td>Anggota</td>
<td>-</td>
</tr>
<tr>
<td>8</td>
<td>Perwakilan DITPOLAIR POLDA JATIM</td>
<td>Anggota</td>
<td>-</td>
</tr>
<tr>
<td>9</td>
<td>Perwakilan KODIM 0830 Surabaya Utara</td>
<td>Anggota</td>
<td>-</td>
</tr>
<tr>
<td>10</td>
<td>Perwakilan POLRES Pelabuhan Tanjung Perak</td>
<td>Anggota</td>
<td>-</td>
</tr>
<tr>
<td>11</td>
<td>Kepala Bidang Status Hukum dan Sertifikasi Kapal Kantor Kesyahbandaran Utama Tanjung Perak</td>
<td>Anggota</td>
<td>-</td>
</tr>
<tr>
<td>12</td>
<td>Kepala Bidang Keselamatan Berlayar Kantor Kesyahbandaran Utama Tanjung Perak</td>
<td>Anggota</td>
<td>-</td>
</tr>
<tr>
<td>13</td>
<td>Perwakilan Kantor Pelayanan Type &quot;A&quot; Bea dan Cukai Tanjung Perak Surabaya</td>
<td>Anggota</td>
<td>-</td>
</tr>
<tr>
<td>14</td>
<td>Perwakilan Kantor Imigrasi Klas I Tanjung Perak</td>
<td>Anggota</td>
<td>-</td>
</tr>
<tr>
<td>15</td>
<td>Perwakilan Kantor Balai Besar Karantina Pertanian Tanjung Perak Surabaya</td>
<td>Anggota</td>
<td>-</td>
</tr>
<tr>
<td>No</td>
<td>Perwakilan Kantor Balai Karantina Hewan Tanjung Perak</td>
<td>Anggota</td>
<td>-</td>
</tr>
<tr>
<td>----</td>
<td>-----------------------------------------------------</td>
<td>---------</td>
<td>---</td>
</tr>
<tr>
<td>17</td>
<td>Perwakilan Kantor Balai Karantina Tumbuh-Tumbuhan Tanjung Perak</td>
<td>Anggota</td>
<td>-</td>
</tr>
<tr>
<td>18</td>
<td>Perwakilan Kantor Kesehatan Pelabuhan Tanjung Perak</td>
<td>Anggota</td>
<td>-</td>
</tr>
<tr>
<td>19</td>
<td>Kepala Pungkalan Armada PLP Tanjung Perak</td>
<td>Anggota</td>
<td>-</td>
</tr>
<tr>
<td>20</td>
<td>Perwakilan PT. Pelabuhan Indonesia III (Persero) Cabang Tanjung Perak</td>
<td>Anggota</td>
<td>-</td>
</tr>
<tr>
<td>21</td>
<td>Perwakilan PT. Terminal Petikemas Surabaya</td>
<td>Anggota</td>
<td>-</td>
</tr>
<tr>
<td>22</td>
<td>Perwakilan PT. Terminal Teluk Lamong</td>
<td>Anggota</td>
<td>-</td>
</tr>
<tr>
<td>23</td>
<td>Perwakilan PT. Berlian Jasa Terminal Indonesia</td>
<td>Anggota</td>
<td>-</td>
</tr>
<tr>
<td>24</td>
<td>Perwakilan PT. Pertamina (Persero) di Surabaya</td>
<td>Anggota</td>
<td>-</td>
</tr>
<tr>
<td>25</td>
<td>Perwakilan PT. AKR Coorporindo di Surabaya</td>
<td>Anggota</td>
<td>-</td>
</tr>
<tr>
<td>26</td>
<td>Perwakilan PT. ISM Bogasari Flour Mills di Surabaya</td>
<td>Anggota</td>
<td>-</td>
</tr>
<tr>
<td>27</td>
<td>Perwakilan DPC. INSA, APBMI, GAFEKSI, ORGANDA, GINSI, GPEI, ADEPI, IPERINDO, GALPENAS dan TKBM Pelabuhan Tanjung Perak Surabaya.</td>
<td>Anggota</td>
<td>-</td>
</tr>
</tbody>
</table>

**KEPALA KANTOR KESYAHBANDARAN UTAMA TANJUNG PERAK SURABAYA**

HARI SETYO BUDI

Pembina Utama Madya (IV/d)
NIP. 19570719 198703 1 001
Lampiran II: Surat Keputusan Kepala Kantor Kesyahbandaran Utama Tanjung Perak Surabaya
Nomor : HK. 2017/02/07/ SYB - TPR - 17
Tanggal : 07 JUL 2017

TUGAS-TUGAS DAN KEWENANGAN ANGGOTA KOMITE KEAMANAN PELABUHAN UTAMA (PORT SECURITY COMMITTEE/PSC) TANJUNG PERAK SURABAYA

I. PORT SECURITY COMMITTEE (PSC)
1. Menentukan dan menetapkan tingkat keamanan (security level) di pelabuhan.
2. Menentukan dan mengambil langkah-langkah keamanan yang sesuai dengan tingkat keamanan yang akan dan/atau sedang terjadi di pelabuhan.
3. Melaksanakan penyusunan jaring atau kerangka kerja komunikasi informasi dan intelligence keamanan pelabuhan.
4. Mengidentifikasi ancaman dan kerawanan serta melakukan penilaian keamanan pelabuhan (port security assessment)
5. Menyusun rancangan keamanan pelabuhan (port security plan) untuk memastikan penerapan tindakan/langkah keamanan dalam memberikan perlindungan di pelabuhan serta mengendalikan ancaman dan insiden keamanan yang terjadi.
6. Meminta bantuan kepada pihak Kepolisian Negara Republik Indonesia dan/atau Tentara Nasional Indonesia pada tingkat keamanan 2 (dua) dan/atau 3 (tiga) jika diperlukan.

II. PORT SECURITY OFFICER (PSO) dan DEPUTY PORT SECURITY OFFICER (DEPUTY PSO)
1. Mengkoordinir dan memberikan pengarahan/pembinaan teknis pada pelaksanaan rapat Komite Keamanan Pelabuhan.
2. Mengkoordinir dan memberikan pengarahan/pembinaan teknis pelaksanaan tugas-tugas anggota Komite Keamanan Pelabuhan.
3. Mengkoordinir dan mengevaluasi pelaksanaan penilaian, pemeriksaan dan inspeksi rutin keamanan fasilitas pelabuhan.
4. Membuat laporan dan evaluasi informasi ancaman keamanan pelabuhan untuk menentukan tingkat keamanan pelabuhan serta menginformasikan/menyebarkannya tingkat keamanan pelabuhan.
5. Menginventoryasi dan mengidentifikasi ancaman/gangguan yang berpotensi menimbulkan insiden keamanan pelabuhan.
6. Mengkoordinir dan memberikan pengarahan teknis kepada penyelenggara/pengelola fasilitas pelabuhan dalam rangka:
   a. Penyusunan layout pelabuhan/fasilitas pelabuhan yang mencakup batas-batas area darat, perairan serta sarana dan prasarana pelabuhan/fasilitas pelabuhan.
   b. Mengidentifikasi lokasi-lokasi, sarana dan prasarana pelabuhan/fasilitas pelabuhan yang perlu dilindungi dari ancaman keamanan.
c. Mengidentifikasi lokasi-lokasi, sarana dan prasarana pelabuhan/fasilitas pelabuhan sebagai penetapan daerah terlarang.

III. SEKRETARIS

Mengelola administrasi dalam rangka menunjang tugas-tugas Port Security Committee (PSC) dan Port Security Officer (PSO)

IV. VERIFIKATOR ISPS CODE / INSPEKTOR KEAMANAN

1. Melaksanakan pemeriksaan/verifikasi keamanan terhadap fasilitas pelabuhan dan kapal.
2. Melaksanakan pemeriksaan rutin (inspeksi) keamanan terhadap fasilitas pelabuhan.
3. Memberikan rekomendasi perbaikan atas kekurangan/temuan/ketidaksesuaian verifikasi/inspeksi

V. KANTOR OTORITAS PELABUHAN UTAMA TANJUNG PERAK SURABAYA

1. Memberikan informasi tentang situasi, gangguan dan ancaman keamanan sesuai dengan TUPOKSI-nya.
2. Memberikan informasi tentang ancaman dan gangguan keamanan di pelabuhan sesuai dengan TUPOKSI-nya
4. Memberikan informasi tentang hasil pengawasan terhadap dokumen-dokumen barang, angkutan/unit transportasi, sarana dan prasarana fasilitas pelabuhan yang dicurigai berpotensi menimbulkan insiden keamanan bagi kapal dan fasilitas pelabuhan.

VI. KANTOR DISTRIK NAVIGASI KLAS I SURABAYA

1. Memberikan informasi tentang situasi, gangguan, ancaman keamanan sesuai dengan TUPOKSI-nya untuk menentukan tingkat keamanan pelabuhan dan kapal.
2. Memberikan informasi tentang kondisi, keberadaan Sarana Bantu Navigasi Pelayaran (SBNP) yang berkaitan dengan keselamatan pelayaran.
3. Melaksanakan pengawasan terhadap sistem komunikasi dan pemantauan di Vessel Traffic Control (VTS) dan channel marine band sesuai dengan peraturan yang telah ditentukan.

VII. SATROLTAS LANTAMAL

1. Memberikan informasi tentang situasi, gangguan dan ancaman keamanan sesuai dengan TUPOKSI-nya.
2. Memberikan informasi terhadap kapal-kapal yang tiba/datang maupun yang akan berangkat yang dicurigai berpotensi menimbulkan insiden keamanan bagi kapal maupun fasilitas pelabuhan.
VIII. DITPOLAIR POLDA JATIM
1. Memberikan informasi tentang situasi, gangguan, ancaman keamanan sesuai TUPOKSI-nya.
2. Melaksanakan tindakan keamanan sesuai tingkat keamanan yang ditentukan.

IX. KODIM 0830 SURABAYA UTARA
1. Memberikan informasi tentang situasi gangguan dan ancaman keamanan sesuai dengan tugas dan tanggung jawabnya.
2. Memberikan informasi yang berkaitan dengan hal-hal yang dapat mengakibatkan gangguan dan kerawanan keamanan serta membantu pelaksanakan tindakan keamanan.

X. POLRES PELABUHAN TANJUNG PERAK
1. Memberikan informasi tentang situasi, gangguan dan ancaman keamanan sesuai dengan TUPOKSI-nya.
2. Memberikan informasi terhadap kapal-kapal yang sandar maupun yang sedang beraktivitas di pelabuhan yang dicurigai berpotensi menimbulkan insiden keamanan bagi kapal maupun fasilitas pelabuhan.
3. Melaksanakan tindakan keamanan secara langsung sesuai tingkat keamanan yang ditentukan.

XI. BIDANG STATUS HUKUM DAN SERTIFIKASI KAPAL
1. Memberikan informasi tentang situasi, gangguan dan ancaman keamanan sesuai dengan TUPOKSI-nya.
2. Memberikan informasi tentang hasil pemeriksaan sertifikat-sertifikat kapal yang tiba (datang) dan yang akan berangkat yang dicurigai berpotensi menimbulkan insiden keamanan bagi kapal dan fasilitas pelabuhan.

XII. BIDANG KESELAMATAN BERLAYAR
1. Memberikan informasi dan membantu tentang situasi gangguan/ancaman keamanan sesuai dengan TUPOKSI-nya.
2. Memberikan informasi kapal- kapal yang datang dan yang akan berangkat: terkait tingkat keamanan di kapal tersebut.
3. Memberikan informasi hasil pemeriksaan kapal yang di curigai berpotensi mengakibatkan ancaman keamanan kapal.

XIII. KANTOR PELAYANAN TYPE “A” BEA & CUKAI TANJUNG PERAK
1. Memberikan informasi tentang situasi, gangguan dan ancaman keamanan sesuai dengan TUPOKSI-nya.
2. Memberikan informasi tentang hasil pemeriksaan barang-barang bagi kapal tiba (datang) dan yang akan berangkat yang dicurigai berpotensi menimbulkan insiden keamanan bagi kapal dan fasilitas pelabuhan.
XIV. KANTOR IMIGRASI KLAS I TANJUNG PERAK
1. Memberikan informasi tentang situasi, gangguan dan ancaman keamanan sesuai dengan TUPOKSI-nya.
2. Memberikan informasi tentang hasil pemeriksaan orang (crew) bagi kapal tiba/datang dan yang akan berangkat yang dicurigai berpotensi menimbulkan insiden keamanan bagi kapal maupun fasilitas pelabuhan.

XV. BALAI BESAR KARANTINA HEWAN TANJUNG PERAK
1. Memberikan informasi tentang situasi, gangguan dan ancaman keamanan sesuai dengan TUPOKSI-nya.
2. Memberikan informasi tentang hasil pemeriksaan hewan bagi kapal tiba/datang maupun yang akan berangkat yang dicurigai berpotensi menimbulkan insiden keamanan bagi kapal maupun fasilitas pelabuhan.

XVI. KANTOR KARANTINA TUMBUH-TUMBUHAN PELABUHAN TANJUNG PERAK
1. Memberikan informasi tentang situasi, gangguan, ancaman keamanan sesuai dengan TUPOKSI-nya.

XVII. KANTOR KESEHATAN PELABUHAN TANJUNG PERAK
1. Memberikan informasi tentang situasi, gangguan, ancaman keamanan sesuai dengan TUPOKSI-nya.
2. Melaksanakan tindakan penyelamatan yang diperlukan atas insiden keamanan yang terjadi.

XVIII. PANGKALAN ARMADA PLP TANJUNG PERAK
1. Memberikan informasi tentang situasi, gangguan dan ancaman keamanan sesuai dengan TUPOKSI-nya.
2. Memberikan informasi kapal-kapal yang tiba/datang, yang akan berangkat maupun kegiatan kegiatan di perairan yang dicurigai berpotensi menimbulkan insiden keamanan bagi kapal maupun fasilitas pelabuhan serta mengambil tindakan keamanan yang dipelukan.

IX. PT. PELABUHAN INDONESIA III (PERSERO) CABANG TANJUNG PERAK
1. Memberikan informasi tentang situasi, gangguan dan ancaman keamanan sesuai dengan tugas dan kewenangannya.
2. Melaksanakan tindakan keamanan di fasilitas pelabuhan sesuai dengan PFSP.
3. Melakukan koordinasi dengan CSO dan SSO serta melaporkan hasil tindakan keamanan yang dilakukan.
4. Memberikan informasi radio tentang situasi keamanan diatas kapal dalam rangka pelaksanaan pemanduan (petugas pandu bandar dan laut).

XX. PENGELOLA FASILITAS PELABUHAN PT. TERMINAL PETIKEMAS SURABAYA, PT. ISM BOGASARI FLOUR MILLS, PT. AKR COORPORINDO TBK, PT. PERTAMINA, PT. BERLIAN JASA TERMINAL INDONESIA DAN PT. TERMINAL TELUK LAMONG.

1. Memberikan informasi tentang situasi, gangguan dan ancaman keamanan sesuai dengan tugas dan kewenangannya.

2. Melaksanakan tindakan keamanan di fasilitas pelabuhan masing-masing sesuai dengan PFSP.

3. Melakukan koordinasi dengan CSO dan SSO serta melaporkan hasil tindakan keamanan yang dilakukan.

XXI. INSA / PERUSAHAAN PELAYARAN (AGEN)

1. Memberikan informasi tentang situasi, gangguan dan ancaman keamanan sesuai dengan tugas dan kewenangannya.

2. Perusahaan pelayaran/agen/CSO melaporkan kedatangan kapal dan memberikan informasi tentang riwayat dan tingkat keamanan kapal serta melakukan koordinasi dengan SSO dan PFSO.

3. Mempersiapkan penerapan langkah pengamanan kapal yang akan dan saat sandar di fasilitas pelabuhan.


XXII. APBMI, GAFEKSI, ORGANDA, GINSI, GPEI, ADEPI, IPERINDO, GALPENAS & TKBM PELABUHAN TANJUNG PERAK SURABAYA

Memberikan informasi tentang situasi, gangguan, ancaman keamanan sesuai tugas dan kewenangannya.
Lampiran III: Surat Keputusan Kepala Kantor Kesyahbandaran Utama
Tanjung Perak Surabaya
Nomor: HK. 2017/02/07/ syb. TPK-17
Tanggall: 07 JUL 2017

STUKTRUK KOMITE KEAMANAN PELABUHAN/PORT SECURITY COMMITTEE (PSC)
TANJUNG PERAK SURABAYA

UNSUR KEAMANAN
1. SATROKITA
2. DIT. POL. AJB
3. KODIM 0830 SURABAYA UTARA
4. POLRES PELABUHAN TG. PERAK
5. ARMADA PLP TG. PERAK

UNSUR PEMERINTAH
1. KANTOR OTORITAS PELABUHAN UTAMA
   TG. PERAK
2. KANTOR DISTRIK NAGASI KLAS I SBY
3. BID. STATUS HUKUM & SERTIFIKASI
   KAPAL
4. BID. KESELAMATAN BERLAYAR
5. KANTOR BEA & CUKAI
6. KANTOR KARANTINA HEWAN & TUMBUHAN
7. KANTOR IMIGRASI KLAS I SURABAYA
8. KANTOR KESEHATAN PELABUHAN

KOORDINATOR (PSC)
KEPALA KANTOR
KESYAHBANDARAN UTAMA
TANJUNG PERAK SURABAYA

KOORDINATOR PELAKSANA (PSC)
KABID PENJAGAAN, PATROLI DAN
PENYIDIKAN
KANTOR KESYAHBANDARAN UTAMA TANJUNG PERAK SURABAYA

WAKIL KOORDINATOR PELAKSANA (PSC)
1. KABID LALU LINTAS & ANGKUTAN LAUT,
   OPERASI & USAHA KEPELABUHAN
2. KASI PENJAGAAN
3. KASI PATROLI
4. KASI PKP

PORT FACILITY SECURITY OFFICER
(PFSO)

COMPANY SECURITY OFFICER
(CSO)

SHIP SECURITY OFFICER
(SSO)

VERIFIKATOR / INSPEKTOR KEAMANAN

SEKRETARIS

PENGELOLA FASILITAS PELABUHAN
1. PT. PELINDO III (PERSERO) CAB. TG. PERAK
2. PT. PERTamina (PERSERO)
3. PT. TERMINAL PETIKEMAS SURABAYA
4. PT. ISM BOGASARI FLOUR MILLS
5. PT. AKR CORPORINDO Tbk
6. PT. BERLIAN JASA TERMINAL INDONESIA
7. PT. TERMINAL TELUK LAMONG

ASOSIASI - ASOSIASI
1. DPC. INSA
2. APBMI
3. GAFEKSI
4. ORGANDA
5. GINSI

6. GPEI
7. ADEPI
8. IPERINDO
9. GALPENAS
10. TKBM
Appendix 3

QUESTIONNAIRE FOR COMPETENT AUTHORITY
(THE DIRECTORATE OF SEA AND COAST GUARD – DIRECTORATE GENERAL OF SEA TRANSPORTATION)

SOLAS CHAPTER XI-2 ON MARITIME SECURITY AND INTERNATIONAL SHIP AND PORT FACILITY SECURITY (ISPS) CODE

| Information provided will be treated confidentially and will be published in an aggregated format only. |

1. Please provide the following information:

   a. Name of officer (assigned to fill in the questionnaire):
      .............................................................................................................................................

   b. Division/Sub Division
      .............................................................................................................................................
      .............................................................................................................................................

   c. Position
      .............................................................................................................................................
      .............................................................................................................................................

2. Please indicate task and function of your organization/division in relation to maritime security and the ISPS Code:

   .............................................................................................................................................
   .............................................................................................................................................

78
3. Please indicate whether your organization is responsible for communicating the following maritime security related-matter under SOLAS Chapter XI-2 to the IMO through Global Integrated Shipping Information System (GISIS).

Contact Type:

<table>
<thead>
<tr>
<th>Contact Type</th>
<th>Yes</th>
<th>No</th>
<th>If yes, please specify further name of division/sub division:</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. National authorities responsible for ship security (SOLAS regulation XI-2/13.1.1)</td>
<td>☐</td>
<td>☐</td>
<td></td>
</tr>
<tr>
<td>b. National authorities responsible for port facility security (SOLAS regulation XI-2/13.1.1)</td>
<td>☐</td>
<td>☐</td>
<td></td>
</tr>
<tr>
<td>c. Recipients of Ship-to-shore security alerts (SOLAS regulation XI-2/13.1.3)</td>
<td>☐</td>
<td>☐</td>
<td></td>
</tr>
<tr>
<td>d. Recipients of maritime security related communications from other Contracting Governments (SOLAS regulation XI-2/13.1.4)</td>
<td>☐</td>
<td>☐</td>
<td></td>
</tr>
<tr>
<td>e. Recipients of requests for advice or assistance to ships and to whom ships can report security concerns (SOLAS regulation XI-2/13.1.5)</td>
<td>☐</td>
<td>☐</td>
<td></td>
</tr>
</tbody>
</table>

4. Please indicate whether any security-related duties have been delegated to recognized security organizations (RSOs).

Yes  No
If yes, please specify further:


Please also specify the number of RSOs approved by your organization: …………………

5. Please indicate whether industry solicited your organization’s assistance in order to implement SOLAS Chapter XI-2 and the ISPS Code.

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

If yes, please specify whether your organization has been able to provide relevant guidance and instructions:

………………………………………………………………………………………………………………

………………………………………………………………………………………………………………

………………………………………………………………………………………………………………

6. Please indicate whether a national legislation and/or regulations was developed in order to implement the requirements of SOLAS Chapter XI-2 and the ISPS Code.

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

If yes, please specify further the list of primary and secondary legislation developed by your organization concerning the ISPS Code:

………………………………………………………………………………………………………………

………………………………………………………………………………………………………………

………………………………………………………………………………………………………………

80
7. Please indicate whether specific processes were put in place to document initial and subsequent compliance with the requirements of SOLAS Chapter XI-2 and the ISPS Code.

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

If yes, please specify further:

………………………………………………………………………………………………………..
………………………………………………………………………………………………………..
………………………………………………………………………………………………………..

8. Please indicate whether any national legislation and/or regulations was developed or are currently being developed by other agencies concerning maritime and port security which are, or potentially overlapping with your organization.

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

If yes, please specify further the name of the regulation and agencies:

………………………………………………………………………………………………………..
………………………………………………………………………………………………………..
………………………………………………………………………………………………………..

9. How many port facilities are in compliance with the ISPS Code (have been granted a Statement of Compliance of a Port Facility/ SOCPF) by your organization or your country? ……………………

10. Please specify whether the ISPS Code port facilities located within the territory of your country have had or continue to have difficulties to meet the requirements of the ISPS Code.

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

If yes, please specify the type of difficulties encountered:

<table>
<thead>
<tr>
<th>Type of Difficulty</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Lack of resources</td>
<td>☐</td>
</tr>
<tr>
<td>Lack of guidance</td>
<td>☐</td>
</tr>
<tr>
<td>ISPS Code too vague/complex</td>
<td>☐</td>
</tr>
<tr>
<td>Ports failed to submit timely and/or acceptable plans</td>
<td>☐</td>
</tr>
<tr>
<td>-------------------------------------------------------</td>
<td>---</td>
</tr>
<tr>
<td>Other, please specify:</td>
<td></td>
</tr>
<tr>
<td>…………………………………………………………………………………………………………………</td>
<td></td>
</tr>
<tr>
<td>…………………………………………………………………………………………………………………</td>
<td></td>
</tr>
</tbody>
</table>

11. How many ships of your country’s flag are in compliance with the ISPS Code (have been issued an International Ship Security Certificate/ISSC) by your organization or country? …………………...

12. Please specify whether the SOLAS ships entitled to fly the flag of your country have had or continue to have difficulties to meet the requirements of SOLAS Chapter XI-2 and the ISPS Code.

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

If yes, please specify the type of difficulties encountered:

<table>
<thead>
<tr>
<th>Lack of resources</th>
<th>☐</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lack of guidance</td>
<td>☐</td>
</tr>
<tr>
<td>ISPS Code too vague/complex</td>
<td>☐</td>
</tr>
<tr>
<td>Shipping companies failed to submit timely and/or acceptable plans</td>
<td>☐</td>
</tr>
<tr>
<td>Other, please specify:</td>
<td></td>
</tr>
<tr>
<td>…………………………………………………………………………………………………………………</td>
<td></td>
</tr>
<tr>
<td>…………………………………………………………………………………………………………………</td>
<td></td>
</tr>
</tbody>
</table>

13. Please indicate whether security-related measures affecting ports located within the territory of your country and ships entitled to fly the flag of your country have been adopted or will be adopted to supplement the mandatory provisions of SOLAS Chapter XI-2 and the ISPS Code.

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

If yes, please check all that applies:
Apply in part or in whole Part B of the ISPS Code | ☐
---|---
Apply the ISPS Code to the entire port area or corporation | ☐
---|---
Apply the ISPS Code to port facilities handling only domestic traffic | ☐
---|---
Apply the ISPS Code to ships engaged only in domestic voyages | ☐
---|---
Apply the ISPC Code to occasional use port facilities | ☐
---|---
Apply the ISPS Code to ships below 500 GRT | ☐
---|---
Other, please specify:…………………………………………………………………………………………
---|---
Further comments, if any:…………………………………………………………………………………………

14. Please indicate whether your government (organization) has contributed or plans to contribute funds to assist ISPS Code port facilities located within the territory of your country to comply with the ISPS Code.  
| Yes | No |
| ☐ | ☐ |

If yes, please specify further:  
…………………………………………………………………………………………
…………………………………………………………………………………………

15. Please indicate whether your government (organization) has contributed or plans to contribute funds to assist SOLAS ships entitled to fly the flag of your country to comply with the SOLAS Chapter XI-2 and the ISPS Code.  
| Yes | No |
| ☐ | ☐ |

If yes, please specify further:  
…………………………………………………………………………………………
…………………………………………………………………………………………
16. Please summarize the overall impact of the SOLAS Chapter XI-2 and the ISPS Code on your country and organization.

<table>
<thead>
<tr>
<th>Internal (within organization):</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>External:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

17. Please summarize the constrains and challenges in the implementation of the SOLAS Chapter XI-2 and the ISPS Code faced by your country and organization.

<table>
<thead>
<tr>
<th>Internal (within organization):</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>External:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

18. Please provide any additional comments or information that may assist the author in completing the study (Please attach additional sheets if necessary):

|                                |
|                                |
|                                |
|                                |
## Appendix 4

**QUESTIONNAIRE FOR THE PORT AUTHORITY/ OPERATOR**

**INTERNATIONAL SHIP AND PORT FACILITY SECURITY CODE (ISPS CODE)**

*Information provided will be treated confidentially and will be published in an aggregated format only.*

1. Please provide the following information:

   a. Name of port authority/operator
      
      …………………………………………………………………………………………………………………………………………………………………

   b. Name of officer (assigned to fill in the questionnaire)

      …………………………………………………………………………………………………………………………………………………………………

   c. Division/Sub Division

      …………………………………………………………………………………………………………………………………………………………………
      …………………………………………………………………………………………………………………………………………………………………

   d. Position

      …………………………………………………………………………………………………………………………………………………………………
      …………………………………………………………………………………………………………………………………………………………………

2. Please provide a profile of your port or your organization/company.

   a. Please indicate which of the following most accurately describes your organization/company.
<table>
<thead>
<tr>
<th>Port Authority (organization)</th>
<th>□</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Number of Port Security Officers (PSO) in your organizations:</strong></td>
<td>.................................................................</td>
</tr>
<tr>
<td>Please specify further the role of your organization in relation to the implementation of the ISPS Code:</td>
<td>........................................................................</td>
</tr>
<tr>
<td>........................................................................</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Port Operator (company)</th>
<th>□</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Number of Port Facility Security Officers (PFSO) in your company:</strong></td>
<td>........................................</td>
</tr>
<tr>
<td>Please specify further the role of your company in relation to the implementation of the ISPS Code:</td>
<td>........................................................................</td>
</tr>
<tr>
<td>........................................................................</td>
<td></td>
</tr>
</tbody>
</table>

b. Your port or ports managed by your organization/company are:

<table>
<thead>
<tr>
<th>Publicly owned and operated</th>
<th>□</th>
</tr>
</thead>
<tbody>
<tr>
<td>Publicly owned and privately operated</td>
<td>□</td>
</tr>
<tr>
<td>Privately owned and operated</td>
<td>□</td>
</tr>
<tr>
<td>Other, please specify:</td>
<td>□</td>
</tr>
</tbody>
</table>

c. Number of port facilities subject to the ISPS Code (ISPS Code port facilities): ..........................
3. To the best of your knowledge, how many regulations have been adopted in relation to the ISPS Code by your country, and by which government agencies?

Please specify: ...........................................................................................................

4. In conjunction with the question number 3, is there any regulations or guidance issued by the agency concerning the management of ships and port facilities?

Please specify: ...........................................................................................................

5. Please indicate whether the government agency (Maritime Administration) given support to your Port Security officer of your organization/ Port Facility Security Officer (PFSO) of your company during the implementation of the ISPS Code?

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

If yes, please specify name of the agency and describe briefly the type of support:

...........................................................................................................................

...........................................................................................................................

6. Does the organization/company arrange or participate in drills and exercises with other stakeholders or other authorities? If the answer is yes: how often and with whom?

Please specify: ...........................................................................................................

7. How often does the capacity building/ training programme for the Port Security Officer (PSO) in your organization / Port Facility Security Officer (PFSO) in your company take place and who has been the assessor?
8. Please specify the proportion of ISPS Code port facilities located within the port managed by your organization/company that hold approved Port Facility Security Plans

<table>
<thead>
<tr>
<th>Percentage</th>
<th>Option</th>
</tr>
</thead>
<tbody>
<tr>
<td>0%</td>
<td>☐</td>
</tr>
<tr>
<td>Up to 50%</td>
<td>☐</td>
</tr>
<tr>
<td>Up to 80%</td>
<td>☐</td>
</tr>
<tr>
<td>100%</td>
<td>☐</td>
</tr>
</tbody>
</table>

9. If the proportion of ISPS Code port facilities holding an approved Port Facility Security Plan is less than 100%, please specify the main reason or reasons.

- Lack of resources
  - [ ]
- Lack of guidance
  - [ ]
- ISPS Code too vague/complex
  - [ ]

Other, please specify: ………………………………………………………………………………………………………

Further comments, if any: ………………………………………………………………………………………………………
10. Please indicate whether the port managed by your organization/company has already introduced or is planning to introduce security-related measures to supplement the mandatory provisions of the ISPS Code.

If yes, please check all that applies:

- Apply in part or in whole Part B of the ISPS Code
- Apply the ISPS Code requirements to the entire port area or corporation
- Apply the IMO/ILO Code of Practice
- Apply additional national governments' requirements
- Apply additional industry associations' requirements
- Other, please specify: …………………………………………………………………………………

11. Please indicate whether the ports managed by your organization/company have, since the implementation of the ISPS Code, experienced any of the following:

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
<th>If yes, please explain and, if possible, quantify:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reduced theft</td>
<td>☐</td>
<td>☐</td>
<td>…………………………………………………………….</td>
</tr>
<tr>
<td>Reduced criminal activity</td>
<td>☐</td>
<td>☐</td>
<td>…………………………………………………………….</td>
</tr>
<tr>
<td>Increased efficiency</td>
<td>☐</td>
<td>☐</td>
<td>…………………………………………………………….</td>
</tr>
<tr>
<td>Increased throughput</td>
<td>☐</td>
<td>☐</td>
<td>…………………………………………………………….</td>
</tr>
<tr>
<td>Increased competitiveness</td>
<td>☐</td>
<td>☐</td>
<td>…………………………………………………………….</td>
</tr>
<tr>
<td>Increased use of information and communications technology</td>
<td>☐</td>
<td>☐</td>
<td>…………………………………………………</td>
</tr>
<tr>
<td>----------------------------------------------------------</td>
<td>---</td>
<td>---</td>
<td>------------------------------------------</td>
</tr>
<tr>
<td>Delays</td>
<td>☐</td>
<td>☐</td>
<td>…………………………………………………</td>
</tr>
<tr>
<td>Reduced competitiveness</td>
<td>☐</td>
<td>☐</td>
<td>…………………………………………………</td>
</tr>
</tbody>
</table>

Other, please specify: …………………………………………………………………………………………………………………

Further comments, if any: …………………………………………………………………………………………………………………

12. Please summarize the overall impact of the ISPS Code on port managed by your organization/company.

………………………………………………………………………………………………………………………………………………

………………………………………………………………………………………………………………………………………………

………………………………………………………………………………………………………………………………………………

13. Please summarize the constrains and challenges in the implementation of the ISPS Code faced by your organization/company.

Internal:

………………………………………………………………………………………………………………………………………………

………………………………………………………………………………………………………………………………………………

………………………………………………………………………………………………………………………………………………

External:

………………………………………………………………………………………………………………………………………………

………………………………………………………………………………………………………………………………………………

………………………………………………………………………………………………………………………………………………
14. Please provide any additional comments or information that may assist the author in completing the study (Please attach additional sheets if necessary):

........................................................................................................................................
........................................................................................................................................
........................................................................................................................................
**Appendix 5**

**QUESTIONNAIRE FOR THE SHIPPING COMPANY (OPERATOR)**

INTERNATIONAL SHIP AND PORT FACILITY SECURITY CODE (ISPS CODE)

*Information provided will be treated confidentially and will be published in an aggregated format only.*

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Please provide the following information:</td>
<td></td>
</tr>
<tr>
<td>a. Name of shipping company</td>
<td></td>
</tr>
<tr>
<td>b. Name of officer (assigned to fill in the questionnaire)</td>
<td></td>
</tr>
<tr>
<td>c. Division/Sub Division</td>
<td></td>
</tr>
<tr>
<td>d. Position</td>
<td></td>
</tr>
</tbody>
</table>

2. To the best of your knowledge, how many regulations have been adopted in relation to the ISPS Code by your country, and by which government agencies?
<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>3. In conjunction with the question number 2, is there any regulations or guidance issued by the agency concerning the management of ships and port facilities?</td>
<td>Please specify: ……………………………………………………………………………………</td>
<td></td>
</tr>
</tbody>
</table>

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>4. Please indicate whether the government agency (Maritime Administration) given support to your company/ship’s SSO during the implementation of the ISPS Code?</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>If yes, please specify name of the agency and describe briefly the type of support:</td>
<td>…………………………………………………………………………………………………………</td>
</tr>
<tr>
<td></td>
<td>…………………………………………………………………………………………………………</td>
<td></td>
</tr>
</tbody>
</table>

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>5. How often does the capacity building/training programme for the Ship Security Officer (SSO) in your company take place and who has been the assessor?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>□</td>
<td>Capacity building/training programme is conducted internally by the organization/company 1 - 2 times per year.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Please specify further: ……………………………………………………………………………</td>
<td></td>
</tr>
</tbody>
</table>

| □ | Capacity building/training programme is conducted internally by the company more than 2 times per year. | |
|   | Please specify further: …………………………………………………………………………… |

| □ | Capacity building/training programme is conducted by external organization/ company 1 - 2 times per year. | |
|   | |

93
<table>
<thead>
<tr>
<th>Please specify further: ………………………………………………………………….</th>
</tr>
</thead>
<tbody>
<tr>
<td>□ Capacity building/training programme is conducted by external organization/company more than 2 times per year.</td>
</tr>
<tr>
<td>Please specify further: ………………………………………………………………….</td>
</tr>
</tbody>
</table>

6. What is the company’s/ship’s SSO opinion about the control of the security plan during a survey or a PSC carried out by the Maritime Administration?

- □ Very good, comments …………………………………………………………………………………
  ……………………………………………………………………………………………………………

- □ Good, comments ……………………………………………………………………………………………
  ……………………………………………………………………………………………………………

- □ Poor, comments ……………………………………………………………………………………………
  ……………………………………………………………………………………………………………

- □ Very poor, comments ……………………………………………………………………………………………
  ……………………………………………………………………………………………………………

- □ Not sure, comments ……………………………………………………………………………………………
  ……………………………………………………………………………………………………………

7. What is the company’s/ship’s SSO opinion about the control of the security plan onboard during a survey or a PSC in other countries Maritime Administrations?

- □ Very good, comments …………………………………………………………………………………
  ……………………………………………………………………………………………………………

- □ Good, comments ……………………………………………………………………………………………
  ……………………………………………………………………………………………………………
8. What is the company’s opinion about the time to handle the ISPS Code corelated issues at the Maritime Administration?

- Poor, comments
- Very poor, comments
- Not sure, comments

9. How many meetings has the company participated in during the implementation of the ISPS Code with the maritime administration?

- No meeting at all, comments
<table>
<thead>
<tr>
<th>10. How many levels of education do the company have related to the ISPS Code?</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Please, describe briefly: ..........................................................</td>
</tr>
<tr>
<td>.............................................................................................................</td>
</tr>
<tr>
<td>☐ Not sure, comments .................................................................</td>
</tr>
<tr>
<td>.............................................................................................................</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>11. How many drills are conducted per year within the company/ship?</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ According to the demands in the ISPS Code, comments: ..........</td>
</tr>
<tr>
<td>.............................................................................................................</td>
</tr>
<tr>
<td>☐ More than the demands in the ISPS Code, comments: .........</td>
</tr>
<tr>
<td>.............................................................................................................</td>
</tr>
<tr>
<td>☐ Not sure, comments: .................................................................</td>
</tr>
<tr>
<td>.............................................................................................................</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>12. How is the scenario of drills and exercises constructed within the company/ship?</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Please, describe briefly:</td>
</tr>
<tr>
<td>Question</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------</td>
</tr>
<tr>
<td>13. Does the company/ship arrange/participate in drills and exercises with other stakeholders or other authorities? If the answer is yes: how often and with whom?</td>
</tr>
<tr>
<td>- No, comments:</td>
</tr>
<tr>
<td>- Yes, please describe briefly with who and how often it has occurred?</td>
</tr>
<tr>
<td>- Not sure, comments:</td>
</tr>
<tr>
<td>14. How does the company/ship handle the feedback from drills and exercises related to the ISPS Code?</td>
</tr>
<tr>
<td>- Please, describe briefly:</td>
</tr>
<tr>
<td>- Not sure, comments:</td>
</tr>
<tr>
<td>15. How often does the company have education courses for the CSO?</td>
</tr>
<tr>
<td>- Please, describe briefly:</td>
</tr>
<tr>
<td>- Not sure, comments:</td>
</tr>
</tbody>
</table>
16. How does the company interpret the ISPS Code definition of threat and how does the company measure it?

- Please, describe briefly:
  
  .................................................................................................................................

- Not sure, comments:........................................................................................................

17. Has the company been threatened according to the ISPS Code definition of terrorism, piratical and other criminal activities?

- No, comments:
  
  ........................................................................................................................................

- Yes, please, describe briefly the experience of it?
  
  ........................................................................................................................................
  
  ........................................................................................................................................

- Not sure, comments:........................................................................................................

18. Please summarize the overall impact of the ISPS Code on your company.

  ........................................................................................................................................
  
  ........................................................................................................................................
  
  ........................................................................................................................................

19. Please summarize the constrains and challenges in the implementation of the ISPS Code faced by your company.
<table>
<thead>
<tr>
<th>Internal:</th>
</tr>
</thead>
<tbody>
<tr>
<td>.........................................................................................</td>
</tr>
<tr>
<td>.........................................................................................</td>
</tr>
<tr>
<td>.........................................................................................</td>
</tr>
<tr>
<td>External:</td>
</tr>
<tr>
<td>.........................................................................................</td>
</tr>
<tr>
<td>.........................................................................................</td>
</tr>
<tr>
<td>.........................................................................................</td>
</tr>
<tr>
<td>20. Please provide any additional comments or information that may assist the author in completing the study (Please attach additional sheets if necessary):</td>
</tr>
<tr>
<td>.........................................................................................</td>
</tr>
<tr>
<td>.........................................................................................</td>
</tr>
<tr>
<td>.........................................................................................</td>
</tr>
</tbody>
</table>