

LAW OF THE REPUBLIC OF INDONESIA
NUMBER 32 OF 2014
ON
MARINE AFFAIRS

BY THE BLESSINGS OF ALMIGHTY GOD

PRESIDENT OF THE REPUBLIC OF INDONESIA,

- Considering :
- a. that the Unitary State of the Republic of Indonesia as an archipelagic State has abundant natural resources which are the blessings and the gift of Almighty God to the Indonesian people that must be managed sustainably in order to improve public welfare as mandated in the 1945 Constitution of the Republic of Indonesia;
 - b. that the sea areas as the greatest portion of Indonesian area with strategic position and values according to various life aspects including political, economic, social-cultural, defense and security aspects are the basic capital for national development;
 - c. that the management of marine resources is made through a legal framework in order to provide legal certainty and benefit for all people as an archipelagic State with archipelagic characteristics;
 - d. that based on consideration as referred to in point a, point b, and point c, it is necessary to enact Law on Marine Affairs;

Observing : Article 20, Article 22D section (1), Article 25A, and Article 33 section (3) of the 1945 Constitution of the Republic of Indonesia;

With the Joint Approval of
THE HOUSE OF REPRESENTATIVES
and
THE PRESIDENT OF THE REPUBLIC OF INDONESIA

HAS DECIDED:

To enact : LAW ON MARINE AFFAIRS.

CHAPTER I
GENERAL PROVISIONS

Article 1

In this Law:

1. Sea means waters area on the surface of the earth which connects a land with other lands and other natural forms as a geographical and ecological unity and all related elements, and of which boundaries and systems are specified by legislation and international laws.
2. Marine means anything related to the Sea and/or activities within the Sea area including ocean floor and its subsoil thereof, water column and Sea surface, including coastal zone and small islands.
3. Island means a naturally formed area of land, surrounded by water, which is above water at high tide.
4. Archipelago means a group of islands, including parts of islands, interconnecting waters and other natural features which are closely interrelated that such islands, waters, and other natural features which are an integral part of intrinsic geography, economy, defense, and security as well as politics or which historically have been regarded as such.
5. Archipelagic State means a State constituted wholly by one or more archipelagos and may include other islands.

6. Marine Development means the development that provides direction in the utilization of Marine resources in order to fulfill economic growth, welfare equity, and preservation of carrying capacity of coastal and Sea ecosystem.
7. Marine Resources means Sea resources, either renewable or non-renewable, with comparative and competitive advantage and can be preserved for a long term.
8. Marine Management means the management of activities, provision, exploitation, and utilization of Marine Resources and the Sea conservation.
9. Marine Spatial Management means planning, utilizing, supervising, and controlling Sea space.
10. Marine Environment Protection means a systematic and integrated effort made to preserve Marine Resources and to prevent Sea environment pollution and/or damage, including Sea conservation, control of Marine pollution, coping with Marine disaster, prevention and management of pollution, damage and disaster.
11. Marine Pollution means penetration or insertion of living organisms, substances, energy, and/or other components into the Sea environment by human activities exceeding the specified quality standard for Sea environment.
12. Central Government, hereinafter referred to as the Government, means the President of the Republic of Indonesia with government power of the Republic of Indonesia in assistance of the Vice President and the ministers as referred to in the 1945 Constitution of the Republic of Indonesia.
13. Local Government means the head of a region as the administrating element of Local Government, leading the execution of government affairs of the authority of autonomous region.
14. Minister means minister administering government affairs in Marine.

CHAPTER II PRINCIPLES AND OBJECTIVES

Article 2

Marine administration is performed under principles of:

- a. sustainability;
- b. consistency;
- c. integrity;
- d. legal certainty;
- e. partnership;
- f. equity;
- g. public participation;
- h. disclosure;
- i. decentralization;
- j. accountability; and
- k. fairness.

Article 3

The purposes of Marine administration are:

- a. to confirm Indonesia as an archipelagic State with archipelagic and maritime characteristics;
- b. to empower Marine Resources and/or activities in the Sea area in accordance with the provisions of legislation and international law of the sea for the prosperity of the people and the nation;
- c. to realize preserved and secured Sea as a living space and resisting space for the Indonesian people;
- d. to utilize Marine Resources sustainably for the greatest welfare of recent generation without sacrificing the interest of future generations;
- e. to promote Marine culture and knowledge for the people;
- f. to develop human resources in Marine that are professional, ethical, dedicated, and able to prioritize national interest to support Marine Development in an optimal and integrated manner;
- g. to provide legal certainty and benefit to all people as an archipelagic State; and
- h. to develop the role of the Unitary State of the Republic of Indonesia in the Marine global settings in accordance with the international law of the sea for the interests of the people and the nation.

CHAPTER III
SCOPE

Article 4

- (1) The scope of this Law covers the arrangement of Indonesian Marine administration in an integrated and sustainable manner in order to improve the nation's wealth.
- (2) The Indonesian Marine administration as referred to in section (1) includes:
 - a. Sea area;
 - b. Marine Development;
 - c. Marine Management;
 - d. Marine improvement;
 - e. Marine spatial management and Marine environment protection;
 - f. defense, security, law enforcement, and safety of the Sea; and
 - g. governance and institution.

CHAPTER IV
SEA AREA

Part One
General

Article 5

- (1) Indonesia is an archipelagic State of which the whole of its territory consists of archipelagos and includes big and small islands as an integral part of its territory, politics, economy, social-culture, and history of which its boundaries are drawn from the archipelagic base line.
- (2) Indonesia sovereignty as an archipelagic State includes lands, internal waters, archipelagic waters, and territorial sea, including air space above them and ocean floor and its subsoil thereof, including natural resources therein.
- (3) The Indonesia Sovereignty as referred to in section (2) is subject to the provisions of legislation, United Nations

Convention on the Law of the Sea of 1982, and relevant international laws.

Article 6

- (1) Sea area consists of waters area and jurisdiction area as well as the high seas and the Area.
- (2) The Unitary State of the Republic of Indonesia has the right to manage and to utilize the natural resources and the Sea environment in the Sea area as referred to in section (1).
- (3) The management and utilization as referred to in section (2) are implemented in accordance with the provisions of legislation as well as international laws.

Part Two

Waters Area and Jurisdiction Area

Article 7

- (1) The waters area as referred to in Article 6 section (1) includes:
 - a. the internal waters;
 - b. the archipelagic waters; and
 - c. the territorial sea.
- (2) The jurisdiction area as referred to in Article 6 section (1) includes:
 - a. the Contiguous Zone;
 - b. the Indonesia Exclusive Economic Zone; and
 - c. the Continental Shelf.
- (3) The Unitary State of the Republic of Indonesia has:
 - a. sovereignty over the internal waters, the archipelagic waters, and the territorial sea;
 - b. particular jurisdiction of the Contiguous Zone; and
 - c. sovereign rights over the Exclusive Economic Zone and the Continental Shelf.
- (4) The sovereignty, particular jurisdiction, and sovereign rights within the waters area and the jurisdiction area as referred to in section (3) are implemented under the provisions of legislation as well as international laws.

Article 8

- (1) The Unitary State of the Republic of Indonesia has the right to determine the Indonesia Contiguous Zones up to 24 nautical miles from the base lines.
- (2) In the Contiguous Zones, Indonesia has the right:
 - a. to prevent any infringement of the provisions of legislation on customs, fiscal, immigration, or sanitary in its territory or the territorial sea; and
 - b. to punish any infringement of the provisions of legislation as referred to in point a performed within its territory or the territorial sea.
- (3) The designation and the management of the Indonesia Contiguous Zone as referred to in section (1) and section (2) are regulated in accordance with the provisions of legislation.

Article 9

- (1) The Unitary State of the Republic of Indonesia has the right to claim the Continental Shelf beyond 200 nautical miles from the base lines.
- (2) Limits of the Continental Shelf beyond 200 nautical miles from the base lines must be submitted for recommendation to the United Nations Commission on the Limits of the Continental Shelf before they are established as the Indonesia Continental Shelf by the Government.
- (3) The establishment of the Continental Shelf beyond 200 nautical miles must be managed in accordance with the provisions of legislation as well as the international law of the sea.

Part Three

High Seas and the Area

Article 10

- (1) The high seas is a part of the Sea excluded from Exclusive Economic Zone, territorial sea, archipelagic waters, and internal waters.

- (2) The Area is seabed and ocean floor and its subsoil thereof beyond the limits of national jurisdiction.

Article 11

- (1) The Unitary State of the Republic of Indonesia has the right to conduct conservation and management of any living resources of the high seas.
- (2) In the high seas, the Government is required to:
 - a. eradicate international crime;
 - b. eradicate unauthorized broadcasting;
 - c. protect national vessels, either in technical, administrative or social fields;
 - d. perform hot pursuit;
 - e. prevent and cope with Marine Pollution in cooperation with relevant States or international institutions; and
 - f. participate in the fishery management through regional and international fishery management forum.
- (3) The eradication of international crime in the high seas as referred to in section (2) point a is performed through cooperation with other States.
- (4) The conservation and management of living resources as referred to in section (1) are implemented under the provisions of legislation as well as international laws.

Article 12

- (1) In the Area as referred to in Article 10 section (2), the Government is authorized to enter into any agreement or cooperate with relevant international institutions.
- (2) The agreement or the cooperation as referred to in section (1) are implemented in accordance with the provisions of legislation as well as the international law of the sea.

CHAPTER V

MARINE DEVELOPMENT

Article 13

- (1) Marine Development is implemented as a part of the national development in order to accomplish Indonesia as an independent, advanced, strong and national interest-based archipelagic State.

- (2) The Marine Development as referred to in section (1) is organized through formulation and implementation of policies of:
 - a. management of Marine Resources;
 - b. development of human resources;
 - c. defense, security, law enforcement, and safety of the Sea;
 - d. governance and institution;
 - e. improvement of welfare;
 - f. marine economy;
 - g. Marine spatial management and Marine environment protection; and
 - h. maritime culture.
- (3) Process of arrangement of the Marine Development policies as referred to in section (1) and section (2) is implemented as follows:
 - a. the Government establishes the long-term integrated Marine Development policies in accordance with the provisions of legislation;
 - b. the Government establishes the mid-term and short-term integrated Marine Development policies; and
 - c. Marine Development policies are implemented into programs of each sector in the plan of Marine Resources development and management.
- (4) Further provisions regarding the Marine Development policies as referred to in section (1) and section (2) are governed in Government Regulation.

CHAPTER VI MARINE MANAGEMENT

Part One General

Article 14

- (1) The Government and the Local Government pursuant to their respective authorities conduct Marine Management for the greatest prosperity of the people through the utilization and the exploitation of Marine Resources using blue economy principles.

- (2) The utilization of Marine Resources as referred to in section (1) may include:
 - a. fishery;
 - b. energy and mineral resources;
 - c. coastal and small islands resources; and
 - d. non-conventional resources.
- (3) The exploitation of Marine Resources as referred to in section (1) may include:
 - a. Marine industry;
 - b. marine tourism;
 - c. Marine transportation; and
 - d. Sea structures.

Article 15

- (1) In terms of utilization and exploitation of Marine Resources as referred to in Article 14, the Government establishes Marine economic policy.
- (2) Marine economic policy as referred to in section (1) is for the purpose of making Marine as economic development basis.
- (3) Economic development basis as referred to in section (2) is implemented through the creation of fair business and the improvement of the people's welfare, primarily the coastal people by developing productive, independent economic activities and prioritizing national interest.
- (4) In making Marine as the nation's economic development basis as referred to in section (2), the Government must include the breadth of the sea area as the basis of distribution for the Marine Development budget.
- (5) The Marine Development budget derives from the State budget and/or the regional budget.

Part Two
Utilization of Marine Resources

Paragraph 1
Fishery

Article 16

The Government regulates the management of fish resources in the waters area and the jurisdiction area and implements regulation on fish resources in the high Seas on the basis of cooperation with other States and the international laws.

Article 17

- (1) The Government coordinates the management of fish resources and facilitates the achievement of fishery industry.
- (2) In facilitating the achievement of fishery industry as referred to in section (1), the Government is responsible:
 - a. to preserve fish resources;
 - b. to guarantee conducive business climate for fishery development; and
 - c. to open up employment opportunities in order to improve fishermen's and fish farmers' standard of living.

Article 18

For the purpose of distribution of fishery products, the Government regulates a national fish logistics system.

Article 19

- (1) In order to improve fishery business, banking parties are responsible for financing the superstructure of fishery business.
- (2) The financing as referred to in section (1) is regulated in separate law.

Paragraph 2
Energy and Mineral Resources

Article 20

- (1) The Government develops and utilizes renewable energy derived from the Sea and be developed into the national energy policy.
- (2) The Government facilitates the development and utilization of renewable energy derived from the regional Sea area in consideration of local potential.

Article 21

- (1) The Government regulates and guarantees utilization of mineral resources derived from the Sea, Seabed, and subsoil thereof for the greatest prosperity of the people.
- (2) The utilization of mineral resources as referred to in section (1) is regulated in accordance with the provisions of legislation as well as the international laws.

Paragraph 3
Coastal and Small Islands Resources

Article 22

- (1) The Government and Local Government are responsible for the management and utilization of coastal and small islands resources pursuant to their respective authorities.
- (2) The purposes of management and utilization as referred to in section (1) are:
 - a. to protect, conserve, rehabilitate, utilize, and improve coastal and small islands resources and their ecological system sustainably;
 - b. to create harmony and synergy between the Government and Local Government in managing coastal and small islands resources;
 - c. to strengthen participation of the public and government institutions and encourage the community's initiative in managing coastal and small islands resources in achieving of fairness, balance, and sustainability; and

- d. to improve social, economic and cultural values of the public through public participation in utilizing coastal and small islands resources.
- (3) The management and utilization of coastal and small islands resources covering living resources, non-living resources, artificial resources, and environmental services are implemented in accordance with the provisions of legislation.

Paragraph 4
Non-Conventional Resources

Article 23

- (1) Management and utilization of non-conventional Marine natural resources are performed for the greatest prosperity of the people.
- (2) The management and utilization as referred to in section (1) are implemented under environmental preservation principle.

Article 24

- (1) The Government, Local Government, and public are responsible for protecting, utilizing and developing non-conventional Marine resources.
- (2) The protection, utilization, and development as referred to in section (1) are implemented in accordance with the provisions of legislation as well as the international law of the sea.

Part Three
Exploitation of Marine Resources

Paragraph 1
Marine Industry

Article 25

- (1) Exploitation of Marine Resources performed through management and development of Marine industry is an integral part of the national industry management and development policy.

- (2) The Marine Industry as referred to in section (1) includes biotechnology industry, maritime industry, and maritime services.
- (3) The management and development of Marine industry as referred to in section (1) include infrastructures and facilities, science and technology research, innovation, human resources, and creative and financing industries.
- (4) The Government and Local Government are required to supervise the improvement of quality and quantity of micro, small and medium scale Marine industries in support of people's economy pursuant to their respective authorities.

Article 26

- (1) The Government and Local Government are responsible for developing and improving Marine biotechnology industry as referred to in Article 25 section (2).
- (2) The Marine biotechnology industry as referred to in section (1) is performed by utilizing biodiversity potentials.
- (3) The purpose of Marine biotechnology industry as referred to in section (1) is to:
 - a. prevent from extinction of Marine biota resulted from excessive exploration;
 - b. generate various new products with added value;
 - c. decrease import dependability by producing various products substitutive to import;
 - d. develop environmentally friendly technology in each Marine biotechnology industry; and
 - e. develop sustainable Sea resources management system.

Article 27

- (1) Maritime industry and maritime services as referred to in Article 25 section (2) are implemented under Marine Development policy.
- (2) In terms of maritime industry and maritime services sustainability for people's welfare, Marine economy policy is used.

- (3) The maritime industry as referred to in section (1) may be in the form of:
 - a. shipyard;
 - b. procurement and making of spare parts;
 - c. vessel equipment; and/or
 - d. vessel maintenance.
- (4) The maritime services as referred to in section (1) may be in the form of:
 - a. education and training;
 - b. lifting of the valuable carriages of the sunken ship;
 - c. dredging and clearing of sea lanes;
 - d. reclamation;
 - e. search and rescue;
 - f. environment remediation;
 - g. construction service; and/or
 - h. river, lake, crossing, and inter insular transportation.
- (5) Further provisions regarding maritime industry and maritime services are governed in Government Regulation.

Paragraph 2

Marine Tourism

Article 28

- (1) The Government and Local Government facilitate development of marine tourism potentials by referring to national tourism development policy pursuant to their respective authorities.
- (2) The sustainability of marine tourism as referred to in section (1) is aimed to people's welfare.
- (3) The development of marine tourism is implemented in consideration of local people's interest and local wisdom aspects and must consider waters conservation area.
- (4) The development and improvement of marine tourism as referred to in section (1) are implemented in accordance with the provisions of legislation.

Paragraph 3
Marine Transportation

Article 29

- (1) The Government and Local Government develop the potential of and improve the role of marine transportation pursuant to their respective authorities.
- (2) In developing the potential of and improving the role of marine transportation as referred to in section (1), the Government develops and designates reliable port order and port system.
- (3) The reliable port order as referred to in section (2) includes determination of location for deep water port that can serve a vessel of latest generation and designation of hub port.
- (4) The characteristics of reliable port system as referred to in section (2) are:
 - a. efficient and internationally standardized;
 - b. free of monopoly;
 - c. supporting inter insular connectivity, including between the outermost small islands and main island;
 - d. with availability of port facilities in the outermost small islands;
 - e. with availability of port facilities, including facilities of environment and prevention from pollution to environment ; and
 - f. integrity between terminal and vessel.

Article 30

- (1) The Government and Local Government are required to develop and improve the use of marine transportation for cross-region connection of the Unitary State of the Republic of Indonesia pursuant to their respective authorities.
- (2) In the development and improvement of marine transportation as referred to in section (1), the Government implements national shipping line development policy.
- (3) The Government regulates source of financing and taxing policy which prioritizes ease of development of marine transportation facilities and infrastructures and port infrastructures and superstructures.

- (4) The Government facilitates source of financing for marine transportation business through national banking policy.

Article 31

The development of marine transportation potential as referred to in Article 29 and Article 30 is implemented in accordance with the provisions of legislation.

Paragraph 4 Sea Structures

Article 32

- (1) In terms of safety of navigation, all forms of structures and installations on the Sea are not disrupting, either for Sea Lanes or Indonesia Archipelagic Sea Lanes Passage.
- (2) The operation area of structures and installations on the Sea does not exceed the specified safety zone.
- (3) The use of operational area of structures and installations on the Sea exceeding the specified safety zone as referred to in section (2) must be under approval of the authority.
- (4) The construction and/or placement of Sea structures must be considering preservation of resources of coast and small islands.
- (5) The provisions regarding criteria, requirements, and mechanism of construction and/or placement of Sea structures are governed in Government Regulation.

Article 33

The Government is responsible for supervision over decommission of disused Sea structures and installations.

CHAPTER VII
MARINE IMPROVEMENT

Part One
General

Article 34

The Marine improvement includes:

- a. development of human resources;
- b. science and technology research;
- c. Marine information and data system; and
- d. Marine cooperation.

Part Two
Human Resources Development

Article 35

- (1) The Government and Local Government are responsible for the human resources development through education pursuant to their respective authorities.
- (2) The education administration as referred to in section (1) may cooperate with various parties, either at national level or at international level, which is competence based on Marine.
- (3) Education administration is implemented in accordance with the provisions of legislation.

Article 36

- (1) In the human resources development as referred to in Article 35, the Government stipulates human resources development policy and marine culture policy.
- (2) The human resources development policy as referred to in section (1) is implemented through:
 - a. improvement of Marine services, counterbalanced with employment availability;
 - b. development of human resources competence standard in Marine;

- c. improvement and empowerment of the role of science and technology, research, and development of Marine information system;
 - d. improvement of nutrition for Marine community; and
 - e. improvement of manpower protection.
- (3) Marine culture policy as referred to in section (1) is implemented through:
- a. improvement of education and awareness of the community of Marine realized through all streams, types and levels of education;
 - b. identification and stocktaking of cultural values and Marine social system in the Unitary State of the Republic of Indonesia as part of national cultural system; and
 - c. development of technology by always considering local wisdom.
- (4) Further provisions regarding marine culture policy as referred to in section (3) are governed in Government Regulation.

Part Three

Sciences and Technology Research

Article 37

- (1) In order to improve the quality of Marine Development planning, the Government and Local Government develop a system of research, development, and application of Marine science and technology, which is an integral part of the national system of research and development of technology application.
- (2) In developing the application system as referred to in section (1), the Government facilitates the financing, procurement, improvement, addition of facilities and infrastructures, and licensing of the research and development of Marine science and technology, either performed in independent manner or in cooperation with cross-sectors and across countries.

- (3) Research system as referred to in section (1) excludes commercial research.
- (4) The implementation of research system as referred to in section (1) is conducted pursuant to the provisions of legislation.

Article 38

- (1) The Government cooperates with Local Government to establish Marine facilities center covering education, training and research facilities equipped with infrastructures of training vessels and research vessels and research functional staffs.
- (2) The provisions regarding establishment of Marine facilities center and its duties, authorities and financing are governed in Government Regulation.

Article 39

- (1) The Government regulates the implementation of Marine scientific research in the course of research cooperation with foreign parties.
- (2) The result of research cooperation with foreign parties as referred to in section (1) is required to be reported to the Government in accordance with the provisions of legislation.

Part Four

Marine Information and Data System

Article 40

- (1) The Government and Local Government collect, arrange, manage, maintain, and develop Marine information and data system from various sources for the benefit of national Marine Development under public information disclosure principle in accordance with the provisions of legislation.
- (2) Marine information and data system as referred to in section (1) include 3 (three) categories:
 - a. result of Marine scientific research in the form of numeric data and its analysis;

- b. result of research in the form of spatial data and its analysis; and
 - c. Marine Resources management, waters conservation, and Marine technology development.
- (3) Marine information and data system as referred to in section (2) point a and data related to marine security system are kept, managed, updated, coordinated, and integrated by ministry/institution appointed in accordance with the provisions of legislation.
- (4) Marine information and data system of research result in the form of data which requires mapping as referred to in section (2) point b and point c are kept, managed, updated and coordinated by a State research institution in accordance with the provisions of legislation.

Part Five

Cooperation in Marine Affairs

Article 41

- (1) Cooperation in Marine affairs may be implemented at national and international levels by prioritizing national interest for independence of the nation.
- (2) Cooperation at national level as referred to in section (1) is implemented in synergy of:
- a. cross-sector;
 - b. between the central and local level;
 - c. between local governments; and
 - d. between stakeholders.
- (3) Cooperation in Marine affairs at international level as referred to in section (1) may be implemented bilaterally, regionally, or multilaterally.
- (4) Cooperation at international level as referred to in section (1) is implemented in accordance with the provisions of legislation and the international law of the sea.
- (5) The Government encourages exploration, utilization and management of Marine Resources activities on the high seas in accordance with the provisions of the international law of the sea.

CHAPTER VIII
MARINE SPATIAL MANAGEMENT AND MARINE
ENVIRONMENT PROTECTION

Part One
Marine Spatial Management

Article 42

- (1) Marine Spatial Management is implemented in order:
 - a. to protect the resources and environment based on environmental carrying capacity and local wisdom;
 - b. to utilize resources potential and/or activities in Sea area at national and international scales; and
 - c. to develop potential area to be activities center of production, distribution and services.
- (2) Marine Spatial Management includes planning, utilization, supervision and control.
- (3) Marine Spatial Management as referred to in section (2) is implemented based on the characteristics of the Unitary State of the Republic of Indonesia as an archipelagic State and in consideration of Marine resources and environment potentials.

Article 43

- (1) Marine spatial planning as referred to in Article 42 section (2) includes:
 - a. national Marine spatial planning;
 - b. zoning plan of coastal zone and small islands; and
 - c. zoning plan of Sea area.
- (2) National Marine spatial planning as referred to in section (1) point a is a planning process to generate national Marine spatial plan.
- (3) Zoning plan of Coastal zone and small islands as referred to in section (1) point b is implemented in accordance with the provisions of legislation.
- (4) Zoning plan of Sea area as referred to in section (1) point c is a planning to create a zoning plan for strategic national

area, a zoning plan for particular strategic national area, and a zoning plan for cross-region area.

- (5) Further provisions regarding Marine spatial planning as referred to in section (1) are governed with Government Regulation.

Article 44

- (1) Utilization of Sea space as referred to in Article 42 section (2) is implemented through:
 - a. formulation of strategic policy of the operationalization of national Marine spatial plan and zoning plan of Sea area;
 - b. formulation of sectoral program in realizing national Marine spatial plan and a zoning plan for Sea area; and
 - c. implementation of strategic and sectoral program in realizing national Marine spatial plan and zoning plan for Sea area.
- (2) Utilization of Sea space on coastal zone and small islands is implemented in accordance with the provisions of legislation.

Article 45

- (1) Supervision as referred to in Article 42 section (2) is implemented through monitoring, evaluation and reporting.
- (2) Monitoring, evaluation, and reporting as referred to in section (1) are implemented in accordance with the provisions of legislation.

Article 46

Control on the utilization of Marine space as referred to in Article 42 section (2) is implemented through licensing, grant of incentive, and imposition of sanction.

Article 47

- (1) Every person utilizing Marine space by permanently in waters area and jurisdiction area is obligated to have location permit.

- (2) Location permit on coastal zone and small islands is implemented in accordance with the provisions of legislation.
- (3) Every Person utilizing Sea space by permanently in waters area and jurisdiction area inappropriate to the permit being granted is subject to administrative sanction in the form of:
 - a. written warning;
 - b. temporary suspension of the activities;
 - c. closing of the location;
 - d. revocation of permit;
 - e. cancellation of permit; and/or
 - f. administrative fine.
- (4) Provisions of the grant of location permit on the Sea existing in waters area and jurisdiction area as referred to in section (1) and the method to impose administrative sanction as referred to in section (3) are governed in Government Regulation.

Article 48

Every person utilizing Marine space in conformity with zoning plan may be granted with incentive in accordance with the provisions of legislation.

Article 49

Every person utilizing Marine space permanently without a location permit as referred to in Article 47 section (1) shall be sentenced with imprisonment for a maximum of 6 (six) years and criminal fine for a maximum of Rp20,000,000,000.00 (two billion rupiahs).

Part Two

Marine Environment Protection

Article 50

The Government makes effort to protect Marine environment through:

- a. Sea conservation;
- b. control of Marine Pollution;

- c. prevention of Marine disaster; and
- d. prevention of and coping with pollution, damage, and disaster.

Article 51

- (1) The Government stipulates Sea conservation policy as an integral part of Marine environment protection.
- (2) The Government and/or Local Government, pursuant to their respective authorities, has the right to manage Marine conservation area as part of implementation of the Marine Environment Protection policy as referred to in section (1).
- (3) The Marine conservation policy as referred to in section (1) must be implemented in cross-sectors and cross-area manner to support Marine Environment Protection.
- (4) Any sector in construction activities in waters area and jurisdiction area must consider conservation area.
- (5) The policy and management of Marine conservation are implemented in accordance with the provisions of legislation.

Article 52

- (1) Marine Pollution includes:
 - a. pollution derived from land;
 - b. pollution derived from activities at Sea; and
 - c. pollution derived from activities on airspace.
- (2) The Marine pollution as referred to in section (1) can occur:
 - a. in waters area or jurisdiction area;
 - b. from the outside of waters area or from the outside of jurisdiction area; or
 - c. from waters area or jurisdiction area to beyond Indonesia jurisdiction area.
- (3) The settlement of dispute process and imposition of Marine Pollution sanction as referred to in section (1) and section (2) are implemented under polluter pays principle and precautionary principle.
- (4) Further provisions regarding settlement process and sanction for Marine Pollution are implemented in accordance with the provisions of legislation.

Article 53

- (1) Marine disaster may be in the form of disaster caused by:
 - a. natural phenomena;
 - b. environment pollution; and/or
 - c. global warming.
- (2) Marine disaster caused by natural phenomena as referred to in section (1) point a may be in the form of:
 - a. earthquake;
 - b. tsunami;
 - c. coastal flood;
 - d. typhoon; and
 - e. seasonal animal attack.
- (3) The Marine disaster caused by environment pollution as referred to in section (1) point b may be in the form of:
 - a. red tide phenomena;
 - b. oil pollution;
 - c. heavy metal pollution;
 - d. thermal dispersion; and
 - e. nuclear radiation.
- (4) Marine disaster caused by global warming as referred to in section (1) point c may be in the form of:
 - a. rising temperature;
 - b. rising Sea level; and/or
 - c. el niño and la niña.

Article 54

- (1) In anticipating Marine Pollution and Marine disaster as referred to in Article 52 and Article 53, the Government stipulates policy to cope with the impacts of Marine Pollution and Marine disaster.
- (2) The policy to cope with the impacts of Marine Pollution and Marine disaster as referred to in section (1) may be implemented through:
 - a. development of disaster mitigation system;
 - b. development of early warning system;
 - c. development of national planning for emergency response to oil spill on the Sea;

- d. development of system to control Marine pollution and Sea ecosystem damage ; and
- e. control of impact of remains of building at Sea and activities at Sea.

Article 55

- (1) The Government and Local Government must implement a system to prevent and cope with Sea environment pollution and damage.
- (2) The Government and Local Government must implement a system to prevent and cope with Marine disaster as an integral part of the system to prevent and cope with national disaster.

Article 56

- (1) The Government is responsible to protect and preserve Sea environment.
- (2) Protection and preservation of Sea environment as referred to in section (1) is implemented through prevention, mitigation, and control of Sea environment from any Marine Pollution and handling of Sea environment damage.
- (3) The Government cooperates, either bilaterally, regionally, or multilaterally in the prevention, mitigation and control as referred to in section (2).

Article 57

Protection and preservation of Sea environment as referred to in Article 56 are implemented in accordance with the provisions of legislation and the international laws of the sea.

CHAPTER IX

DEFENSE, SECURITY, LAW ENFORCEMENT, AND SAFETY OF SEA

Article 58

- (1) In order to manage State sovereignty, to maintain the Unitary State of the Republic of Indonesia, and to protect all people and the homeland of Indonesia from any threats and disturbance to the unity of people and the nation in Sea area, a marine defense system is established.

- (2) Marine defense system as referred to in section (1) is implemented by ministry administering government affairs in defense and the Indonesian National Armed Forces.
- (3) The marine defense system as referred to in section (2) is implemented in accordance with the provisions of legislation.

Article 59

- (1) The enforcement of sovereignty and law in Indonesian waters, ocean floor and its subsoil thereof, including natural resources therein and sanction for violation are implemented in accordance with the provisions of legislation and international laws.
- (2) Jurisdiction in enforcement of sovereignty and law to foreign vessel that is crossing the territorial sea and archipelagic waters of Indonesia are implemented in accordance with the provisions of legislation and international laws.
- (3) In order to enforce the law in waters area and jurisdiction area, especially in implementing security and safety patrol in Indonesia waters area and jurisdiction area, the Maritime Security Board is established.

Article 60

The Maritime Security Board as referred to in Article 59 section (3) is a non-ministry government institution under and directly responsible to the President through the minister who coordinates it.

Article 61

The Maritime Security Board has the duty to conduct security and safety patrol in Indonesia waters area and Indonesia jurisdiction area.

Article 62

In implementing the duties, the Maritime Security Board administers the function to:

- a. arrange national policy in security and safety field in Indonesia waters area and Indonesia jurisdiction area;
- b. administer early warning system for security and safety in Indonesia waters area and Indonesia jurisdiction area;
- c. conduct safeguard, supervision, prevention, and law enforcement in Indonesia waters area and Indonesia jurisdiction area;
- d. synergize and monitor the implementation of waters patrol by relevant institution;
- e. provide technical and operational support to relevant institution;
- f. to assist the conduct search and rescue in Indonesia waters area and Indonesia jurisdiction area; and
- g. perform other duties in the national defense system.

Article 63

- (1) In the implementation of duties and functions as referred to in Article 61 and Article 62, the Maritime Security Board is authorized to:
 - a. conduct hot pursuit;
 - b. stop, inspect, arrest, lead, and submit vessel to relevant authority for further legal process; and
 - c. integrate security and safety information system in Indonesia waters area and Indonesia jurisdiction area.
- (2) The authority as referred to in section (1) is implemented in an integrated manner under one command and control.

Article 64

The national policy in security and safety in Indonesia waters area and Indonesia jurisdiction area as referred to in Article 62 point a is determined by the President.

Article 65

- (1) The Maritime Security Board is led by a head in assistance of main secretary and several deputies.
- (2) Head of the Maritime Security Board position is held by personnel from a law enforcement institution with patrol fleet force.

- (3) Head of the Maritime Security Board is assigned and terminated by the President.

Article 66

Personnel of the Maritime Security Board consists of:

- a. permanent officer; and
- b. assisting officer.

Article 67

Further provisions regarding the organizational structure, work procedures, and personnel of the Maritime Security Board are regulated by Presidential Regulation.

Article 68

Presidential Regulation regarding the organizational structure, work procedures and personnel of the Maritime Security Board must have been determined within six (6) months since this Law is enacted.

CHAPTER X

MARINE GOVERNANCE AND INSTITUTIONAL AFFAIRS

Article 69

- (1) The Government stipulates Marine governance and institutional affairs policy.
- (2) The Marine governance and institutional affairs policy as referred to in section (1) includes the development plan of legal and governance system and an effective and efficient planning, coordination, monitoring, and evaluation of Marine Development system.
- (3) In arranging Marine governance and institutional affairs policy as referred to in section (1), the Government aligns law of the sea to the national law system, either through public aspect or civil aspect in consideration of international laws.
- (4) Further provisions regarding Marine governance and institutional affairs policy as referred to in section (1) are governed in Government Regulation.

CHAPTER XI
PUBLIC PARTICIPATION

Article 70

- (1) Marine Development administration is performed by the Government and Local Government by involving public participation.
- (2) The public participation as referred to in section (1) may be performed by individual, group, profession organization, business entity, or other public organization pursuant to the disclosure and partnership principles.
- (3) The public participation in Marine Development as referred to in section (1) is implemented through participation in:
 - a. formulating Marine Development policy;
 - b. Marine Management;
 - c. Marine improvement; and
 - d. providing input in evaluation and supervisory activities.
- (4) The public participation other than that as referred to in section (3) may be implemented through participation in:
 - a. preserving cultural values and maritime concept and revitalizing traditional law and local wisdom in Marine affairs; or
 - b. protecting and disseminating underwater cultural heritage through an effort of preservation, restoration and conservation.
- (5) Further provisions regarding the forms and procedures of public participation in Marine Development as referred to in section (1) are governed in Government Regulation.

CHAPTER XII
TRANSITIONAL PROVISIONS

Article 71

- (1) The Maritime Security Coordinating Board remains performing its duties and functions until the establishment of the Maritime Security Board as referred to in Article 59 section (3).

- (2) Before the establishment of the Maritime Security Board, the activities and work programs performed by the Maritime Security Coordinating Board are adjusted to this Law.

CHAPTER XIII CLOSING PROVISIONS

Article 72

At the time when this Law comes into force, provisions regarding the establishment of coordinating board as regulated in Article 24 section (3) of Law Number 6 of 1996 on Indonesia Waters (State Gazette of the Republic of Indonesia of 1996 Number 73 Supplement to State Gazette of the Republic of Indonesia Number 3647) are repealed and declared ineffective.

Article 73

The implementing regulation of this Law must have been issued not later than two (2) years after this Law comes into effect.

Article 74

This Law comes into force on the date of its promulgation.

In order that every person may know hereof, it is ordered to promulgate this Law by its placement in State Gazette of the Republic of Indonesia.

Enacted in Jakarta
on 17 October 2014

PRESIDENT OF THE REPUBLIC OF INDONESIA,

Signed

DR. H. SUSILO BAMBANG YUDHOYONO

Promulgated in Jakarta
on 17 October 2014

MINISTER OF LAW AND HUMAN RIGHTS
OF THE REPUBLIC OF INDONESIA

Signed

AMIR SYAMSUDIN

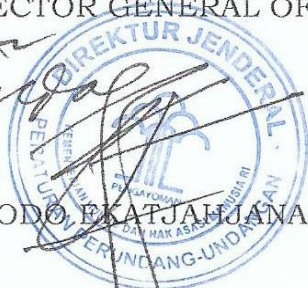
STATE GAZETTE OF THE REPUBLIC OF INDONESIA OF 2014 NUMBER 294

Jakarta, 17 May 2018

Has been translated as an Official Translation
on behalf of Minister of Law and Human Rights
of the Republic of Indonesia

DIRECTOR GENERAL OF LEGISLATION,


WIDODO EKATJAJANA



ELUCIDATION OF
LAW OF THE REPUBLIC OF INDONESIA
NUMBER 32 OF 2014
ON
MARINE AFFAIRS

I. GENERAL

Indonesia as the greatest archipelagic State in the world with abundant potential and natural wealth as the gift of Almighty God is important to the Indonesian as living space (*lebenstraum*) and resisting space and the media to unite islands into unity of ideology, politics, defense, and security in a medium of territorial space of the Unitary State of the Republic of Indonesia.

Two-third of the Indonesian territory constitutes Sea and is one of countries with the longest coastal line worldwide. In addition, Indonesia is geographically located between two continents; Asia Continent and Australia Continent and two Oceans; India Ocean and Pacific Ocean which is the most dynamic area, both in economy and politics. Such strategic geographical location gives Indonesia superiority and high dependency to Marine affairs.

In addition to comparative natured superiority based on geographical location, its natural resources potential in Sea area contains living and non-living resources advantageous to the sustainability of the people. Such potential can be obtained from ocean floor and its subsoil thereof, water column and the Sea surface, including coastal zone and small islands, then it is logical to depend on Marine economy for national economic development. Therefore, Indonesian Seas must be managed, kept, utilized and preserved by the Indonesian as mandated in Article 33 of the 1945 Constitution of the Republic of Indonesia. Besides the existing wealth, its comparative superiority should be realized into comparative wealth.

Indonesia has had 3 (three) moments which become pillar in strengthening its existence to be an independent country and an Archipelagic based State that the world acknowledges it, namely:

1. The Youth Pledge (*Sumpah Pemuda*) on 28 October 1928 which states the unity of nationality spirit of Indonesia.
2. Proclamation of Independence on 17 August 1945 which states that the Indonesian have become a country that want to live in a unity of State; and
3. Djuanda Declaration on 13 December 1957 which states that Indonesia starts to struggle for unity of its regions and *de jure* acknowledgement as contained in the United Nations Convention on the Law of the Sea (UNCLOS 1982) and ratified by Indonesia through Law Number 17 of 1985.

When the Republic of Indonesia was proclaimed under Transitional Regulation of the Constitution of the Republic of Indonesia, the territorial sea area under *Teritoriale Zee en Maritime Kringen Ordonantie* (TZMKO) of 1939 was that its territorial waters area only covers Marine routes surrounding each island or part of Indonesian islands only up to 3 nautical miles. This means that there are high seas between Java island and Kalimantan island and between Nusa Tenggara island and Sulawesi island. In its independence, Indonesia territory is not clear because the 1945 Constitution of the Republic of Indonesia does not point out its territory clearly. Indonesian territory during its proclamation becomes an independent and sovereign nation within former colony or previously under control of Dutch East Indies. This is in line with the international law principle of *uti possidetis juris*. In addition, the 1945 Constitution of the Republic of Indonesia does not regulate the position of its territorial sea.

The territorial condition as contained in TZMKO of 1939 is considered less advantageous and makes it complicated for Indonesia in terms of defense. Therefore, an effort to realize the unity of archipelagic areas is made, which is the unity of land area, Sea, including bed and subsoil, airspace, and the entire wealth contained as an integral territory.

The struggle to realize such territorial unity is marked with Djuanda Declaration under political, geographical, economic, defense, and security consideration. In the Djuanda Declaration, Indonesia states that all waters around, between and connecting islands and parts of islands

constituting the land of the Unitary State of the Republic of Indonesia without considering its area or width are fair parts of the Indonesian land territory and are part of the national waters under absolute sovereignty of the Republic of Indonesia.

In order to struggle for Indonesian territory pursuant to Djuanda Declaration, in the first United Nations Conference on the Law of the Sea in 1958 in Geneva, the Indonesian delegates for the first time suggest the concept of archipelagic State. Djuanda Declaration is confirmed with Law Number 4/Prp of 1960 on Waters Area designating Indonesia territorial sea for 12 nautical miles from Indonesia archipelagic base line. In addition, it also states that waters located inside of straight base lines connecting the outer points of islands the archipelagic State of Indonesia constitutes internal waters where Indonesia has its absolute sovereignty.

The struggle of Indonesian delegates in obtaining acknowledgement of archipelagic State concept is made continuously in the second and the third United Nations Conference on the Law of the Sea. Finally, in the twelfth proceeding of the third United Nations Conference on the Law of the Sea, the draft of Convention is signed by 119 countries and officially becomes the 1982 United Nations Convention on the Law of the Sea consisting of 17 Chapters and 320 Articles. Such convention acknowledges the law concept of archipelagic State and stipulates that archipelagic State has the right to draw archipelagic base line to measure territorial sea, contiguous zones, Exclusive Economic Zone, and continental shelf, while waters on the land side of base line are acknowledged as internal waters and other waters existing between islands inside base lines are acknowledged as archipelagic waters. However, the implementation of sovereignty in archipelagic waters in UNCLOS 1982 respects other nation's rights of Crossing Rights on Archipelagic Sea Lanes Passage.

The extension to Indonesia waters area is very significant and should be viewed not only as national asset, but also as real challenge that Sea area must be managed, maintained and secured for the interest of the Indonesian.

Marine Development until today remains encountering many obstacles in its implementation. This occurs because there is no comprehensive law regulating the integrity of various sectoral interest in Sea area. Such obstacles can be found, in the scope of planning, utilization, supervision and control.

Therefore, it needs regulation of Marine affairs with purpose to confirm Indonesia as an archipelagic State with archipelagic and maritime characteristics; to empower Marine Resources and/or activities in Sea area pursuant to the provisions of legislation and the international law of the sea in order to achieve the people's and the nation's prosperity; to realize preserved and safety Sea for living space and resisting space for the Indonesian people; to utilize Marine Resources continuously for the greatest welfare of recent generation without sacrificing future generation's interest; to promote Marine culture and knowledge for the public; to develop professional, ethical and dedicated human resources in Marine affairs that are able to prioritize national interest in support of Marine Development in an optimal and integrated manner; to provide legal certainty and benefit to all people as an archipelagic State; and to grow the role of the Republic of Indonesia in Marine global setting pursuant to the international law of the sea for the interest of the people and the nation.

Marine administration is also implemented under sustainability, consistency, integrity, legal certainty, partnership, equity, public participation, disclosure, decentralization, accountability and fairness principles. The scope of regulation in Marine administration includes Sea area, Marine Development, Marine Management, Marine improvement, management of Sea space and protection of Sea environment, defense, security, law enforcement, safety of the Sea, governance and institution and public participation.

II. ARTICLE BY ARTICLE

Article 1

Sufficiently clear.

Article 2

Point a

The term "sustainability" means utilization of marine resources not exceeding the carrying capacity and with the ability to maintain the need of future generation.

Point b

The term “consistency” means consistency from various institutions and levels of government in terms of planning, implementation, supervision, and control in order to implement Marine Resources management program.

Point c

The term “integrity” means integration of Marine policies through planning of various government sectors, horizontally and vertically, between the Government and Local Government.

Point d

The term “legal certainty” means all management and utilization of Marine under the provisions of law.

Point e

The term “partnership” means a cooperation agreement between stakeholders related to the Marine Resources management.

Point f

The term “equity” means utilization of Marine Resources potentials performed for the greatest prosperity of the people and the public’s welfare.

Point g

Public participation is intended for the people to participate in planning, implementing, supervising, and controlling Marine administration.

Point h

The term “disclosure” means disclosure for the public to obtain correct, fair and non-discriminative information regarding Marine administration from planning, utilization, supervision and control stages by always considering protection of personal rights, group and State secret.

Point i

The term “decentralization” means delegation of a portion of government affairs which is under authority of the Government to governor as representative of the Government, to vertical institution in certain region, and/or to governor and regent/mayor as one responsible for general government affairs.

Point j

The term “accountability” means that Marine administration is performed in an open and accountable manner.

Point k

The term “fairness” means that the material of content of this Law must reflect the rights and obligations proportionally for each citizen.

Article 3

Sufficiently clear.

Article 4

Sufficiently clear.

Article 5

Sufficiently clear.

Article 6

Sufficiently clear.

Article 7

Section (1)

Point a

The term “internal waters” means all waters located on land side of low waters line of Indonesian coasts, including all part of water located on the land part of a closing line.

Point b

The term “archipelagic waters” means all waters located on the inner part of archipelagic base lines without considering the depth or distance from coast.

Point c

The term “territorial sea” means sea route up to 12 (twelve) nautical miles measured from base lines of Indonesia Archipelago.

Section (2)

Point a

The term “contiguous zone” means zone up to 24 (twenty four) nautical miles measured from base lines where territorial sea is measured.

Point b

The term “Indonesia Exclusive Economic Zone” means an area out of and adjacent to Indonesia territorial sea as referred to in law regulating Indonesian waters with outer boundaries 200 (two hundred) nautical miles from base line where territorial waters are measured.

Point c

Continental Shelf includes ocean floor and its subsoil thereof from area under Sea surface located out of territorial sea, along natural prolongation of land area to outer border of continent or up to 200 (two hundred) nautical miles from base lines where territorial sea is measured; in the event outer border of continent does not reach such distance or maximum 350 (three hundred and fifty) nautical miles or up to 100 (one hundred) nautical miles from depth line (isobath) 2,500 (two thousand five hundred) meters.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Article 8

Sufficiently clear.

Article 9

Sufficiently clear.

Article 10

Sufficiently clear.

Article 11

Section (1)

Sufficiently clear.

Section (2)

Point a

Sufficiently clear.

Point b

The term “unauthorized broadcasting” means radio transmission or television broadcast from a vessel or installation in the high seas intended to be received by the public that is contrary to international regulation, however, not including transmission requesting for help.

Point c

Sufficiently clear.

Point d

Hot pursuit in the high seas is performed to foreign vessel or one of its boat alleged committing violation of law as continuation of non-interrupted pursuit from internal waters, archipelagic waters, territorial sea, or Indonesia Contiguous Zone.

Point e

Sufficiently clear.

Point f

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Article 12

Sufficiently clear.

Article 13

Sufficiently clear.

Article 14

Section (1)

The term “blue economy” means an approach to improve sustainable Marine Management and Sea conservation and coastal resources and their ecosystem in order to realize economic growth with principles such as public participation, resources efficiency and multiple revenues.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Article 15

Sufficiently clear.

Article 16

Sufficiently clear.

Article 17

Sufficiently clear.

Article 18

Sufficiently clear.

Article 19

Sufficiently clear.

Article 20

Sufficiently clear.

Article 21

Sufficiently clear.

Article 22

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

The term “living resources” includes fish, coral reefs, seagrass beds, mangrove, and other Sea biotas.

The term “non-living resources” includes sand, Sea water, and bed and subsoil minerals.

The term “artificial resources” includes Sea infrastructures related to Marine affairs and fisheries.

The term “environmental services” is in the form of natural beauty, Seabed surface where there is underwater installation related to Marine affairs and fisheries, and Sea waves energy.

Article 23

Section (1)

The term “non-conventional natural resources” means natural resources not optimally utilized.

Section (2)

Sufficiently clear.

Article 24

Sufficiently clear.

Article 25

Section (1)

Sufficiently clear.

Section (2)

The term “biotechnology industry” means a set of technology adapting and modifying biological organism, process, product, and system found in the nature for the purpose to produce goods and services.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Article 26

Sufficiently clear.

Article 27

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

Point a

Sufficiently clear.

Point b

Sufficiently clear.

Point c

Sufficiently clear.

Point d

Sufficiently clear.

Point e

Sufficiently clear.

Point f

Sufficiently clear.

Point g

The term “construction services” includes for construction work planning consultancy services, construction work execution services, and construction supervision consultancy services.

Point h

Sufficiently clear.

Section (5)

Sufficiently clear.

Article 28

Sufficiently clear.

Article 29

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

The term “the latest generation vessel” means a vessel that is

designed using advanced technology, environmentally friendly and has high level of safety in its operation.

The term “hub port” means primary port that serves activities and offloads national and international Marine transportation in massive quantity and very wide shipping range as well as is a node in international Marine transportation network.

Section (4)

Sufficiently clear.

Article 30

Sufficiently clear.

Article 31

Sufficiently clear.

Article 32

Section (1)

The term “structures and installations on the Sea” means any construction, either above and/or below Sea surface, attaching to the ground, or not attaching to the ground, such as reclamation construction, infrastructures of marine tourism, and transportation infrastructures.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

The term “considering preservation of resources of coast, Sea, and small islands” includes, among others, protection from coastal erosion and protection to coastal and Sea ecosystems.

Section (5)

Sufficiently clear.

Article 33

Sufficiently clear.

Article 34

Sufficiently clear.

Article 35

Sufficiently clear.

Article 36

Sufficiently clear.

Article 37

Section (1)

Developing a system of research, development, and application of Marine science and technology, includes Marine biopharmacology.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Article 38

Sufficiently clear.

Article 39

Sufficiently clear.

Article 40

Section (1)

Sufficiently clear.

Section (2)

Point a

Sufficiently clear.

Point b

The term “spatial data” means data related to spatial location which is generally in the form of map.

Point c

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Article 41

Sufficiently clear.

Article 42

Sufficiently clear.

Article 43

Section (1)

Marine spatial planning is a process to generate Marine spatial plan and/or zoning plan to determine Marine spatial structure and Marine spatial pattern. Marine spatial structure is the central arrangement of Marine growth and Sea infrastructures and facilities network system that serves to support the public's social economy activities which hierarchically has functional relationship.

Marine spatial pattern includes public utilization area, conservation area, sea routes and particular national strategic area.

Marine spatial planning is used to determine area to be used for economic, social and cultural purpose, for instance, fishery, infrastructures of Marine transportation, maritime industry, tourism, residence, and mining activities; to preserve Marine resources; and to determine waters to be utilized for sea lanes, underwater pipelines/cables, and migration of Sea biota.

Point a

National marine spatial planning includes waters area and jurisdiction area.

Point b

Sufficiently clear.

Point c

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

Zoning plan for national strategic area (*kawasan strategis nasional*, KSN) is a plan arranged to determine the direction of space utilization of national strategic area.

Zoning plan for particular national strategic area (*kawasan strategis nasional tertentu*, KSNT) is a plan arranged to determine the direction of space utilization of particular national strategic area.

The term “cross-region area” includes, among others:

- a. gulf, for instance, Gulf of Tomini, Gulf of Bone, and Gulf of Cendrawasih;
- b. strait, for instance, Strait of Makassar, Strait of Sunda, and Strait of Karimata; and
- c. Sea, for instance, Java Sea, Arafura Sea, and Sawu Sea.

Section (5)

Sufficiently clear.

Article 44

Section (1)

Point a

Formulation of strategic policy of the operationalization of spatial plan and/or zoning plan is performed by designating Marine spatial pattern into public utilization area, conservation area, particular national strategic area, and sea routes.

Point b

Formulation of sectoral program is outline of space utilization and financing performed gradually pursuant to indicated period of primary program of space utilization contained in spatial and/or zoning plan.

Point c

Sufficiently clear.

Section (2)

Sufficiently clear.

Article 45

Section (1)

Supervision, evaluation and reporting activities on the management of Marine space are activities to observe carefully, to assess the level of achievement of plan objectively, and to provide information of evaluation result openly.

Section (2)

Sufficiently clear.

Article 46

Sufficiently clear.

Article 47

Section (1)

The term “location permit” includes permit granted for space utilization in a part of Sea waters covering Sea surface and water column to bed and subsoil surface up to certain limit of area.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Article 48

Sufficiently clear.

Article 49

Sufficiently clear.

Article 50

Point a

Sea conservation is performed to protect, preserve and utilize Sea resources, including ecosystem, type, and genetics to ensure their existence, availability and sustainability while keeping maintaining and improving the quality of diversity value of Sea

resources. The effort of Sea conservation includes protection and preservation of Sea biotas with far range and migration such as reptile (various types of Sea turtle) and Sea mammal (whale and dugong) and in order to protect cultural sites and Sea geomorphological features such as Sea mount.

Point b

The term “control of Marine Pollution” means activities covering prevention, coping and recovery.

Point c

The term “coping with disaster” means a series of effort covering designation of developing policy of which there are risks of disaster, disaster prevention activities, emergency response, and rehabilitation.

Point d

The term “damage” means direct and/or indirect change to physical, chemical, and/or living features of Sea environment with adverse effects to Sea resources, human health, and other Marine activities.

Article 51

Sufficiently clear.

Article 52

Sufficiently clear.

Article 53

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

Point a

The term “red tide phenomena” means a phenomenon of Sea water nature that changes its color caused by phytoplankton resulting in massive death of Sea biotas, change in the community structure of waters ecosystem, and poisoning which may result in death to human because phytoplankton emit toxin.

Point b

Sufficiently clear.

Point c

Sufficiently clear.

Point d

The term “thermal dispersion” means distribution of heat on the Sea.

Point e

Sufficiently clear.

Section (4)

Sufficiently clear.

Article 54

Sufficiently clear.

Article 55

Sufficiently clear.

Article 56

Sufficiently clear.

Article 57

Sufficiently clear.

Article 58

Sufficiently clear.

Article 59

Sufficiently clear.

Article 60

Sufficiently clear.

Article 61

Sufficiently clear.

Article 62

Sufficiently clear.

Article 63

Section (1)

Point a

Sufficiently clear.

Point b

The term “submit vessel to relevant authority” can be performed on the Sea or at nearest port.

Point c

Sufficiently clear.

Section (2)

Sufficiently clear.

Article 64

Sufficiently clear.

Article 65

Sufficiently clear.

Article 66

Point a

The term “permanent officer” means an officer derived from internal of the Maritime Security Board.

Point b

The term “assisting officer” means an officer derived from law enforcement institution in assistance of the Maritime Security Board.

Article 67

Sufficiently clear.

Article 68

Sufficiently clear.

Article 69

Sufficiently clear.

Article 70

Sufficiently clear.

Article 71

Sufficiently clear.

Article 72

Sufficiently clear.

Article 73

Sufficiently clear.

Article 74

Sufficiently clear.