

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

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Abstract— This study explores Indonesia's progress in implementing the ISPS Code, focusing on its impact on the shipping industry and challenges encountered since its enforcement in 2004. Indonesia, a contracting state since 2003, has worked to meet the Code's security requirements, though its Directorate General of Sea Transportation (DGST), as the Maritime Administration, faces challenges in monitoring compliance among port operators and shipping companies. A primary issue is the legal basis for enforcement, as delays in secondary regulations have caused difficulties for stakeholders. Additional issues have arisen for DGST, acting as the Designated Authority, and for operators in fulfilling Code requirements. Using prior research and recent data from the Maritime Administration and industry questionnaires, this study analyzes achievements and challenges in the ISPS Code's application. Recommendations aim to support improvements in maritime security and governance. Ultimately, this research provides a comprehensive overview of government efforts over the past 19 years, outlining the legal foundation development, measures to achieve compliance, and barriers faced, particularly by the DGST and its technical divisions in their enforcement role as the National Authority.

Keywords-isps code, dgst, kplp, ksu, ksop,

I. INTRODUCTION

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. 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 [1] "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 [2]. 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 [3]. 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. 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. 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 [4]. 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 3 among islands including

infrastructure development, efficient use of the budget, and the facility for cargo ships [4].

At present, Indonesia has 1,241 ports in total, of which 141 are open to international trade [5]. 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 (Jakarta globe, 2019). As of 2020, there were 28 IMO Instruments to which Indonesia is a party [6]. 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 [7]. 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 [8]. 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 [9], 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 [10] 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 [11]. 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 [12]. This research will also identify and analyse the issues faced by the interested stakeholders in the implementation of the Code.

II. METHODOLOGY

To analyze ISPS Code implementation in Indonesia, this study uses mixed-methodologies research, combining qualitative and quantitative methods. The methodology gathers insights from maritime authorities, port operators, and shipping corporations to assess compliance, identify issues, and assess ISPS Code enforcement's effects.

- Research Design Research has two phases. A literature assessment of international and national maritime security regulations, official documents, and ISPS Code implementation studies is used to conduct a qualitative analysis. This phase provides a theoretical foundation to identify legislative frameworks and operational difficulties facing Indonesian maritime players.
- The second part involves quantitative analysis using surveys of DGST officials, port operators, and private shipping enterprises. These surveys assess ISPS Code efficacy, implementation problems, and compliance. Data Gathering This analysis uses two main data sources: Policy documents, international maritime conventions, academic journals, MARAD reports, and IMO publications are secondary data. The regulatory and operational environment of the ISPS Code in Indonesia is explained by this data. Primary Data: Questionnaires were created and delivered to ISPS Code stakeholders to gather insights. Electronic questionnaires were used due to COVID-19 travel limitations. The effectiveness of current security methods, regulatory clarity, and enforcement problems were assessed.

III. RESULTS AND DISCUSSION

1. Adherence to ISPS Code Guidelines

Despite major obstacles, the results show that Indonesia has made significant progress in adhering to the ISPS Code [13]. Through the Directorate General of Sea Transportation (DGST), Indonesia has created a number of regulations to conform to international standards since adopting the Code in 2003. The 1,241 ports in Indonesia have varying degrees of compliance, especially those used for international trade, which must follow the ISPS Code. Because of their greater resources, well-established training programs, and more extensive security infrastructures, larger ports—like Tanjung Priok and Belawan—report higher compliance rates [14].

However, compliance is frequently a problem for smaller ports and domestic-only facilities. Meeting the strict requirements of the ISPS Code is difficult in these ports because they typically have few resources and security-focused staff. Given the importance of Indonesian ports to local economies and regional trade, this discrepancy emphasizes the need for focused assistance and resource allocation to guarantee that all Indonesian ports fulfill the Code's requirements.

2. Regulatory and Legal Difficulties

The legal complexities surrounding the implementation of the ISPS Code are one of the main issues noted. Although the Code's requirements are incorporated into Indonesia's Shipping Law No. 17/2008, effective enforcement has been impeded by delays in secondary regulations. Overlapping authority among multiple maritime agencies, such as the Indonesian Navy, Marine Police, and various units under the Ministry of Transportation, has made the regulatory process even more difficult [15].

With several agencies trying to enforce security regulations, sometimes with competing goals, this overlap has resulted in inconsistent enforcement and unclear jurisdiction. This regulatory fragmentation frequently leads to inefficient resource allocation and delayed responses to security issues, according to stakeholder survey responses and interviews with DGST officials. In order to reduce jurisdictional conflicts and increase enforcement effectiveness, regulatory reform is urgently needed to streamline authority, ideally under a single agency or through better-coordinated inter-agency collaboration.

3. Infrastructure and Resource Allocation

Another significant obstacle to full ISPS Code compliance is a lack of resources. Security infrastructure, such as surveillance systems, staff training, and frequent drills, is typically adequately funded in larger ports. On the other hand, smaller ports frequently lack the funding necessary to put even the most basic security measures in place. The overall efficacy of ISPS Code implementation nationwide is impacted by the unequal distribution of resources.

Furthermore, logistical difficulties in infrastructure maintenance and security monitoring arise from Indonesia's ports' geographical dispersion over thousands of islands. It is challenging for ports in more isolated locations to guarantee steady access to cutting-edge equipment and skilled workers. Given the growing security risks posed by piracy and smuggling in some Indonesian waters, this is especially worrisome, as it is imperative that these regions have strong security infrastructures [16]. These discrepancies might be lessened with increased central government funding and technical assistance, perhaps through a special ISPS compliance fund.

4. Awareness and Training for Ship and Port Workers

Compliance with the ISPS Code has also been impacted by training deficiencies among port and ship staff. To make sure that employees are knowledgeable about ISPS procedures, larger ports typically hold frequent training sessions. However, due to financial limitations and restricted

access to qualified trainers, smaller ports frequently find it difficult to offer thorough training. According to survey results, staff members at certain facilities may not fully comprehend ISPS requirements, which could lead to uneven security measure implementation.

The efficacy of security responses as well as compliance are both impacted by inadequate training. For instance, security breaches or unreported incidents may result from staff members' ignorance of the proper protocols for managing security threats or carrying out inspections. Personnel in remote or resource-constrained ports may have consistent, affordable access to ISPS Code training through improved training programs, especially those that make use of digital learning platforms. Maintaining high compliance standards across facilities may also be facilitated by the inclusion of refresher courses.

5. Community Involvement and Public Awareness

The low level of public knowledge about port security has also been noted. Numerous ports in Indonesia are situated close to crowded coastal communities, where locals might not be aware of security measures and unintentionally aid in security breaches. For example, locals might enter restricted areas without permission, which could be dangerous for security. Survey data indicates that port operators frequently report instances of locals gaining unauthorized access, which makes it more difficult to enforce ISPS Code regulations [17].

Some ports have responded to this by launching community outreach initiatives to inform residents about the value of port security. These initiatives are crucial for promoting a cooperative security strategy in which communities assist law enforcement rather than unintentionally undermine it. Strengthening the security culture surrounding Indonesian ports may be achieved by extending such programs across the country.

6. Effect on Port and Maritime Operations

Indonesian maritime operations have been significantly impacted by the implementation of the ISPS Code. Positively, stakeholders say that major ports' security posture has improved as a result of the Code's adherence, discouraging illegal activities like smuggling and piracy. By satisfying the security requirements of international shipping partners, adherence to the Code has also made international trade easier, which is crucial for Indonesia's export-based economy.

Nevertheless, operational difficulties have also been brought about by the application of ISPS Code requirements. Increased security inspections and checks, especially at busier ports, can cause delays in cargo processing, according to port operators. For instance, the Code's mandatory routine inspections can occasionally impede the flow of goods, lengthening truck and ship wait times. The effectiveness of trade may be impacted, and shippers and port operators may incur higher expenses as a result of these delays. Strong security must be ensured without sacrificing operational effectiveness, possibly by integrating cutting-edge screening technologies or streamlining inspection procedures.

7. Suggestions for Improving the Application of the ISPS Code

The results show that Indonesia should take into account a number of strategic actions to enhance the implementation of the ISPS Code: Regulatory harmonization is the process of simplifying the law to lessen jurisdictional overlap and make clear the functions of different enforcement organizations. Allocating Resources: Creating a special ISPS compliance fund to help smaller and more isolated ports with their infrastructure and security upgrades.

Comprehensive Training Programs: Encouraging staff at all ports, including remote ones, to have greater access to certified training and refresher courses. Community Engagement: Getting local communities involved in security initiatives by starting public awareness campaigns. Operational Efficiency: Putting in place more effective inspection procedures to cut down on delays while upholding strict security requirements.

By implementing these suggestions, Indonesia can resolve current issues and enhance adherence to the ISPS Code, thereby promoting improved operational efficacy and maritime security.

IV. CONCLUSION

The ISPS Code has improved Indonesia's maritime security infrastructure, making ports and flagged vessels safer. ISPS Code compliance has improved security at Indonesian terminals, particularly in major ports, and reduced security breaches, piracy, and smuggling. Indonesian-flagged vessels can now enter international ports with enhanced security measures thanks to the ISPS Code, boosting global trade opportunities. Challenges remain. Secondary regulation delays have hampered enforcement and confused stakeholders. Port facilities and shipping companies operated without clear legal guidelines for over a decade after the ISPS Code was adopted in 2004. This gap shows the need for timely international security-compliant regulatory updates. The Port Security Committee (PSC) was established by Ministerial Regulation Number 134/2016, but operational and jurisdictional issues remain, particularly due to agency overlap.

Take care of critical areas. Smaller regional ports in Indonesia lack the funding and training to comply with the ISPS Code, while larger ports do. Differentials affect the nationwide application of security standards, putting less-funded areas at risk. Supporting smaller ports with funding and training could improve Indonesian maritime compliance and efficiency.

Success of the ISPS Code depends on stakeholder coordination. Despite the Directorate General of Sea Transportation (DGST) being the Designated Authority (DA) for ISPS Code enforcement, overlapping jurisdiction among agencies like the Indonesian Navy and Marine Police causes security inefficiencies. Inter-agency cooperation and clear responsibilities would improve enforcement and reduce administrative issues. Possible consolidation of enforcement roles under a single maritime security agency could streamline ISPS Code implementation.

Indonesia has achieved ISPS Code compliance, but regulatory clarity, resource distribution, and stakeholder collaboration must improve to fully protect the maritime domain. Addressing these challenges and implementing targeted recommendations can help Indonesia improve its maritime security framework, fostering good governance that meets international standards and supporting maritime industry growth.

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