

NAVIGATIONAL MATTER

(Government Regulation of RI Number 5 Year 2010, dated January 6, 2010)

WITH THE BLESSING OF THE ONE AND ONLY GOD
PRESIDENT OF THE REPUBLIC OF INDONESIA,

Considering:

That to implement the provisions on navigational matter as governed in Article 177, Article 183 paragraph (2), Article 184, Article 186 paragraph (2), Article 196, and Article 206 paragraph (2) of Law Number 17 Year 2008 concerning Navigation, it is necessary to stipulate Government Regulation on Navigational matter;

In view of:

1. Article 5 paragraph (2) the 1945 Constitution of the State of the Republic of Indonesia Year 1945 (*BN no. 7152 pages 14A-23A*);
2. Law Number 17 Year 2008 (*BN No. 7678 pages 1A-10A and so forth*) concerning Navigation (Statute Book of the Republic of Indonesia Year 2008 Number 64, Supplement to Statute Book of the Republic of Indonesia Number 4849);

D E C I D E S:

To stipulate:

GOVERNMENT REGULATION ON NAVIGATIONAL MATTER.

CHAPTER I

GENERAL PROVISION

Article 1

What is meant in this Govrenment Regulation by:

1. Navigational matter shall be all matters pertaining to Navigational Supporting Facilities, Navigational Communication, hydrography and meterology, channel and crossing, dredging and reclamation, piloting, handling of ship skeleton, salvage, and under water works for the safety of the ship navigation.
2. Navigational Supporting Facilities shall be equipment or system existing outside the ship designed and operated to improve safety and efficiency of ship navigation and/or and/or ship traffic.
3. Navigational Telecommunication shall be special telecommunication for official navigation in the form of broadcast, transmission or receiving any type of signal, drawing, sound and information in any form through cable, optic, radio system or other electromagnetic system in mobile navigational term of duty constituting part of navigational safety.
4. Coastal Earth Station shall be earth station in permanent satellite official agent or in several pages, in navigational mobile satellite official agent placed in a certain place on land provided for allocating network for navigational mobile satellite official agent.
5. Coastal Radio Station shall be earth station in navigational mobile official agent.
6. Ship Radio Station shall be mobile station in navigational mobile official agent placed on ship but not permanently tied up except for the lifeboat station.

7. **Navigational Mobile Official Agent** shall be any mobile official agent between coastal station and ship stations or inter-ship stations communication existing on ship, while lifeboat stations and radio buoy station indicating emergency position may also take part in this official agent.
8. **Computing Authority** shall be National Navigation Company and company that holds maritime business service license appointed and responsible to compute telecommunication service and to settle payment for ship radio telecommunication service pertaining to the use of public telecommunication facilities in navigational mobile official agent and/or navigational satellite mobile official agent both nationally and internationally.
9. **Meteorology** shall be signal of nature relating to weather.
10. **Meteorological service** shall be service provision activities pertaining to information, information spreading, and meteorology service.
11. **Navigational Manual** shall be sea piloting manual containing guidelines or information used as guidelines for ship crews to be able to sail safely.
12. **Navigational channel** shall be waters from the point of depth, width, and other free from other navigational obstacles and is considered safe to sail.
13. **Channel and Crossing** shall be part of the waters that is safe for sailing according to the dimension/specification of the ship at sea, river, and lake.
14. **Navigational Channel Facilities** shall be facilities and infrastructure required for smooth operation of ship traffic, such as **Sailing Navigational Supporting Facilities, Vessel Traffic Services, and Coastal Radio Station.**
15. **Indonesian Islands Sea Channels** shall be sea channel passed by ships or crafts and/or foreign aircraft on such channel, to operate sailing and flight in the normal way used only for continuous transit, directly and as fast as possible and unpageable through or over islands waters and sea territory neighbouring between one part of the open sea or Indonesian Exclusive Economy Zone and the other one part of the open sea or other Indonesian Exclusive Economy Zone.
16. **Secure and Safe Zone** shall be space around the **Sailing Navigational Supporting Facilities, Sailing Telecommunication Facilities,** and construction or installation bordered by certain radius, height, and/or depth.
17. **Indonesian waters** shall be Indonesian sea territory and islands waters and its hinterland waters.
18. **Construction or Installation** shall be any construction either existing on and/or waters sub-surface.
19. **Dredging** shall be any work that changes the form of waters base in order to reach the desired depth and width or to take material from the waters base to be used for certain purposes.
20. **Reclamation** shall be piling work on waters or at the coast that changes the coastal line and/or contour of the waters depth.
21. **Piloting** shall be piloting activities to assist, give suggestion, and information to the Captain on the local condition of the waters that is important for sailing navigation for save, orderly, and

smooth operation for the safety of the ship and the environment.

22. Pilot shall be seaman that has expertise in nautical matter that complies with the requirements to carry out ship piloting.
23. State Ship shall be ship belonging to the State and is used by certain Governmental agency that is assigned the function and authority in accordance with the provisions in the statutory regulation to enforce the law and other Governmental duties.
24. Ship Skeleton shall be skeleton of any ship that sank, stranded, or cast ashore and left behind.
25. Salvage shall be work to save the ship and/or its load that encounters ship accident or encountering danger on waters including pulling out the ship skeleton or under water obstacle or other items.
26. Underwater Work shall be work relating to ship installation, construction, or ship carried out under water and/or specific under water work such as use of underwater equipment operated from the water surface.
27. Business Entity shall be State-owned business entity, regional business entity, or Indonesian legal entity specially established for navigation.
28. Central Government, hereinafter referred to as Government, shall be President of the Republic of Indonesia that holds administrative power of the State of the Republic of Indonesia as referred to in the 1945 Constitution of the State of the Republic of Indonesia..
29. Regional Government shall be Governor, Regent/ Mayor, and regional apparatus constituting regional operating element of regional administration.

30. Minister shall be minister in charge of administration affairs on navigation.

Article 2

This Government Regulation governs all matters concerning Sailing Navigational Supporting Facilities, navigational communication, meteorology service, channel and crossing services, construction or installation on waters, dredging and reclamation, piloting, ship skeleton, salvage, and underwater work, navigational information system, and human resource.

Article 3

Navigational activities are carried out to guarantee navigation security and safety, motivate smooth operation of economic activities, marking territorial borders in the context of safeguarding sovereignty, reinforce the State defense and security, and strengthen unity of unitary of the nation in the context of the archipelago insight.

Article 4

- (1) The Government shall be responsible to maintain navigational safety and security in the operation of navigation.
- (2) The responsibility in navigational operation referred to in paragraph (1) covers:
 - a. navigation channel;
 - b. Sailing Navigational Supporting Facilities;
 - c. navigation telecommunication;
 - d. piloting and
 - e. provision of meteorology service.

Article 5

- (1) Operation of navigational activities referred to in Article 3 shall be conducted by the Minister.

- (2) The Minister in operating navigational activities as referred to in paragraph (1) shall establish navigation district.
- (3) Navigation district referred to in paragraph (2) shall function to:
 - a. carry out navigational activities; and
 - b. manage and supervise part of navigational operation carried out by other governmental agency and business entity.

CHAPTER II

CHANNEL AND CROSSING

Article 6

- (1) Navigational channel shall be provided by the Government.
- (2) The provision of navigational channel referred to in paragraph (1) shall cover planning, development, operation, maintenance, and supervision.
- (3) Business entity may be included in the development, operation, and maintenance of navigation channel heading to special terminal managed by business entity.
- (4) The navigation channel referred to in paragraph (3) shall be provided by business entity after obtaining approval from the Minister.

Article 7

- (1) The navigation channel referred to in Article 6 paragraph (1) shall cover:
 - a. navigation channel on the sea; and
 - b. navigation channel on river and lake.
- (2) Navigation channel on the sea referred to in paragraph (1) letter a consists of:

- a. general and crossing navigation channel; and
- b. navigation channel entering the ports.
- (3) The river and lake navigation channel referred to in paragraph (1) letter b consist of:
 - a. river navigation channel; and
 - b. lake navigation channel.

Article 8

In the provision of navigation channel on the sea as referred to in Article 7 paragraph (1) letter a, the Minister shall be obliged to specify:

- a. navigation channel;
- b. route system;
- c. procedure for trafficking; and
- d. ship anchoring area as needed.

Article 9

- (1) To provide navigation channel on river and lake as referred to in Article 7 paragraph (1) letter b, the Minister shall specify:
 - a. navigation channel;
 - b. route system;
 - c. procedure for trafficking; and
 - d. ship anchoring area based on the need thereof.
- (2) In specifying navigation channel on river and lake referred to in paragraph (1) letter a the Minister shall coordinate with the agency in charge of administrative affairs on management of water resource.

Article 10

- (1) Navigation channel on sea referred to in Article 8 shall be stated on the map on sea and in the navigational manual.

(2) Navigation channel on river and lake referred to in Article 9 paragraph (1) shall be stated on the map on river and lake and in the manual on river and lake navigation.

Article 11

- (1) The navigation channel on sea referred to in Article 8 shall be announced by the agency on duty and responsible on sea mapping
- (2) The river and lake navigation channel referred to in Article 9 paragraph (1) shall be announced by the Minister.

Article 12

- (1) River and lake navigation channel referred to in Article 9 paragraph (1) shall be specified based on classification consisting of:
- a. Class I navigation channel;
 - b. Class II navigation channel; and
 - c. Class III navigation channel
- (2) The classification referred to in paragraph (1) shall be classified based on the criteria below:
- a. river depth;
 - b. river width; and
 - c. height of free space below any construction passing above the river.

Article 13

- (1) For safety and smooth navigation on certain waters, the Minister shall specify route system as referred to in Article 8 letter b covering:
- a. sea traffic Separation scheme;
 - b. two way routes;
 - c. suggested paging line;

- d. deep water route;
- e. areas that must be avoided;
- f. hinterland traffic area; and
- g. areas of caution.

(2) Specifying route system referred to in paragraph (1) must be based on:

- a. condition of navigation channel; and
- b. heavy traffic consideration.

(3) The route system referred to in paragraph (1) must be mentioned on the sea map and manual on navigation and announced by the competent authority.

Article 14

- (1) The Captain sailing on Indonesian waters territory shall be obliged to report his identity and data on his sailing to the Minister through the coastal radio station.
- (2) The report referred to in paragraph (1) shall cover:
- a. static data such as the name of the ship and call sign, Maritime Mobile Services Identities (MMSI), weight and length of the ship; and
 - b. dynamic data such as the destiny of navigation and time of arrival, speed and ship pager.
- (3) The reporting system referred to in paragraph (1) shall use:
- a. Automatic Identification System/AIS;
 - b. communication radio equipment manual system; and
 - c. ship long range mobility monitoring system (Long Range Identification and Tracking of Ships/LRIT).

Article 15

(1) The Captain sailing on Indonesian waters in particular territory shall be obliged to report all information through the nearest coastal radio station.

(2) The particular territory referred to in paragraph (1) shall cover:

- a. Indonesian Islands Sea Channel waters;
- b. Traffic Separation Scheme (TSS) channel;
- c. Ship to Ship Transfer (STS) area; and
- d. waters that have been specified Ship Reporting System (SRS).

(3) The information referred to in paragraph (1) shall cover:

- a. name of the ship, call sign (call sign), Maritime Mobile Services Identities (MMSI), and International Maritime Organization (IMO) number;
- b. port of destination and previous port (name of port and country);
- c. position the ship when transmitting the information; and
- d. other information pertaining to navigation safety.

Article 16

(1) The Government shall stipulate Indonesian Islands Sea Channel and procedure for its use for continuous, direct, and fast traffic for foreign ships passing the Indonesian waters.

(2) The Indonesian Islands Sea Channel referred to in paragraph (1) shall be stipulated with due observance of:

- a. national defense;
- b. navigation safety;

- c. exploration and exploitation of natural resource;
- d. cable network and pipeline at sea bottom;
- e. preservation of natural resource and the environment;
- f. route that usually used for international navigation;
- g. sea space system; and
- h. recommendation from competent international organization.

(3) All foreign ships using Indonesian Islands Sea Channel on their navigation shall be prohibited from diverging except in emergency situation.

(4) The Minister shall oversee foreign ships traffic crossing the Indonesian Islands Sea Channel.

(5) The Minister shall specify location for Sailing-Navigation Supporting Facilities and navigation telecommunication to monitor foreign ships traffic passing the Indonesian Islands Sea Channel.

Article 17

In stipulating procedure for traffic referred to in Article 8 letter c, the Minister shall consider:

- a. condition of navigation channel;
- b. traffic heaviness;
- c. size and draft of the ship; and
- d. weather condition.

Article 18

Further provision on implementation of navigation channel on sea and navigation channel on river and lake and use of Indonesian Islands Sea Channel shall be governed in Regulation of the Minister.

CHAPTER III

SAILING-NAVIGATION SUPPORTING FACILITIES

Part One

General

Article 19

Sailing-Navigation Supporting Facilities shall be stationed on the sea navigation channel.

Article 20

Sailing-Navigation Supporting Facilities consist of:

- a. type and function;
- b. requirements and standard ;
- c. implementation;
- d. secured and safe zone;
- e. damage and obstacle;
- f. utilization cost; and
- g. river and lake navigation channel.

Part Two

Type and Function

Article 21

(1) Types of Sailing-Navigation Supporting Facilities consist of:

- a. visual;
- b. elektronik; and
- c. audible.

(2) Sailing-Navigation Supporting Facilities shall function to:

- a. determine position and/or pager of the ship;
- b. notify existence of navigation danger/obstacle;
- c. shows all borders of safe navigation channel;
- d. marks the ship traffic separation line;

- e. shows the zone and/or specific activity on the waters; and
- f. border of territory of a country.

Article 22

The visual referred to in Article 21 paragraph (1) letter a covers:

- a. light-house;
- b. lighted flashing buoy;
- c. light floating device; and
- d. day sign.

Article 23

The electronic referred to in Article 21 paragraph (1) letter b covers:

- a. Global Positioning System (GPS);
- b. Differential Global Position System (DGPS);
- c. beacon radar;
- d. beacon radio;
- e. surveylance radar; and
- f. medium wave beacon radio.

Article 24

Audible referred to in Article 21 paragraph (1) letter c must be placed in misty or limited visual area.

Part Three

Requirements and Sailing-Navigation Supporting Facilities

Article 25

Implementation of Sailing-Navigation Supporting Facilities must comply with the requirements and standard:

- a. construction or installation to be constructed and/or installed around the Sailing-Navigation Supporting Facilities installation; and
- b. prevention from disturbance, protection, and safeguarding implementation of Sailing-Navigation Supporting Facilities.

Article 26

The location shown on the map or particular construction on land and on waters based on navigation technical consideration must be free from any item and/or must be utilized for the purpose of constructing Sailing-Navigation Supporting Facilities and granted the right for its use by the competent authority.

Article 27

Further provision on the requirements and standard for implementation of Sailing-Navigation Supporting Facilities shall be governed in Regulation of the Minister.

Part Four

Implementation of Sailing-Navigation Supporting Facilities

Article 28

Implementation of Sailing-Navigation Supporting Facilities covers the activities referred to below:

- a. planning;
- b. procurement;
- c. operation;
- d. maintenance; and
- e. supervision.

Article 29

- (1) Planning activities referred to in Article 28 letter a covers all plans on:
 - a. the need for Sailing-Navigation Supporting Facilities and Infrastructure; and
 - b. operation activities of Sailing-Navigation Supporting Facilities.
- (2) The planning referred to in paragraph (1), consists of:
 - a. long-term, for 15 (fifteen) years term up to 20 (twenty) years term;
 - b. medium term, for 10 (ten) years term up to 15 (fifteen) years term; and
 - c. short-term, for 5 (five) years term up to 10 (ten) years term.

Article 30

- (1) The Sailing-Navigation Supporting Facilities referred to in Article 28 letter b on navigation channel and public port waters shall be procured by the Minister.
- (2) Sailing-Navigation Supporting Facilities referred to in paragraph (1) for particular purpose and in particular location may be procured by business entity after obtaining approval of the Minister.
- (3) Sailing-Navigation Supporting Facilities for the purpose of business entity shall be procured by the business entity.

Article 31

Sailing-Navigation Supporting Facilities which is procured by business entity as referred to in Article 30 paragraph (2) and paragraph (3) must comply with the requirements and standard specified in Article 25.

Article 31.....
(To be continued)

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(Government Regulation of RI Number 5 Year 2010, dated January 6, 2010)

[Continued from Business News No. 7969 pages 12A-19A]

Article 32

(1) The approval of the Minister referred to in Article 30 paragraph (2) shall be granted after complying with the requirements below:

- a. administration; and
- b. technical.

(2) The administrative requirement referred to in paragraph (1) letter a covers:

- a. deed of company establishment;
- b. taxpayer identification number;
- c. main business license from the competent authority;
- d. proof of land control;
- e. determination of location for special terminal for Sailing-Navigation Supporting Facilities for placement at the special terminal;
- f. dredging permit for dredging activities;
- g. permit for under water work or salvage; and
- h. recommendation from local navigation district relating to technical aspect;

(3) The technical requirements referred to in paragraph (1) letter b shall cover:

- a. map that indicates all borders of land territory and waters territory supported by geographical coordination points;
- b. result of hydrographic survey, condition of ups and downs tide, and strength of the current;
- c. dock site system;

d. dimension of the ship going out and entering in; and/or

e. Port Master Plan for activities existing in within the are of work environment and the area within the environment for port interest.

Article 33

(1) The Ministre, within 14 (fourteen) working days as receipt of the complete application, shall issue permit for procurement of Sailing-Navigation Supporting Facilities to the applicant that complies with the requirements referred to in Article 32.

(2) The business entity referred to in Article 30 paragraph (2) and paragraph (3) must:

- a. maintain and preserve the Sailing-Navigation Supporting Facilities;
- b. guarantees the reliability of the Sailing-Navigation Supporting Facilities with specified standard; and
- c. report to the Minister on the operation of the Sailing-Navigation Supporting Facilities.

Article 34

(1) The operational activities referred to in Article 28 letter c shall cover rules on:

- a. vision distance;
- b. light characteristics;

- c. color of the light; and
 - d. nature or type of Sailing-Navigation Supporting Facilities.
- (2) The rule on the vision distance referred to in paragraph (1) letter a shall cover:
- a. type of Sailing-Navigation Support Facilities; and
 - b. coefficient factor of tropical and sub-tropical areas.
- (3) Rules over light characteristic referred to in paragraph (1) letter b shall cover:
- a. rythm or period of the light; and
 - b. certain location or area.
- (4) Rule on color of the light referred to in paragraph (1) letter c shall cover:
- a. type of navigational danger; and
 - b. type or characteristic of the thing.
- (5) Rule on the form or type of Sailing-Navigation Supporting Facilities referred to in paragraph (1) letter d shall cover:
- a. certain location or area; and
 - b. depth of the waters.

Article 35

- (1) Maintenance activities referred to in Article 28 letter d shall cover:
- a. maintenance; and
 - b. repair.
- (2) The maintenance referred to in paragraph (1) letter a shall cover activities of:
- a. painting of the Sailing-Navigation Supporting Facilities;

- b. cleaning the Sailing-Navigation Supporting Facilities;
 - c. adjusting to the light rythm;
 - d. checking and replacing power checker (catur daya); and
 - e. checking the position of the Sailing-Navigation Supporting Facilities.
- (3) The repair referred to in paragraph (1) letter b shall cover activities on:
- a. replacing light bulb and flasher;
 - b. replacing tower structure;
 - c. replacing fender of light buoy;
 - d. replacing light buoy anchoring system; and
 - e. replacing peak sign.

Article 36

- (1) The maintenance activities referred to in Article 35 paragraph (1) shall be conducted periodically and at any time.
- (2) Periodical maintenance activities shall be conducted once every three (3) months.
- (3) The maintenance activities at any time may be conducted in the occurrence of damage caused by being hit by a ship, theft, or event of nature.

Article 37

Further provision on Implementation of Sailing-Navigation Supporting Facilities and procedure for issuing permit for procurement of Sailing-Navigation Supporting Facilities by business entity shall be governed in Regulation of the Minister.

Part Five
Secure and Safe Zone
For Sailing-Navigation Supporting Facilities

Article 38

- (1) Secure and safe zone referred to in Article 20 letter d is meant to guarantee security and safety of Sailing-Navigation Supporting Facilities around the the construction or installation of Sailing-Navigation Supporting Facilities.
- (2) Secure and safe zone referred to in paragraph (1) shall function:
- a. as the safeguarding border of construction; and
 - b. to protect the Sailing-Navigation Supporting Facilities from disturbance by other facilities.
- (3) Secure and safe zone referred to in paragraph (2) consists of:
- a. prohibited zone at an area to an extent of 500 (five hundred) meters computed from the outer side of the installation or the Sailing-Navigation Supporting Facilities construction; and
 - b. limited zone at an area to an extent of 1.250 (one thousand two hundred fifty) meters computed from the outer side of the prohibited zone or 1.750 (one thousand seven hundred fifty) meters from the outer side of the installation or construction of the Sailing-Navigation Supporting Facilities.
- (4) At the prohibited zone referred to in paragraph (3) letter a it is prohibited from constructing installation or other building.

- (5) At prohibited zone referred to in paragraph (3) letter b after obtaining permit from the Minister installation or other building may be constructed provided that it shall not disturb the function and system of the Sailing-Navigation Supporting Facilities.

Article 39

The secure and safe zone referred to in Article 38 paragraph (1) must comply with the requirements:

- a. at the area to be determined as secure and safe zone no construction or plants exists that may disturb the function of the Sailing-Navigation Supporting Facilities;
- b. at the land area to be determined as secure and safe zone must be freed from ownership of other parties; and
- c. at the waters area to be determined as secure and safe zone no construction and activities exist that may disturb the function and system of the Sailing-Navigation Supporting Facilities.

Article 40

- (1) Outside the secure and safe zone of the Sailing-Navigation Supporting Facilities may be passed by ships by maintaining secure distance.
- (2) At the secure and safe zone for Sailing-Navigation Supporting Facilities no ship may pass or anchor except at narrow channel, river, or lake which width of channel is less than 500 (five hundred) meters.

- (3) Any ship anchoring at narrow channel, river, or lake which width of channel is less than 500 (five hundred) meters as referred to in paragraph (2) must keep safe distance of at least one and a half times the length of the ship.
- (4) State-owned ship conducting maintenance activities and/or maintenance of the Sailing-Navigation Supporting Facilities may approach the Sailing-Navigation Supporting Facilities.

Part Six

Damage and Obstacle

Article 41

- (1) Any action that may inflict damage and/or obstacle to the Sailing-Navigation Supporting Facilities may be in the form of:
- a. installing and/or placing something at the Sailing-Navigation Supporting Facilities;
 - b. changing the Sailing-Navigation Supporting Facilities;
 - c. damaging, destroying, or causing defects to the Sailing-Navigation Supporting Facilities;
 - d. moving the Sailing-Navigation Supporting Facilities; and
 - e. mooring the ship at the Sailing-Navigation Supporting Facilities.
- (2) Any action that cause damage and/or obstacle to the Sailing-Navigation Supporting Facilities referred to in paragraph (1) shall be charged penalty in accordance with the provisions in the statutory regulation.

Article 42

- (1) The owner and/or operator of ship which due to the ship operation caused damage and/or obstacle to the Sailing-Navigation Supporting Facilities must report to the Minister.
- (2) Based on the report referred to in paragraph (1) the Minister shall be obliged to broadcast the damage and/or obstacle to the Sailing-Navigation Supporting Facilities to all ships through coastal radio station and announce it in the Gazette of the Indonesian Seamen.
- (3) The broadcast referred to in paragraph (2) shall cover:
- a. name of the location;
 - b. type of Sailing-Navigation Supporting Facilities;
 - c. Number of List of Indonesian Lighthouse;
 - d. position;
 - e. periode/rythm (description of period) and source of power;
 - f. color of the ray;
 - g. vision distance;
 - h. elevation; and
 - i. condition of Sailing-Navigation Supporting Facilities.

Article 43

- (1) The owner and/or operator of ship shall be responsible for any damage and/or obstacle to the Sailing-Navigation Supporting Facilities caused by operational of the ship.

- (2) The owner and/or operator of the ship referred to in paragraph (1) shall be obliged to repair or replace the Sailing-Navigation Supporting Facilities so that the facilities can function again.
- (3) The repair and replacement referred to in paragraph (2) shall be conducted within a period of 60 (sixty) calendar days as of the occurrence of the damage.
- (4) If the period limit of 60 (sixty) calendar days referred to in paragraph (3) no repair or replacement is made, the Minister shall repair and replace the Sailing-Navigation Supporting Facilities at the cost of the shaip owner and/or operator.

Part Seven

Fee for Utilizing Sailing-Navigation Supporting Facilities

Article 44

- (1) Any ship sailing on Indonesian waters shall be charged utilization fee of Sailing-Navigation Supporting Facilities in the form of State Non-Tax Income.
- (2) The fee for utilizing the Sailing-Navigation Supporting Facilities referred to in paragraph (1) shall be collected by the Minister at arrival of the ship in the harbor or special terminal.
- (3) No cost for Sailing-Navigation Supporting Facilities utilization referred to in paragraph (1) shall be charged on:
- a. war ship;
 - b. state-owned ship;
 - c. hospital ship;
 - d. ship entering the port or special port for the need for help or ship providing aid for human rescue;
 - e. ship operating navigational trial; and
 - f. private-owned ship running duty of administration.
- (4) Provision on the type and tariff for Sailing-Navigation Supporting Facilities referred to in paragraph (1) and paragraph (2) shall be governed in separate Government Regulation.

CHAPTER IV

RIVER AND LAKE NAVIGATIONAL CHANNEL FACILITIES

Article 45

- (1) To guarantee safety, security, order, and smooth traffic and transportation on river and lake navigational channel, complete navigational channel facilities must be provided.
- (2) The river and lake navigational channel facilities referred to in paragraph (1) may be in the form of:
- a. ship lock pool (ship lock);
 - b. channel depth regulating dam (navigation barrage);
 - c. ship lifting construction (ship lift);
 - d. canal;
 - e. buoy;
 - f. surveillance post;
 - g. pagete;
 - h. water height scale recorder;
 - i. flow resistant construction;
 - j. flow regulating construction;
 - k. land.....

- k. land / river bank resistant wall; and
- l. mud accommodating pool.

Article 46

- (1) The planning, procurement, installation, construction, and maintenance of navigational channel facilities referred to in Article 45 paragraph (2) must be adjusted to the navigational channel class and border of administrative area.
- (2) The planning, procurement, installation, construction and maintenance of navigational channel facilities referred to in paragraph (1) shall be conducted by the Government, provincial government, or regency/municipality government according to their respective authority.
- (3) The Government, provincial government, or regency/municipality government according to their respective authority in conducting the planning, procurement, installation, construction and maintenance of navigational channel facilities referred to in paragraph (2) may cooperate with business entity.

Article 47

- (1) Any river and lake transporting ship sailing using the facilities referred to in Article 45 paragraph (2) letters a, b, c, and d is subject to utilization cost as State Non-Tax Income or Regional Contribution.
- (2) The Government, provincial government, and regency/municipality government shall supervise the navigational channel facilities function.

Article 48

- (1) Any action taken that may cause damage and/or obstacle to the navigation channel facilities may be in the form of:
 - a. installing and/or placing any river and lake navigation channel facilities;
 - b. changing the river/lake navigation channel facilities;
 - c. damaging, destroying or causing the river and lake navigation channel facilities defect;
 - d. moving the river and lake navigation channel facilities; and
 - e. mooring the ship to the river and lake navigation channel facilities.
- (2) Any action that may cause damage and/or obstacle to river and lake navigation channel facilities is subject to penalty in accordance with the statutory regulation.

Article 49

- (1) The owner and/or operator of the ship shall be responsible for any damage and/or obstacle to river and lake navigation channel facilities caused by operations of his ship.
- (2) The responsibility of the owner and/or operator of the ship referred to in paragraph (1) shall be in form of obligation to immediately repair or replace the river and lake navigation channel facilities so as that such river and lake navigation channel facilities may function back to its original function.
- (3) The repair and replacement referred to in paragraph (2) shall be conducted within a time limit

of 14 (fourteen) calendar days effective as of the damage takes place.

(4) If within the time limit of 14 (fourteen) calendar days referred to in paragraph (3) no repair or replacement is made, the Minister shall repair or replace the river and lake navigation channel facilities which cost for repair and replacement shall be on account of the owner and/or operator of the ship.

Article 50

Further provision on planning, procurement, installation, construction and maintenance of river and lake navigation channel facilities and its supervision shall be governed in Regulation of the Minister.

CHAPTER V

NAVIGATIONAL TELECOMMUNICATION

Part One

General

Article 51

Navigational Telecommunication system shall be installed on navigation channel.

Article 52

Navigation Telecommunication consists of:

- a. facilities, type and function;
- b. requirements and standard;
- c. operation;
- d. secure and safe zone;
- e. damage and obstacle;
- f. utilization cost; and

- g. hazard communication service, immediate communication and safety communication, and requirement for standard time signal.

Part Two

Facilities, Type and Function

Article 53

Navigation Telecommunication Facilities consists of:

- a. coastal radio station; and
- b. National Data Centre (NDC) for Long Range Identification and Tracking of Ships (LRIT).

Article 54

(1) Type of Navigation Telecommunication consists of:

- a. Global Maritime Distress and Safety System (GMDSS);
- b. Vessel Traffic Service (VTS);
- c. Ship Reporting System (SRS); dan
- d. Long Range Identification and Tracking of Ships (LRIT).

(2) Global Maritime Distress and Safety System (GMDSS) referred to in paragraph (1) letter a functions for:

- a. notification of any event of danger (alerting);
- b. communicating SAR coordinates;
- c. communicating existent of danger at the location;
- d. facilitating specification of location;
- e. notification of information on navigation safety;
- f. communicating public radio and
- g. communication inter-ship platform.

(3) Vessel Traffic Service (VTS) referred to in paragraph (1) letter b functions to:

- a. monitor navigation traffic and navigation traffic channel;
- b. Improve navigation traffic security;
- c. improve navigational efficiency;
- d. protect the environment;
- e. observe, detect and track existent of any ship within the VTS coverage area;
- f. regulate public information;
- g. regulate special information; and
- h. to provide assistance to ships that need special assistance.

(4) Ship Reporting System (SRS) referred to in paragraph (1) letter c functions to:

- a. provide up to date information on the ship movement;
- b. minimize contact time interval with the ship;
- c. decide location instantly, when the ship is in danger where its position is unknown; and
- d. increase means of security and safety to lives and property at sea.

(5) Long Range Identification and Tracking of Ships (LRIT) referred to in paragraph (1) letter d functions to:

- a. exercise early detection on ship;
- b. monitor ship movement, so as to be able to take action or anticipate to take action in the event of danger; and
- c. provide assistance in SAR operation.

Part Three

Requirements and Standard Navigational Telecommunication Equipment

Article 55

Operation of Navigational Telecommunication must comply with the requirements and standard;

- a. any construction or installation to be constructed and/or built around the Navigational Telecommunication Installation; and
- b. disturbance prevention, protection and safeguarding operation of Navigational Telecommunication.

Article 56

At certain location or construction on land or on waters based on navigational technical consideration must be freed and/or utilized for the purpose of Navigational Telecommunication construction and shall be granted the right to use it by the competent authority thereto.

Article 57

Further provision on requirements and standard for operation of Navigational Telecommunication Facilities shall be governed in Regulation of the Minister.

Part Four

Operation of Navigational Telecommunication

Article 58

Operation of Navigational Telecommunication covers activities in:

- a. planning;
- b. procurement;
- c. operation;
- d. maintenance; and
- e. surveillance.

Article 59

(1) The planning activities referred to in Article 58 letter a covers plan of:

- a. the need for Navigational Telecommunication supporting facilities and infrastructure; and

b. operation.....

b. operation activities of Navigational Telecommunication.

(2) The term of planning referred to in paragraph (1) covers:

- a. long-term, namely over 15 (fifteen) Years up to 20 (twenty) Years;
- b. medium-term, namely over 10 (ten) Years up to 15 (fifteen) Years; and
- c. short-term, namely over 5 (five) Years up to 10 (ten) Years.

Article 60

(1) Procurement activities of Navigational Telecommunication referred to in Article 58 letter b placed on navigation channel and on public port waters shall be conducted under the supervision of the Minister.

(2) Procurement activities of Navigational Telecommunication referred to in Article 58 letter b for particular interest and at particular location may be conducted by business entity after obtaining consent of the Minister.

(3) Procurement of Navigational Telecommunication conducted by business entity referred to in paragraph (2) covers:

- a. coastal radio station; and
- b. Vessel Traffic Services (VTS) station.

Article 61

(1) Procurement activities of Navigational Telecommunication for business entity's interest shall be conducted by business entity.

(2) Navigational Telecommunication which procurement is conducted by business entity must comply with the requirements and standard referred to in Article 55.

Article 62

(1) The consent of the Minister referred to in Article 60 paragraph (2) shall be granted after having complied with the administrative and technical requirements.

(2) Requirement for establishing coastal radio station referred to in Article 60 paragraph (3) letter a covers:

a. administrative aspect:

1. deed of establishment of the company;
2. Obligatory Taxpayer Identification Number;
3. statement letter of company's domicile;
4. list of radio operators that shall operate the radio supported by certificate of expertise;
5. Master business license from the competent authority; and
6. statement letter of operability from the Director General of Post and Telecommunication.

b. technical aspect:

1. site plan of the location, supported by geographical position;
2. plan drawing of installation;
3. technical specification of equipment to be installed;

4. using frequency allocated by navigation mobile service at allocated Band Medium Frequency, Band High Frequency, dan Band Very High Frequency;
5. using A1A broadcast emission for J3E dan G3E telegraphic telephone , and F1B for selected number call; and
6. coastal radio station using the same broadcast power or larger of one (1) kilowatt between the broadcast station and the receiving station so as to be separated with a distance of minimum five (5) kilometers.

(3) Requirements for establishment of Vessel Traffic Services (VTS) station referred to in Article 60 paragraph (3) letter b covers:

- a. photocopy of the license for establishment of Coastal Radio Station;
- b. equipment specification ; and
- c. result of survey including drawing of the location and installation from a Team of the Directorate General.

Article 63.

- (1) The Minister shall issue license for procurement of Navigational Telecommunication that complies with the requirements referred to in Article 62 paragraph (2) and paragraph (3) within 14 (fourteen) working days effective as of the date the complete application is received.
- (2) The business entity referred to in Article 60 paragraph (2) shall be obliged to:

- a. maintain and preserve the Navigational Telecommunication;
- b. guarantee reliability of the Navigational Telecommunication consistent with the stipulated standard; and
- c. report to the Minister on the operation of the Navigational Telecommunication.

Article 64

- (1) The Vessel Traffic Services (VTS) station procured by business entity referred to in Article 60 paragraph (3) letter b in the form operation of Vessel Traffic Services (VTS) at the location not yet served by the Government Vessel Traffic Services (VTS) system, shall constitute a unit of the Vessel Traffic Services (VTS) system network and operated in cooperation with the service unit operator of the local Navigational Telecommunication.
- (2) Procurement of Vessel Traffic Services (VTS) station at the location referred to in paragraph (1) shall be a location where navigation traffic is heavy and very high navigation hazard.

Article 65

- (1) The operation activities referred to in Article 58 letter c covers:
 - a. decision on formal guards service;
 - b. broadcast time schedule; and
 - c. maintaining reliability.
- (2) The arrangement of formal guards service referred to in paragraph (1) letter a shall be in the form of distribution of formal guards service.

- (3) The arrangement of time schedule referred to in paragraph (1) letter b covers:
- a. guard listening on every frequency; and
 - b. broadcast of news on dangers, safety, security, and standard time signal.
- (4) Arrangement on maintaining reliability as referred to in paragraph (1) letter c shall be in the form of keep maintaining the function of the coastal radio station.

Article 66

- (1) The maintenance activities referred to in Article 58 letter d covers:
- a. maintenance; and
 - b. repair.
- (2) The maintenance activities referred to in paragraph (1) letter a covers:
- a. dust cleaning;
 - b. checking the power line;
 - c. calibration of equipment;
 - d. checking all the panels;
 - e. maintain room stable air temperature; and
 - f. updating software.
- (3) The repair activities referred to in paragraph (1) letter b covers:
- a. replacement of spare unit and spare part; and
 - b. replacement of equipment.

Article 67

Supervisory activities referred to in Article 58 letter e shall be in the form of incessant monitoring.

Article 68

- (1) Navigational Telecommunication shall be operated using network system.
- (2) The network system referred to in paragraph (1) covers:
- a. security and safety network;
 - b. central communication network; and
 - c. regional network.

Article 69

- (1) The security and safety network system referred to in Article 68 paragraph (2) letter a shall be in the form of communication from coastal radio station, coastal earth station sent to ship radio station and/or the reverse using Global Maritime Distress and Safety System (GMDSS), Ship Reporting System (SRS), Long Range Identification and Tracking of Ships (LRIT) radio facilities, and satellite over news on dangers, safety, security, piloting, news on meteorology, condition of navigational channel and en route, and Sailing-Navigation Supporting Facilities.
- (2) The central communication network system referred to in Article 68 paragraph (2) letter b shall be in the form of communication from the central office to the Navigation District, Port Authority, Port Operating Unit, Port Master, and other agencies and/or the reverse, on news information, navigation security and safety, and database of Sailing-Navigation Supporting Facilities, Navigational Telecommunication facilities, navigation channel, and en route, position of the ships and condition of the port, using satellite

facilities, public telephone and communication radio, and command center to monitor the ships through the satellite channel.

- (3) The regional network system referred to in Article 68 paragraph (2) letter c shall be in the form of communication from service unit to the coastal radio station installation and other coastal radio inter-station, lighthouse and to other related agency in its region and/or the reverse using satellite facilities, public telephone, radio, and other system constructed therefor.

Article 70

Further provision on operation of Navigational Telecommunication and procedure for granting license for procurement of Navigational Telecommunication by business entity shall be governed by Regulation of the Minister.

Part Five

Navigational Telecommunication

Secure and Safe Zone

Article 71

- (1) The secure and safe zone referred to in Article 52 letter d is intended to guarantee security of the Navigational Telecommunication surrounding the construction or installation of the Navigational Telecommunication.
- (2) The secure and safe zone referred to in paragraph (1) shall function:
- a. as construction safe border; and

- b. protection of Navigational Telecommunication from disturbance from other facilities.

- (3) The secure and safe zone referred to in paragraph (2) with a radius of 500 (five hundred) meters counted from the outer side of the antennae installation or construction of Navigational Telecommunication.

- (4) At the secure and safe zone referred to in paragraph (3) no installation construction or other construction shall be permitted.

Part Six

Damage and Obstacle

Article 72

- (1) Action that may cause damage and/or obstacle to Navigational Telecommunication may be in form of:

- a. damaging Navigational Telecommunication;
- b. rising disturbance to Navigational Telecommunication broadcast and/or receipt thereof;
- c. constructing within the secure and safe zone of Navigational Telecommunication;
- d. installing and placing something at the Navigational Telecommunication zone; and
- e. misusing the Navigational Telecommunication function.

- (2) Action that cause damage and/or obstacle to the Navigational Telecommunication referred to in paragraph (1) is subject to penalty in accordance with the provisions in the statutory regulation.

Part Seven

Navigational Telecommunication

Utilization Charge

Article 73

- (1) News service in navigation mobile service from ship to land or the reverse and news service from ship to other ship through coastal radio station or coastal earth station, public correspondence are subject to service charge of Navigational Telecommunication.
- (2) Navigational Telecommunication utilization charge referred to in paragraph (1) shall be State Non-Tax Income.
- (3) Navigational Telecommunication service on news on dangers, Urgent news, and news on navigation safety shall be free of charge.

Article 74

- (1) For Navigational Telecommunication service, every ship equipped with radio communication and exercising public correspondence must appoint computing authority.
- (2) Any ship bearing Indonesian flag equipped with radio communication device referred to in paragraph (1) must be registered at the Indonesian computing authority.
- (3) The computation and payment of charge for utilizing Navigational Telecommunication for public in navigation mobile service from ship to land or vice versa shall be settled through the computing authority.

Article 75

- (1) The computation referred to in Article 74 paragraph (1) may be conducted by sea transporting company or other business entity which business operates in navigation after obtaining license from the Minister.
- (2) To obtain license to be computing authority referred to in paragraph (1) the following requirements must be complied with:
- a. deed of establishment of company;
 - b. Obligatory Taxpayer Identification Number;
 - c. has expert manpower in the field electronic radio, and
 - d. ships registered at the computing authority shall be at least:
 1. 5 (five) units of ships for national sea transporting company; or
 2. 10 (ten) units of ships for other Indonesian legal entity.
- (3) The Minister shall issue license for computing authority within 14 (fourteen) working days at the latest after the complete application is received.
- (4) The license for computing authority referred to in paragraph (3) shall be valid for two (2) years and may be extended.

Article 76

Further provision on procedure for granting license for computing authority shall be governed in Regulation of the Minister.

Part Eight

(To be continued)

—==(MA)==—

NAVIGATIONAL MATTER

(Government Regulation of RI Number 5 Year 2010, dated January 6, 2010)

[Continued from Business News No. 7970-7971 pages 11A-23A]

Part Eight

Communication Services on News on Danger,
Urgency and Safety, and Broadcast of News on
Standard Time signal

Article 77

- (1) News on danger, urgent news, and safety and broadcast of news on the standard time signal for ships navigating on Indonesian waters widely broadcast through coastal radio station and/ or coastal earth station in Navigational Telecommunication network.
- (2) Broadcast of news on danger, urgent news, and safety as well as news on broadcast of news on standard time signal as referred to in paragraph (1) based on priority sequence must comply with the provisions below:
- a. news broadcast shall be made immediately as soon as it is received and broadcast it repeatedly twice within two (2) intervals for one (1) hour duration at down time using international danger frequency broadcast channel at Band Medium Frequency and Band High Frequency, while broadcast of news on danger at Very High Frequency Band must be conducted immediately as soon as it is received; and
 - b. broadcast of news on standard time signal must be conducted according to the Coastal Radio Station schedule specified in the List

Of Radio Determination and Special Service
Stations using broadcast channel frequency
at Band Medium Frequency Band, High Fre-
quency Band, and Very High Frequency Band.

Article 78

- (1) Operation of Navigational Telecommunication must broadcast Danger news, Urgent news, safety news, and shall also broadcast standard time signal.
- (2) News broadcast referred to in paragraph (1) shall be made in priority sequence as follows:
- a. notice of danger, danger news, and "MAYDAY MAYDAY MAYDAY" danger signal;
 - b. communication preceded by immediate "PAN PAN PAN" signal;
 - c. communication preceded by safety (securite) signal;
 - d. communication relating to the direction of searching radio;
 - e. communication relating to navigation, aircraft safe movemnet involved in the search and rescue operation (SAR);
 - f. communication relating to navigation, movement and needs of the ships and aircrafts, and news on weather observance prepared for official Meteorological Service;
 - g. radio telegram relating to United Naciones emblem (etat priorite nations); and

h. radio telegram of the Government with priority and dialogue of the Government preceded by dialogue of the Government with priority (etat priorite).

Article 79

- (1) News on danger in navigation mobile service shall be broadcast if the ship is in danger and needs immediate help.**
- (2) Navigation mobile service referred to in paragraph (1), must conduct the duty of the hearing guard at danger frequency.**
- (3) Coastal radio station and/or coastal earth station must broadcast news on danger covering:**
- a. broadcast the news repeatedly on danger from the ship received through digital selective calling (DSC) Global Maritime Distress and Safety System (GMDSS) system;**
 - b. communication of "MAYDAY MAYDAY MAYDAY" danger signal indicating the presence of mobile station/unit or the person in dangerous situation and in need for immediate help;**
 - c. communicate immediately any "PAN PAN PAN" signal covering:**
 - 1. request for help by any sick person on the ship; and**
 - 2. request for help by any person falling overboard the ship;**
 - d. communication for "SECURITE SECURITE SECURITE" safety signal covering:**
 - 1. information on shifted position of the Sailing-Navigation Supporting Facilities;**

- 2. information on extinction of the Sailing-Navigation Supporting Facilities;**
- 3. information on the presence of oil drilling in any position within navigational channel;**
- 4. information on the presence of emerging reef;**
- 5. information on existence of floating thing that endangers navigation;**
- 6. information on support for search and rescue operations (SAR); and**
- 7. information on report on the presence of mysterious ship (phantom ship).**

e. broadcast of standard time signal to all ships, coastal radio stations, and to other parties that need information on time for verification with the chronometer.

Article 80

- (1) The Captain shall be obliged to cover news on danger, urgent news, and news on safe for sailing either from the ships around and from coastal radio station and/or coastal earth station intending to conduct search, rescue and safe navigation.**
- (2) The Captain shall be obliged to cover news on danger, urgent news, and safe navigation referred to in paragraph (1) in the form of:**
- a. mobile station or earth station hearing a mobile station is in danger must transmit the news on danger by paging:**
 - 1. if the station encountering danger is in such a position that makes it unable to broadcast such news on danger;**

2. if the Captain or the person in charge of the ship, aircraft, or other vehicles not encountering danger, or the person in charge of the earth station, considers it still in need for further help; or
 3. if the ship is unable to help and the news on danger still needs help;
- b. all stations hearing the urgent signal must cover or must stay on stand-by and must refrain from making any other transmission whatsoever that may rise disturbance to the news on stand-by to get response from the urgent signal;
 - c. all stations hearing safety signal must hear it throughout until they are convinced that such news on safety is not important for them at this time, and must refrain from making any transmission whatsoever that may rise disturbance to such news on safety.

Article 81

- (1) Any ship arriving at the port of destination, and closing its business hours must:
 - a. notify the nearest / local coastal radio station and if possible other station that usually has relationship; and
 - b. not to close the service agent until all existing news traffic to the extent not contravening the regulation prevailing on such port.
- (2) Any ship departing the port must immediately notify the coastal radio station or other related stations that the office hours of its station will open again so long it is permitted by

the prevailing regulation, but any station that does not have permanent service hour, notification will be made when the station open for service for the time after departing from the port.

Article 82

- (1) The owner, operator of the ship, or the Captain shall be obliged to notify the schedule of arrival of its ship at the port to the Port Master by transmitting cable to the Port Authority, Port Operator Unit, or Port Master through the coastal radio station with copy to the sea transporting company or public agent within 48 (forty-eight) hours prior to the ship arrival at the port.
- (2) Notification of ship's arrival by the Captain by transmitting Captain's radio cable (master cable) referred to in paragraph (1) shall be transmitted to the Port Master through the coastal radio station.
- (3) Notification of ship's arrival referred to in paragraph (2) received by the coastal radio station will be transmitted to the Port Authority, Port Operating Unit, or Port Master and sea transporting company or public agent using telephone, facsimile, electronic mail, radio, and/or ordonants facilities (official service).

Article 83

- (1) The Captain shall be obliged to notify noon positioning by free radio cable transmission and/or communication connection from the ship to the nearest coastal radio station.

(2) Radio cable and communication connection referred to in paragraph (1) contains position coordinate, ship pager from and ship destination, ship position ship condition, and condition of the ship's crew at noon positioning.

(3) The coastal radio station after receiving notification of noon positioning referred to in paragraph (1) and paragraph (2) will forward the news on noon positioning to local Port Master.

Article 84

Further provision on procedure for broadcast of news on danger, urgent news, safety news, and standard time signal shall be governed in Regulation of the Minister.

CHAPTER VI

METEOROLOGY SERVICE

Article 85

(1) The Government shall be obliged to provide meteorology service that at least covers:

- a. provision of information on weather condition and sea condition and its forecast;
- b. calibration and certification of weather observance device on the ship; and
- c. technical guidance on weather observance at sea to particular ship crew to support input of meteorological data.

(2) Meteorology service referred to in paragraph (1) shall be provision of information service on sea weather and shall be conducted by maritime meteorology station.

Article 86

(1) Provision of information service of sea weather referred to in Article 85 paragraph (2) covers:

- a. information on weather for navigation;
- b. information of weather at port; and
- c. information of specific weather.

(2) Information on sea weather referred to in paragraph (1) shall be notified to all service users.

Article 87

Every maritime meteorology station must exercise cooperation with the local coastal radio station.

Article 88

(1) Information on navigational weather referred to in Article 86 paragraph (1) letter a, is in the form of weather covering:

- a. observance of presence of storm;
- b. bad weather;
- c. summary of significant weather condition in general; and/or
- d. weather forecast and tide sea wave in Indonesian waters.

(2) The information on port weather referred to in Article 86 paragraph (1) letter b is in the form of weather containing:

- a. observance on the presence of storm;
- b. bad weather;
- c. summary on significant weather condition in general; and/or
- d. forecast of weather and sea wave in the port territory and the waters around it.

(3) Information on specific weather referred to in Article 86 paragraph (1) letter c shall be daily and weekly weather information in the form of:

- a. processed data on weather; and/or
- b. weather forecast broadcast for users requiring special service based on request.

Article 89

(1) Navigation weather information and port weather information referred to in Article 86 paragraph (1) letters a and b must be reported to:

- a. the Port Master; and
- b. the sailing ship through public broadcast from the coastal radio station every day at specified time.

(2) The specific weather information referred to in Article 86 paragraph (1) letter c can be notified directly to the service users and/or through telecommunication media.

Article 90

Calibration and certification of weather observance device on the ship referred to in Article 85 paragraph (1) letter b shall be conducted by the Government.

Article 91

The technical guidance on weather observance at sea provided to particular ship crew to support meteorological data referred to in Article 85 paragraph (1) letter c is in the form of activities:

- a. on provision of guidance on weather observance;
- b. orientation on the importance of weather forecast for navigation safety to the ship Captain or officer exercising weather observance;
- c. provision of ship instruction manual and log books needed for weather observance; and
- d. taking data on the result of ship observance.

CHAPTER VII

CONSTRUCTION OR INSTALLATION ON WATERS

Article 92

(1) Construction or installation other than for navigation channel requirement may be constructed on waters.

(2) The construction or installation referred to in paragraph (1) must at least comply with the requirements below:

- a. cautious placing, anchoring, and marking;
- b. not causing damage to construction or installation of the Sailing-Navigation Supporting Facilities and Navigation Telecommunication facilities;
- c. taking due consideration of free space in constructing bridges;
- d. considering the corridor for sea cable installation and subsea piping; and
- e. if existing beyond the waters must be guided by pilot.

(3) Other than the requirement referred to in paragraph (2) the owner of construction or installation shall be obliged to deposit sum of money at the Government bank account as guarantee for charges for compensation of any dismantling of

construction or installation no longer used by the owner which amount shall be determined by the Minister.

- (4) Constructing, moving, and/or dismantling any construction or installation existing on the waters must obtain approval of the Minister.

Article 93

Constructing, moving, and/or dismantling any construction or installation existing on rivers and lakes must obtain approval of the Minister, Governor, Regent/Mayor according to their respective authority.

Article 94

- (1) Sailing-Navigation Support Facilities must be constructed on each construction or installation at sea.
- (2) Installation of Sailing-Navigation Support Facilities referred to in paragraph (1) shall be conducted by the owner of the construction after having obtained approval of the Minister.
- (3) The Minister shall decide secure and safe zone to sail on every construction or installation.
- (4) The location of construction or installation, specification of Sailing-Navigation Support Facilities and secure and safe zone for sailing shall be announced by stating it on the sea map and in the sailing guiding manual and broadcast through the coastal radio station.
- (5) Border of secure and safe zone consists of:
- a. prohibited zone at an area of 500 (five hundred) meters computed from the other side of the installation or construction; and

- b. limited zone at an area of 1.250 (one thousand, two hundred fifty) meters computed from the outer side of the prohibited zone or 1.750 (one thousand, seven hundred fifty) meters from the outer point of the construction.

Article 95

- (1) On every construction or installation on river and lake channel the following:
- a. specific navigation channel facilities must be installed; and
 - b. secure and safe navigation zone must be determined.
- (2) Installation of navigation channel facilities referred to in paragraph (1) must be conducted by the owner of construction after obtaining approval of the Minister, Governor, or Regent/Mayor according to their respective authority.
- (3) The Minister shall determined secure and safe zone for navigation at every construction or installation.

Article 96

- (1) The construction or installation that fails to comply with the provision referred to in Article 92 paragraph (2) or not being used must be dismantled.
- (2) The dismantling referred to in paragraph (1) shall be conducted by the owner of the construction or installation within 14 (fourteen) working days as of the date it is declared to have failed to comply with the terms or no longer in use.

(3) The dismantling referred to in paragraph (1) must be reported to the Minister for broadcast through the coastal radio station and shall be stated on the sea map and navigation guide manual.

(4) If the term referred to in paragraph (2) elapsed, the Minister shall dismantle the construction or installation on account of the owner.

Article 97

Further provision on the procedure for granting license for construction, moving, and/or dismantling construction or installation on waters, and determination of secure and safe zone for navigation, construction or installation shall be governed in Regulation of the Minister.

CHAPTER VIII

DREDGING AND RECLAMATION

Part One

Dredging

Article 98

(1) For construction and maintenance of navigation channel and port pool and other purposes, dredging work shall be conducted.

(2) Other purposes referred to in paragraph (1) cover:

- a. port construction;
- b. construction of wave breakers;
- c. construction' and/or
- d. other constructions that need dredging work that may arise disturbance to navigation channel.

Article 99

(1) The dredging work referred to in Article 98 paragraph (1) shall be conducted by the company that has capability and competence as proven by certificate issued by the competent authority.

(2) Operation of dredging work referred to in paragraph (1) must comply with the technical requirement.

(3) The technical requirement referred to in paragraph (2) covers:

- a. safe and secure navigation;
- b. preservation of the environment;
- c. waters space layout; and
- d. special waters system for work on rivers and lakes;

(4) Technical requirement for secure and safe navigation referred to in paragraph (3) letter a covers:

- a. the design, channel width, extent and depth of the pool, according to the size of the ship intending to cross over the channel;
- b. the location for dredging discharge (dumping area); and
- c. observe the sea cable, subwater pipeline installation, offshore construction, ship skeleton lifting areas, and other areas governed in international or relevant provisions.

(5) The technical requirement on environmental preservation referred to in paragraph (3) letter b shall be in the form of environmental feasibility study conducted in accordance with the provision in the prevailing statutory regulation on living environment.

- (6) The technical requirement on waters space layout referred to in paragraph (3) letter c in the form of recommendation on the consistency thereof with the space layout stipulated by the Governnor and/or Regent/Mayor.

Article 100

The dredging work referred to in Article 98 paragraph (1) must obtain approval from:

- a. the Minister for dredging work within navigation channel and in main port waters region and collecting port as well as at special terminal area;
- b. the Governor for dredging work in regional sea port waters region; and
- c. the Regent/Mayor for dredging work in local feeder sea port and rivers and lake port.

Article 101

Dredging work in river and lake navigation channel must obtain license from:

- a. the Minister for dredging work in Class I navigation channel;
- b. the Governor for dredging work in Class II navigation channel; and
- c. the Regent/Mayor for dredging work in Class III navigation channel.

Article 102

Further provision on procedure for granting license for dredging work shall be governed in Regulation of the Minister.

Part Two

Reclamation

Article 103

- (1) Reclamation work may be conducted in the port construction and special terminal existing on the waters.
- (2) The reclamation work referred to in paragraph (1) shall be conducted by any company with capability and competence as proven by certificate issued by the competent authority.
- (3) Operation of reclamation work referred to in paragraph (1) must comply with the technical requirement.
- (4) The technical requirement referred to in paragraph (3) covers:
 - a. consistency with the Port Master Plan for reclamation activities which location exists within the work environment and the environmental area for port purpose or space layout general plan of regency/municipality concerned for construction of special terminal;
 - b. navigation safety and security;
 - c. environmental preservation; and
 - d. technical design.
- (5) Reclamation work referred to in paragraph (1) must obtain approval from:
 - a. the Minister for reclamation work in the main port waters region and in collecting port as well as in special terminal waters region;
 - b. the Governor for reclamation work in regional feeder sea port waters region; and

- c. the Regent/Mayor for reclamation work in the local feeder sea port waters region and river and lake ports.

Article 104

Application for license referred to in Article 100, Article 101, and Article 103 paragraph (5) shall be submitted by the company that complies with the requirements below:

- a. is legal entity;
- b. holds Obligatory Taxpayer Identification Number;
- c. holds deed of establishment of company approved by the competent authority;
- d. holds statement of company's domicile;
- e. holds business license for dredging and reclamation works;
- f. memiliki peralatan pengerukan dan reklamasi; dan
- g. has expert manpower on dredging and reclamation works.

Article 105

- (1) If the reclamation is operated within the work environmental region and in environmental area for port purposes, then application of license referred to in Article 104 shall be submitted by the Port Authority or Port Operating Unit to:
- a. the Minister, main port and collecting power as well as special terminal waters region;
 - b. the Governor, regional feeder port; and
 - c. the Regent/Mayor, at the local feeder port and river and lake ports.

- (2) The license referred to in paragraph (1) shall be granted by the Minister, the Governor, or the Regent/Mayor according to their respective authority after complying with the requirements referred to in Article 104.

Article 106

- (1) Right for the land resulting from reclamation within the work environment and environmental area for port purposes may be requested by the Port Authority or Port Operating Unit in accordance with provisions in the statutory regulation.
- (2) Right to manage the land by special terminal management may be submitted in accordance with the provisions in the statutory regulation.

Article 107

Further provision on the procedure for granting license for reclamation work shall be governed in Regulation of the Minister.

CHAPTER IX

PILOTING

Article 108

- (1) For the purpose of safety and security in navigation, protection of the maritime environment, and smooth traffic on the waters, port and special terminal, particular waters, the Minister shall determine waters that need piloting and waters that need extraordinary piloting.
- (2) Determination of waters that need piloting and extraordinary piloting referred to in paragraph (1) must fulfill the criteria:

- a. the factor other than the ship that affects safety of navigation; and
- b. the ship factor that affects the safety of navigation.

(3) Criteria of the factor other than the ship that affects the safety of navigation covers:

- a. the length of waters channel;
- b. the numerous curves;
- c. the width of the waters channel;
- d. the obstacle / danger to navigation on the waters channel;
- e. the current speed;
- f. the speed of the wind;
- g. the height of wave;
- h. the thickness / density of the cloud;
- i. the type of ship mooring; and
- j. condition of the Sailing-Navigation Supporting Facilities.

(4) Criteria of the ship's factor that affects the safety of the ship covers:

- a. frequency of ship traffic mass;
- b. size of the ship (gross tonnage, the length and weight of the ship);
- c. type of ship; and
- d. type of ship load.

(5) The criteria referred to in paragraph (3) and paragraph (4) shall be given weight value.

Article 109

(1) The waters that need piloting referred to in Article 108 paragraph (1) shall be classified in:

- a. waters that need Class I piloting;
- b. waters that need Class II piloting; and
- c. waters that need Class III piloting.

(2) The class referred to in paragraph (1) is divided based on the criteria referred to in Article 108 paragraph (3) and paragraph (4).

Article 110

(1) The piloting on waters that must be piloted and waters that must be extraordinary piloted referred to in Article 108 paragraph (1) must be operated by the pilot officer.

(2) The piloting officer referred to in paragraph (1) must comply with the requirements:

- a. holds certificate as seaman with nautical expertise;
- b. has at least three (3) years experience in navigation as Captain;
- c. passed education and training in piloting conducted by the Government; and
- d. is physically and mentally healthy as evidenced by statement of health issued by governmental hospital appointed by the Minister.

Article 111

(1) Piloting service for ship with draft of 15 (fifteen) meters or more beyond port waters shall be conducted by deep sea piloting officer.

(2) The piloting officer may be decided as deep sea piloting officer after having passed education and training on deep seam piloting.

Article 112

(1) In conducting piloting:

a. the.....

- a. the piloting officer shall be obliged to give the directions and remarks required by the Captain or the ship leader and must assist in the operation of the ship mobility; and
 - b. The Captain or leader of the ship shall be obliged to provide information on any data and characteristics of his ship mobile operation to the piloting officer;
- (2) The piloting officer shall be obliged to report immediately to the Port Master if he finds shortfall in the requirements for operability of the ship on the sea.

Article 113

- (1) On the waters which was determined as waters that needs piloting, any ship of gross tonnage size of GT 500 (five hundred) Gross Tonnage or more must need piloting.
- (2) On the waters determined as waters that need extraordinary piloting service, piloting shall be conducted at the request of the Captain.

Article 114

- (1) Piloting operation on the waters that need obligatory piloting as referred to in Article 113 paragraph (1) and on the waters that need extraordinary piloting as referred to in Article 113 paragraph (2) must be conducted by the Port Authority or Port Operating Unit.
- (2) If no piloting service is provided yet by the the Port Authority or Port Operating Unit on the waters that need obligatory piloting and the waters that need extraordinary piloting

existing on the navigation channel and in the port waters region, the operation thereof may be assigned to port business entity that complies with the requirements after having obtained license from the Minister.

- (3) If no piloting service is provided yet by the Port Authority or Port Operating Unit on the waters that obligatory piloting and on waters that need extraordinary piloting service existing within the waters special terminal, the management and operation of piloting may be assigned to the special terminal management that complies with the requirements after having obtained license of the Minister.

Article 115

- (1) If the management of the special terminal referred to in Article 114 paragraph (3) fails to comply with requirement, management and operation of piloting may be assigned to the nearest port business entity that complies with the requirements after having obtained license from the Minister.
- (2) The requirements referred to in paragraph (1) covers:
- a. provision of piloting officer that complies with the requirements referred to in Article 110 paragraph (2);
 - b. provision of supporting facilities and piloting infrastructure that complies with the requirements; and
 - c. provision of piloting service based on the service system and procedure duly stipulated.

Article 116

- (1) Operation of piloting conducted by the Port Authority and Port Operating Unit is subject to charge collection in accordance with the provisions in the statutory regulation.
- (2) Piloting operation conducted by port business entity is subject to charge collection which amount shall be determined by the port business entity based on the type, structure, and tariff class imposed by the Minister.
- (3) Port business entity managing and operating piloting is subject to payment in percentage of the revenue originating from piloting service to the State Treasury as State Non-Tax Income.

Article 117

- No charge for the piloting service referred to in Article 116 paragraph (1) will be charged on:
- a. war ship; and
 - b. State ship used for governmental duty.

Article 118

Further provision on procedure for determining class of the waters that need obligatory piloting and procedure for determining waters that need obligatory extraordinary piloting service, education and training for pilot officer, obligations of the pilot officer, and operation of piloting shall be governed in Regulation of the Minister.

CHAPTER X**SHIP SKELETON****Article 119**

- (1) The owner of the ship shall be obliged to insure his ship.

- (2) The ship insurance referred to in paragraph (1) including insurance over the obligation to lift up ship skeleton.
- (3) Exemption shall be granted to obligation to insure referred to in paragraph (1) on:
- a. war ship;
 - b. State-owned ship used to carry out governmental duty;
 - c. sailing ship and motor sailing ship; or
 - d. motor ship of gross tonnage less than GT 35 (thirty-five Gross Tonnage).

Article 120

- (1) The owner and/or Captain of the ship shall be obliged to report immediately about his ship skeleton existing on the Indonesian waters to the Port Master.
- (2) Based on the report referred to in paragraph (1), the Minister shall specify the level of disturbance to navigation safety.

Article 121

- (1) If the position of the ship skeleton referred to in Article 120 paragraph (1) disturbs navigation safety, Sailing-Navigation Supporting Facilities must be installed.
- (2) The position of the ship skeleton referred to in paragraph (1) must be announced through the coastal radio station and in the Indonesian Seamen News.
- (3) Procurement, installation, maintenance and re-lifting the Sailing-Navigation Supporting Facilities referred to in paragraph (1) shall be on account of the ship owner.

(4) Position of the ship skeleton referred to in paragraph (1) where no Sailing-Navigation Supporting Facilities is installed yet causing ship accident, the owner of ship skeleton shall be obliged to pay loss compensation to the party encountering the accident in accordance with the statutory regulation.

Article 122

- (1) The owner of ship skeleton shall be obliged to remove the ship skeleton and/or its cargo to another place specified by the Minister.
- (2) The removal referred to in paragraph (1) must be conducted within 180 (one hundred eighty) calendar days at the latest effective as of the ship sank.
- (3) If within a period referred to in paragraph (2), the ship owner fails to remove the ship skeleton, removal of the ship skeleton must be conducted by the Minister on account of the ship owner.
- (4) The owner of ship skeleton that ignores to remove his ship skeleton within the period referred to in paragraph (2) that causes ship accident to occur, the ship owner shall be obliged to pay loss compensation to the party encountering the accident.

Article 123

- (1) If the Government finds out any ship skeleton and/or its cargo or based on report from the people but is unknown to its owner, the Government shall make announcement on the discovery of the ship skeleton and/or its cargo.

(2) The announcement on the discovery of the ship skeleton and/or its cargo as referred to in paragraph (1) shall be made three (3) times consecutively within 30 (thirty) calendar days through printed media and/or electronic media.

(3) If within the period referred to in paragraph (2) no party admits as the owner, the ship skeleton must be lifted under the supervision of the Minister and the ship skeleton and/or its cargo shall become the State's property.

Article 124

For the purpose of navigation safety, the Minister shall be obliged to announce the former location of the ship skeleton that has been removed through the coastal radio station and Indonesian Seamen News.

Article 125

Further provision on the procedure for lifting the ship skeleton and/or its cargo shall be governed in Regulation of the Minister.

CHAPTER XI

SALVAGE AND SUBWATER WORK

Article 126

- (1) Salvage activities shall be conducted over the ship skeleton and/or its cargo which ship has encountered accident or is sunk.
- (2) Operation of salvage activities referred to in paragraph (1) must comply with the technical requirement covering:

- a. method of work;
- b. inclusive equipment; and
- c. manpower.

(3) Any operation of salvage activities referred to in paragraph (2) must obtain approval of the Minister.

Article 127

(1) Sub-water work activities may be conducted for installation of:

- a. sub-water cable;
- b. sub-water pipeline; and/or
- c. sub-water construction or installation.

(2) Operation of sub-water work activities referred to in paragraph (1) must comply with technical requirement covering:

- a. method of work;
- b. inclusive equipment; and
- c. manpower.

(3) Any operation of sub-water activities referred to in paragraph (1) must obtain approval of the Minister.

Article 128

(1) The salvage activities and sub-water works referred to in Article 126 and Article 127 may be conducted only by business entity particularly established for salvage activities and sub-water works.

(2) The business entity referred to in paragraph (1) must hold business license.

(3) The Minister shall grant business license referred to in paragraph (2) after having complied with the requirements below:

a. administration:

- 1. Deed of Establishment of Company;
- 2. Obligatory Taxpayer Identification Number; and
- 3. statement letter of domicile.

b. technical:

- 1. possessing certified diving experts;
- 2. possessing at least one (1) unit of work ship; and
- 3. possessing work equipment of at least scuba equipment, cutting device, and diving equipment.

(4) The business license referred to in paragraph (3) is valid so long the business entity runs its activities and complies with the requirements.

Article 129

The Minister shall provide the divers referred to in Article 128 paragraph (3) letter b point 1 after they are declared to have passed diving education and training successfully.

Article 130

Further provision on the procedure for conducting the salvage activities and/or sub-water works, procedure for granting business license for salvage and/or sub-water works, and diving education and training shall be governed in Regulation of the Minister.

CHAPTER XII

NAVIGATION INFORMATION SYSTEM

Article 131

(1) The Minister shall implement navigation information system.

- (2) The navigation information system referred to in paragraph (1) shall at least cover:
- a. Sailing-Navigation Supporting Facilities;
 - b. Sailing-Navigation Supporting Facilities;
 - c. condition of channel and route;
 - d. State-owned ship on navigation;
 - e. human resource on navigation;
 - f. condition of the wind, current, wave, and tidal wave; and
 - g. navigation obstacle or new navigational danger both in sub-surface or on the sea surface.

- (3) The navigation information referred to in paragraph (1) shall be provided through the following activities:

- a. collection;
- b. processing;
- c. analysis;
- d. presentation;
- e. spreading; and
- f. storage of data and information.

- (4) In the implementation navigational activities referred to in paragraph (3) the relevant agency may be involved in utilizing developed information technology and communication.

Article 132

The purpose of navigation information system is to:

- a. support navigational operation;
- b. improve navigation for the people or public; or
- c. support formulating of policy on navigation.

Article 133

Construction and development of navigation information system shall use satellite technology duly established in the navigational information system structure.

CHAPTER XIII

OFFICERS OF SAILING-NAVIGATION SUPPORTING FACILITIES AND NAVIGATION TELECOMMUNICATION

Part One

Sailing-Navigation Supporting Facilities

Article 134

- (1) Operation and maintenance of Sailing-Navigation Supporting Facilities shall be conducted by officers that have complied with the requirements.
- (2) The requirements referred to in paragraph (1) shall cover:
 - a. education;
 - b. skill; and
 - c. health.
- (3) Educational requirement referred to in paragraph (2) letter a must hold certificate of education and training on Sailing-Navigation Supporting Facilities issued by the Minister.
- (4) The certificate on education and training on Sailing-Navigation Supporting Facilities referred to in paragraph (3) consists of:
 - a. basic training on Navigation Supporting Facilities; and
 - b. skill training Navigation Supporting Facilities.
- (5) The skill requirement referred to in paragraph (2) letter b shall cover skill in operating, maintaining, and repairing equipment of Sailing-Navigation Supporting Facilities.

(6) The....

- (6) The health requirement referred to in paragraph (2) letter c shall cover:
- a. physical and mental health as proven by statement letter of health from Government hospital appointed by the Minister; and
 - b. free from narcotic and prohibited drugs as proven by statement letter from Government hospital appointed by the Minister.
- (7) Further provision on requirements on education, skill, and health of the officers for Sailing-Navigation Supporting Facilities shall be governed in Regulation of the Minister.

Part Two

Navigation Telecommunication Officers

Article 135

- (1) Operation and maintenance of Navigation Telecommunication shall be conducted by officers that have complied with the requirements.
- (2) The requirements referred to in paragraph (1) shall cover:
- a. education;
 - b. skill; and
 - c. health.
- (3) Educational requirement referred to in paragraph (2) letter a must have certificate on education and training on Navigation Telecommunication issued by the Minister.
- (4) The educational and training certificate referred to in paragraph (3) consists of:
- a. Global Maritime Distress and Safety System (GMDSS) Radio Operator:
 1. Certificate for Limited Radio Operator (ORT);
 2. Certificate for Public Radio Operator (ORU);
 3. Certificate for Second Level Electronic Radio Operator (SRE II); and
 4. Certificate for First Level Electronic Radio Operator (SRE I).

- b. Navigational Telecommunication Technician (TTP):
 1. Third Level TTP;
 2. Second Level TTP; and
 3. TTP tingkat I.
- c. Vessel Traffic Service operator:
 1. Basic Vessel Traffic Service and
 2. Advance Vessel Traffic Service.

- (5) Skill requirement referred to in paragraph (2) letter b shall cover skill to operate, maintain, and repair Navigation Telecommunication equipment.
- (6) Health requirement referred to in paragraph (2) letter c covers:
- a. physically and mentally healthy as proven by statement letter on health from Government hospital appointed by the Minister; and
 - b. free from narcotic and prohibited drugs as proven by statement letter from Government hospital appointed by the Minister.
- (7) Further provision on requirements for education, skill, and health of the Navigation Telecommunication officers shall be governed in Regulation of the Minister.

Article 136

Operation of coastal radio station and ship radio station shall be conducted by officers that at least hold certificate for Public Radio Operator (ORU).

CHAPTER XIV

ADMINISTRATIVE SANCTIONS

Article 137

Business entity, owner, and/or operator of the ship that fails to carry out its obligations and responsibilities referred to in Article 33 paragraph (2), Article 42 paragraph (1), Article 43 paragraph (2), Article 49 paragraph (2), Article 63 paragraph (2), Article 82 paragraph (1) Article 116 paragraph

(3), Article 119 paragraph (1), Article 120 paragraph (1), Article 121 paragraph (4), Article 122 paragraph (1), or Article 122 paragraph (4) are subject to administrative penalty in the form of:

- a. reminder;
- b. freezing of the license; or
- c. revocation of the license.

Article 138

Any Captain failing to report all the information referred to in Article 14 paragraph (1), Article 15 paragraph (1), Article 80 paragraph (1), Article 82 paragraph (1), Article 83 paragraph (1), Article 113 paragraph (1), or Article 120 paragraph (1) is subject to administrative penalty in the form of:

- a. written reminder; or
- b. freezing of the navigational certificate.

Article 139

Further provision on the procedure on administrative penalty shall be governed in Regulation of the Minister.

CHAPTER XV

CLOSING PROVISION

Article 140

With this Government Regulation comes to force, all statutory regulation which rank is lower than this Government Regulation governing the provision on navigation matters is declared survive, to the extent that they do not contravene or not replaced by a new one based on this Government Regulation.

Article 141

With this Government Regulation takes effect, Government Regulation Number 81 Year 2000 concerning Navigation (Statute Book of the Republic of Indonesia Year 2000 Number 160, Supplement to Statute Book of the Republic of Indonesia Number 4001) is revoked and is declared null and void.

Article 142

This Government Regulation takes effect on the date it is enacted.

For public cognizance, this Government Regulation shall be announced by placing it in the Statute Book of the Republic of Indonesia.

Stipulated in Jakarta

On January 6, 2010

PRESIDENT OF THE REPUBLIC OF INDONESIA,

sgd

DR. H. SUSILO BAMBANG YUDHOYONO

Enacted in Jakarta

On January 6, 2010

MINISTER OF LAW AND HUMAN RIGHTS OF THE

REPUBLIC OF INDONESIA,

sgd.

PATRIALIS AKBAR

STATUTE BOOK REPUBLIC OF INDONESIA

YEAR 2010 NUMBER 8

ELUCIDATION.....

(To be continued)

====(MA)====

NAVIGATIONAL MATTER

(Government Regulation of RI Number 5 Year 2010, dated January 6, 2010)

[Continued from Business News No. 7976-7977 pages 16A-32A]

ELUCIDATION OF GOVERNMENT REGULATION OF THE REPUBLIC OF INDONESIA NUMBER 5 YEAR 2010 CONCERNING NAVIGATIONAL MATTER

I. GENERAL

Indonesia is the biggest State in the world consisting of islands with the longest coastal line with very important geographical location viewed from political and economical conferring great responsibility in the management of the region specifically on navigation matter.

Navigation activities have important role in sea transportation which constitutes supporting and motivating the growth of the national economy. For such purpose it is endeavored to be able to cover up Indonesian waters which is considered risky to navigation safety, based on the condition and situation of Indonesian waters, and to comply with the requirements of international law.

Navigation activities are conducted to accomplish navigation safety on Indonesian waters by accomplishing navigation space and channel to be safe, reliable, and sufficient navigational facilities and infrastructure, meteorology service, professional human resource, and efficient technology.

In the effort to accomplish such objective operation of Sailing-Navigation Supporting Facilities is managed by the Government in order to accomplish navigational service and safety.

To operate navigational activities in all Indonesian waters, the Government shall establish navigational district.

Other than conducting navigational activities on Indonesian waters navigational district shall also conduct supervision on part of the navigational activities conducted by business entity.

Operation of Sailing-Navigation Supporting Facilities and Navigation Telecommunication must be consistent with international provision either concerning the requirement or the standard of facilities and infrastructure of qualification of human resource.

Other function of navigational activity is very strategic either from political side, economy, and stabilization of security defence. Other than to mark the borders of the territory of the State sovereignty in the context of Unitary State of the Republic of Indonesia (NKRI) and stabilization of defense and security, it also functions to motivate accelerated growth of economic activities.

The Government in this case may delegate part of the operation of Sailing-Navigation Supporting Facilities and Navigation Telecommunication to business entity. In the effort to guarantee security and safety Sailing-Navigation Supporting Facilities and Navigation Telecommunication against disturbance to the facilities function by other party which secure and safe zones have been stipulated surrounding the installation and construction of the Sailing-Navigation Supporting Facilities and Navigation Telecommunication.

With this effort it is hoped that navigation which process is directing ship mobility from one point to another point safely and smoothly may be accomplished.

In order to accomplish safe navigation channel for navigation traffic dredging activities shall be needed for navigation channel and port pool as well as reclamation.

This Government Regulation also governs ship piloting for the purpose of safety and security of navigation on the waters that is obliged to use piloting service and on waters that need extraordinary piloting.

In conducting piloting this Government Regulation stipulates the port operator as the piloting operator.

Piloting operation may also be delegated to port business agency or special terminal management.

Any ship that is obliged to sail on navigation channel so that space layout and arrangement of navigation channel are absolutely required and at the same time anticipate any ship accidental disaster such as collision, run aground, sunk that may rise surrounding the navigation channel.

The location of the ship encountering disaster may cause disturbance to the safety and security of the waters for other ships so that it is necessary to lift up and/or remove the ship skeleton.

To facilitate lifting up and/or removal activities of the ship skeleton in good order, such activities must be conducted by means of the salvage effort that also functions to rescue the ship encountering the disaster and/or its load, and at the same time clear the navigation channel from all subwater for the purpose of safety and security on the waters and preservation of the environment. Other than for navigation interest, the waters can also be utilized for various purposes such as exploration and exploitation of natural oil and gas, installation of telecommunication cable and electric cable, pipeline, fishery and marine activities

To support such purposes, construction of building and installation on the waters must be arranged in such way so as not to disturb the safety and security on the waters, preservation of the environment, and protection of the construction and installation.

In the effort to support navigation operation and improvement of service to the people and to support formulating the policy on navigation, the Government shall establish and develop effective, efficient and integrated information network involving relevant parties by utilizing telecommunication information technology.

Navigation information data will be documented and announced and shall be accessible for use by the people that need to utilize telecommunication information technology.

This navigation information network uses installed satellite technology and will be developed within the navigation district.

Based on the foregoing consideration, it is necessary to stipulate Government Regulation that governs navigation matter that constitute implementation of the Law Number 17 Year 2008 concerning Navigation.

II. ARTICLE BY ARTICLE

Article 1 through Article 5
Self-explanatory.

Article 6
Paragraph (1)
Navigation channel shall be operated for the purpose of:

- a. orderly ship traffic;
- b. monitoring ships mobility;
- c. directing ships mobility; and
- d. implementation of the right to peaceful traffic of foreign ships.

Paragraph (2)
Self-explanatory.

Paragraph (3)
Participation of business entity in the operation of navigation channel is meant to develop and maintain navigation channel pertaining to its relationship with business entities in utilizing navigation channel.

Paragraph (4)
Self-explanatory.

Article 7 through Article 11
Self-explanatory.

Article 12
Paragraph (1)
Self-explanatory.

Paragraph (2)
Letter a and Letter b
Self-explanatory.

Letter c
Free space height below construction crossing above the reiver for the interest of the river ships shall be adjusted to the river channel classification.

Article 13
Self-explanatory.

Article 14
Paragraph (1)
Self-explanatory.

Paragraph (2)
Letter a
Self-explanatory.

Letter b
What is meant by "arrival time" shall be Estimated Time of Arrival (ETA).

Paragraph (3)
Self-explanatory.

Article 15
Paragraph (1) and Paragraph (2)
Self-explanatory.

Paragraph (3)
Letter a through Letter c
Self-explanatory.

Letter d
What is meant by "other information" shall cover change of weather, presence of new danger to navigation (such as ship skeleton and the rise of a new island on the waters), the presence of sunken ship or collision, and the presence of pollution on the sea.

Article 16 through Article 20
Self-explanatory.

Article 21
Paragraph (1)
Letter a

The visual on Sailing-Navigation Supporting Facilities during day time is known from:

- a. the color;
- b. the peak sign;
- c. the form of the construction; and
- d. the Letter Code and Its Figure.

Visual on Sailing-Navigation Supporting Facilities during night time is known from: the rhythm and color of the light.

Letter b
Electronic Sailing-Navigation Supporting Facilities is used to transmit information through other electromagnetic system in order to determine the direction and position of the ship.

Letter c
Audible Sailing-Navigation Supporting Facilities is used to transmit information on the position of the Sailing-Navigation Supporting Facilities by sound.

Paragraph (2)
Self-explanatory.

Article 22 through Article 24
Self-explanatory.

Article 25
Letter a
Self-explanatory.

Letter b
What is meant by "disturbance prevention, protection, and securing operation of Sailing-Navigation Supporting Facilities" shall be to prevent Sailing-Navigation Supporting Facilities and its supporting facilities from physical disturbance and natural disturbance originating from human action and condition of nature, with the objective to maintain continuous operation and improvement of operational quality.

Article 26 through Article 29
Self-explanatory.

Article 30
Paragraph (1)
Procurement activity of Sailing-Navigation Supporting Facilities shall cover:

- a. procurement of new location; or
- b. procurement of replacement.

Paragraph (2)
What is meant by "particular interest" shall be procurement of Sailing-Navigation Supporting Facilities for navigation channel marking heading the special terminal.

Particular location shall be among other things, special terminal region, dredging activities, and location for ship skeleton.

Paragraph (3)
Self-explanatory.

Article 31
Self-explanatory.

Article 32
Paragraph (1) and Paragraph (2)
Self-explanatory.

Paragraph (3)
Letter a
Self-explanatory.

Letter b
Hydrography means measuring and observation activities executed in waters territory and around coast to describe landscape partly or wholly,

mainly area inundated by water in a flat area (map paper) presented in the form of information about depth points, contour line of depth and high points as well as various diversity above and below sea surface.

Letter c through Letter e
Self-explanatory.

Article 33 through Article 40
Self-explanatory.

Article 41
Paragraph (1)
Obstacle means a condition potential to disturb or impede on-water transport traffic, such as ship wreckage in shipping lane.

Paragraph (2)
Self-explanatory.

Article 42 and Article 43
Self-explanatory.

Article 44
Paragraph (1)
The utilization cost of shipping navigation auxiliary facilities is only imposed on the use of shipping-navigation auxiliary facilities which are built.

Paragraph (2)
Self-explanatory.

Paragraph (3)
Letter a through Letter c
Self-explanatory.

Letter d
In the interest of assistance seeking means, among others seeking assistance for medical treatment, ships encountering failure, ships disembarking sick people, or encountering accident on account that other activity is not executed upon staying at the nearest port.

Letter e
Sailing trial is executed in the framework of building and repairing ships.

Letter f
Self-explanatory.

Paragraph (4)
Self-explanatory.

Article 45
Self-explanatory.

Article 46
Paragraph (1)
Self-explanatory.

Paragraph (2)
Authority of the Government, provincial government, or regency/municipality government in planning, procurement, installation, construction, and maintenance of navigation channel facilities shall as follows:

- a. the Government shall handle planning, procurement, installation, construction, and maintenance of navigation channel facilities for Class I;
- b. provincial government shall handle planning, procurement, installation, construction and maintenance of navigation channel facilities for Class II; and
- c. regency/ municipality shall handle planning, procurement, installation, construction and maintenance of navigation channel for Class III.

Paragraph (3)
Self-explanatory.

Article 47 through Article 71
Self-explanatory.

Article 72
Paragraph (1)

Letter a and Letter b
Self-explanatory.

Letter c
Construction shall mean among other things, installation of advertisement.

Letter d and Letter e
Self-explanatory.

Paragraph (2)
Self-explanatory.

Article 73 through Article 76
Self-explanatory.

Article 77**Paragraph (1)**

What is meant by "Navigation Telecommunication Network" shall be a series of Navigation Telecommunication device and its complementary tools used in the context of telecommunication.

Paragraph (2)**Letter a**

What is meant by "Band Medium Frequency" shall be frequency space with the lowest limit of 300 KHz (three hundred kilohertz) and the limit of 3.000 KHz (three thousand kilohertz).

What is meant by "Band High Frequency" shall be frequency with the lowest limit of 3 Mhz (three megahertz) and the highest limit of 30 MHz(thirty megahertz).

What is meant by "Band Very High Frequency" shall be frequency space with the lowest limit of 30 Mhz (thirty megahertz).

Letter b

What is meant by "List Of Radio Determination and Special Service Stations" shall be list of radio stations operating navigation service in determining and special navigation service in determining speed position, and/or other information relating to several applicable parameters, using radio wave propagation.

Article 78 through Article 85

Self-explanatory.

Article 86**Paragraph (1)**

Information service on sea weather is meant for the purpose of navigation transportation, fishery, sea tourism, mining, defense and security, search and rescue, and preservation of the environment.

Paragraph (2)

Self-explanatory.

Article 87

Cooperation is meant to collect data on weather from the ship and broadcast the information on navigation widely.

Article 88 through Article 91

Self-explanatory.

Article 92**Paragraph (1)**

What is meant by " construction or installation" shall be any construction either existing on and/or below the waters surface.

Paragraph (2)

In any establishment and/or alteration to construction of installation over waters, it is necessary to consider preservation and layout of marine space.

Paragraph (3) and Paragraph (4)

Self-explanatory.

Article 93 and Article 94

Self-explanatory.

Article 95**Paragraph (1)****Letter a**

What is meant by "particular navigation channel facilities" shall be among other things, the buoy, surveillance post, pagete, water height scaling recorder, and flow resisting construction.

Letter b

Self-explanatory.

Paragraph (2) and Paragraph (3)

Self-explanatory.

Article 96 through Article 98

Self-explanatory.

Article 99**Paragraph (1) through Paragraph (3)**

Self-explanatory.

Paragraph (4)**Letter a and Letter b**

Self-explanatory.

Letter c

What is meant by "other areas" shall be among other things, Ship to Ship Transfer (STS) area, Traffic Separation Scheme (TSS) area, and Anchorage Area.

Paragraph (5) and Paragraph (6)

Self-explanatory.

Article 100 through Article 103
Self-explanatory.

Article 104
Letter a through Letter f
Self-explanatory.

Letter g
Expert for dredging work shall cover civil engineering, mechanical engineering, naval engineering, marine engineering, ANT1 (navigator), and ATT1 (ship engineer).

Expert for reclamation work on the waters and surrounding (using dredging boat and dredging material) shall cover civil engineering, mechanical engineering, naval engineering, marine engineering, ANT1 (navigator), ATT1 (ship engineer), geodecy engineering and surveyor.

Article 105 through Article 107
Self-explanatory.

Article 108
Paragraph (1)
What is meant by "piloting obligatory waters" shall be any region of waters which due to its condition needs piloting for ship of the size GT 500 (five hundred Gross Tonnage) or more.

What is meant by "waters with extraordinary piloting" shall be any region of waters which due to condition of the waters no piloting shall be needed but if the Captain needs it he may request for piloting service. n.

Paragraph (2) through Paragraph (5)
Self-explanatory.

Article 109 and Article 110
Self-explanatory.

Article 111
Paragraph (1)
What is meant by "piloting beyond port waters" shall be piloting service conducted:

- a. offsite the waters that needs piloting service;
- b. on waters where extraordinary piloting service exists within the Indonesian territory; and
- c. on waters where extraordinary piloting service exists on narrow channel that is prone to ship accident / collision.

Deep sea piloting officer is also called Deep Sea Pilot.

Paragraph (2)
Self-explanatory.

Article 112 and Article 113
Self-explanatory.

Article 114
Paragraph (1) and Paragraph (2)
Self-explanatory.

Paragraph (3)
What is meant by "may be delegated" shall be fulfilling the need according to the requirement and provision in the statutory regulation which may revoke if he fails to carry out his duty as required.

Article 115 and Article 116
Self-explanatory.

Article 117
If any ship released from its obligation from using piloting service in this provision needs piloting service, such piloting service shall be provided according to the applicable procedure on piloting service.

Letter a
Self-explanatory.

Letter b
What is meant by "State ship used for governmental duty" shall be ship used by certain governmental agency assigned the function and authority in accordance with the statutory regulation prevailing on enforcement of the law and other governmental duties, for example, research in the sea and installation of Sailing-Navigation Supporting Facilities

Article 118
Self-explanatory.

Article 119
Paragraph (1)
Insurance may be closed by insurance business agency or underwriting financial institution like rotection and Indemnity Club (P&I Club),

Paragraph (2) and Paragraph (3)
Self-explanatory.

Article 120

Paragraph (1)

What is meant by "is person or legal entity" which name is registered as the owner of the ship in official ships register prior to coming ship skeleton.

Report shall consist of data of the ship and position of the ship.

Paragraph (2)

Determination of level of disturbance caused by ship skeleton to the navigation safety is based on navigational operation and development of the region.

Article 121 through Article 125

Self-explanatory.

Article 126

Paragraph (1)

Self-explanatory.

Paragraph (2)

Salvage operational activities must also observe preservation of the environment. Foreign workers and foreign flag ship carrier shall operate in accordance with the statutory regulation.

Paragraph (3)

Self-explanatory.

Article 127

Paragraph (1)

Underwater work is not included in cultivation and fish catching activities conducted by traditional/minor fishermen

Paragraph (2)

Underwater work operational activities also observe preservation of the environment. Foreign workers and foreign flag ship carrier may be used in accordance with the provisions in the statutory regulation.

Paragraph (3)

Self-explanatory.

Article 128 through Article 133

Self-explanatory.

Article 134

Paragraph (1) through Paragraph (5)

Self-explanatory.

Paragraph (6)

Letter a

What is meant by "physically healthy" shall be free from color blind, hearing defect and non-stammering.

Letter b

Self-explanatory.

Paragraph (7)

Self-explanatory.

Article 135 through Article 142

Self-explanatory.

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