

Maritime Environmental Control from the Perspective of the Shipping Law of 2008 and Environmental Protection

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Abstract

Maritime environmental management is a crucial aspect in achieving sustainable marine development in Indonesia. Shipping activities and other maritime operations have a significant potential to cause marine pollution, which can threaten ecosystems and the sustainability of natural resources. This article aims to analyze the regulatory framework for maritime environmental management based on Law Number 17 of 2008 concerning Shipping and Law Number 32 of 2009 concerning Environmental Protection and Management. The research method employed is normative juridical with a legislative and conceptual approach. The study finds that both laws are interconnected in regulating legal responsibility for marine pollution; however, there are still overlapping norms and weaknesses in implementation, particularly regarding law enforcement and inter-agency coordination. Therefore, regulatory harmonization and institutional strengthening are necessary to enhance the effectiveness of maritime environmental management in Indonesia.

Keywords: environmental management, maritime, Shipping Law 2008, environmental protection, marine pollution.

1. Introduction

Indonesia, as an archipelagic country, has vast marine areas with significant natural resource potential. The sea functions not only as a route for transportation and trade but also as a source of livelihood for coastal communities. However, the increasing activities in shipping, maritime industries, and the exploitation of marine resources have caused various environmental problems, such as seawater pollution, coastal ecosystem damage, and the decline in marine biodiversity. These conditions highlight the need for a comprehensive and sustainable system of maritime environmental control.

Legally, maritime environmental control is regulated by several laws, including Law No. 17 of 2008 on Shipping and Law No. 32 of 2009 on Environmental Protection and Management. These two laws are interconnected in regulating responsibilities for marine pollution and the obligations

of business actors to preserve the environment. In practice, however, there are still challenges, such as overlapping authority among institutions, weak law enforcement, and limited awareness among business actors regarding maritime environmental protection.

Therefore, this study is important to understand the extent of synchronization and implementation of these two laws in the context of maritime environmental control, as well as to formulate improvement measures to strengthen marine environmental protection in Indonesia.

2. Literature Review

Concept of Maritime Environmental Control

Maritime environmental control refers to efforts undertaken to prevent, mitigate, and restore pollution or damage to the marine environment caused by human activities, particularly shipping and maritime industries. According to Law No. 32 of 2009 on Environmental Protection and Management, environmental control includes activities such as pollution prevention, damage mitigation, and restoration of environmental quality. In the maritime context, this is closely linked to the principles of sustainable development and responsible management of marine resources.

Legal Basis for Shipping and Environmental Protection

This law governs the administration of shipping, covering safety and security of navigation, protection of the maritime environment, and the responsibility of shipowners for marine pollution. Articles 225 and 226 emphasize the obligation of every ship to prevent marine pollution and to comply with international provisions such as the MARPOL Convention (International Convention for the Prevention of Pollution from Ships). This law highlights the principles of precaution, state responsibility, and business actors' responsibility for environmental damage. Articles 69 and 70 regulate the prohibition of hazardous waste disposal into the environment, including the sea, and require all parties to conduct sustainable environmental management.

Environmental Law Principles in Maritime Control

Several environmental law principles relevant to maritime environmental control include: Preventive Principle: Every shipping activity must consider potential risks of marine pollution. Precautionary Principle: Anticipatory measures should be taken even if there is no conclusive scientific evidence of pollution impacts. Polluter Pays Principle: Parties responsible for marine pollution must bear the costs of environmental restoration. Sustainable Development Principle: Maritime environmental management must ensure the sustainability of marine ecosystems for future generations.

International Legal Framework

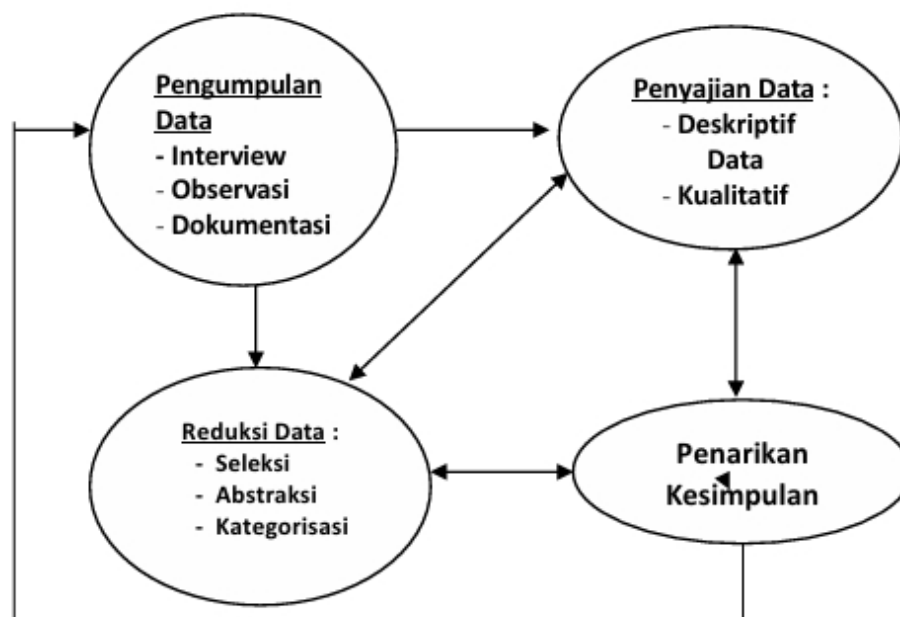
Globally, Indonesia is also bound by several international instruments that serve as references for controlling marine pollution, including MARPOL 1973/1978, the United Nations Convention on the Law of the Sea (UNCLOS) 1982, and the London Convention 1972 on the prevention of marine waste dumping. Ratification of these agreements demonstrates Indonesia's commitment to protecting the maritime environment in accordance with international standards. (

Hypothesis

3. Research methods

This study employs a normative juridical research method (legal research), which is a legal study conducted by examining primary, secondary, and tertiary legal materials to understand the applicable legal norms and their implementation in relation to the issues under review. This approach is used to analyze the regulation and implementation of maritime environmental control under Law No. 17 of 2008 on Shipping and Law No. 32 of 2009 on Environmental Protection and Management. Research Approaches: Statute Approach: used to examine legal provisions

governing marine environmental control in both national and international regulations, - Conceptual Approach: used to understand the fundamental concepts of maritime environmental control, legal responsibility, and the principle of sustainable development, - Comparative Approach: applied in a limited scope to compare national legal regulations with international standards such as MARPOL and UNCLOS 1982, The legal materials used consist of: Primary legal materials, including legislation such as: Law No. 17 of 2008 on Shipping, Law No. 32 of 2009 on Environmental Protection and Management, Government Regulation No. 21 of 2010 on Maritime Environmental Protection, International agreements such as MARPOL 1973/1978 and UNCLOS 1982, Secondary legal materials, including literature, legal journals, research findings, and opinions of environmental and maritime law experts. Tertiary legal materials, including law dictionaries, encyclopedias, and other supporting sources that assist in tracing legal concepts. Techniques for Collecting Legal Materials Legal materials are collected through library research, by reviewing regulations, books, scholarly articles, and official documents relevant to the research topic., and The analysis is conducted using a descriptive-qualitative method, by describing and interpreting the content of applicable legal provisions, then linking them with concepts and theories of maritime environmental law. The results of the analysis are used to assess the effectiveness and synchronization between the two laws in regulating maritime environmental control in Indonesia.



4. Results and Discussion

Regulation of Maritime Environmental Control under the 2008 Shipping Law

Law No. 17 of 2008 on Shipping comprehensively regulates the administration of shipping, including aspects of maritime environmental protection. Articles 225 to 227 stipulate that every ship is prohibited from discharging waste or hazardous materials into the sea that may cause pollution. Shipowners or operators are required to comply with technical standards and safety procedures established by the government, including the obligation to possess a Shipboard Oil Pollution Emergency Plan (SOPEP). In addition, this law establishes legal liability for shipowners regarding pollution caused by shipping activities. This reflects the application of the polluter pays principle, whereby the polluting party is responsible for bearing the costs of environmental

restoration. However, implementation of these provisions remains weak due to limited supervision and low awareness among ship operators of their environmental obligations.

Regulation of Marine Environmental Control under the 2009 Environmental Law

Law No. 32 of 2009 on Environmental Protection and Management (UUPPLH) provides a general legal foundation for preventing and addressing environmental pollution, including marine pollution. Article 69 paragraph (1)(e) explicitly prohibits the disposal of waste into the environment without a permit. The law also regulates administrative, civil, and criminal sanctions against polluters, thereby providing a strong basis for enforcing maritime environmental law. From an environmental perspective, marine pollution control is not only the responsibility of individuals or companies but also the responsibility of the state through monitoring mechanisms and inter-agency coordination. In practice, however, overlapping authority between the Ministry of Environment and Forestry (KLHK), the Ministry of Transportation, and the Ministry of Marine Affairs and Fisheries (KKP) often creates obstacles in monitoring and law enforcement.

Overlaps and Gaps in Regulation

Although both laws share the same spirit of protecting the marine environment, overlaps in norms and weaknesses in coordination remain in their implementation. For example, monitoring of ship activities is largely regulated by the Ministry of Transportation, while marine pollution falls under the authority of KLHK. This often leads to uncertainty in enforcing sanctions when environmental violations occur. Furthermore, the absence of technical implementing regulations that integrate both laws has become a challenge. In practice, environmental permitting and ship certification processes often run separately, preventing the creation of an integrated control system.

Comparison with International Legal Instruments

Compared to international instruments such as MARPOL 73/78 and UNCLOS 1982, Indonesia's national legal framework is generally aligned with global principles on marine pollution prevention. However, differences lie in the effectiveness of implementation and enforcement. Developed countries apply technology-based monitoring systems and impose strict sanctions on violations, whereas in Indonesia, limited infrastructure and human resources remain major obstacles.

Efforts for Harmonization and Institutional Strengthening

To improve the effectiveness of maritime environmental control, several strategic measures are needed: Formulation of integrated implementing regulations combining aspects of shipping and environmental protection. Establishment of inter-agency coordination mechanisms for monitoring marine pollution. Capacity building for supervisory and law enforcement officers in the maritime sector. Strengthening public and business participation in maintaining marine cleanliness and sustainability. Such harmonization of law and institutions is expected to foster an effective, fair, and sustainable system of maritime environmental control.

5. Conclusion

Based on the review of Law No. 17 of 2008 on Shipping and Law No. 32 of 2009 on Environmental Protection and Management, it can be concluded that Indonesia already has a strong legal foundation for maritime environmental control. Both laws emphasize the importance of protecting the sea from pollution caused by shipping and other maritime activities. Nevertheless, implementation in practice still faces challenges, particularly in inter-agency coordination, overlapping legal norms, and weak enforcement of sanctions against polluters. Limited human resources, monitoring facilities, and legal awareness among business actors also hinder the effectiveness of maritime environmental control policies. Conceptually, maritime environmental control should be based on the principles of prevention, precaution, and polluter pays, while remaining consistent with international legal standards such as MARPOL and

UNCLOS 1982. Recommendations Regulatory Harmonization: The government should harmonize the Shipping Law and the Environmental Law by drafting integrated implementing regulations that comprehensively govern marine pollution control. Institutional Strengthening: More effective coordination is needed between the Ministry of Transportation, KLHK, and KKP in monitoring and enforcing maritime environmental law. Capacity Building and Monitoring: The government should strengthen the capacity of law enforcement officers, expand technology-based monitoring networks, and tighten ship operational permits and waste management requirements. Public Participation and Environmental Education: Greater awareness among communities and maritime business actors is needed through education, environmental campaigns, and empowerment of coastal communities. Integration of National and International Policies: National policies should be aligned with global commitments to marine protection so that Indonesia can play an active role in achieving sustainable maritime development.

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