

Conference Paper

The Ship Signature Licensing System

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Abstract

Vessel registration is a registration of ownership rights to a ship. A vessel that has been registered can be used as collateral for debt by means of a mortgage imposition on the vessel, it can also be subject to other property rights. The stages and conditions for registering ships in Indonesia are based on the Regulation of the Minister of Transportation Number PM 39 of 2017. Applications are submitted to ship registrar officials, accompanied by various documents. Information is also required from the applicant demonstrating that the ship is an Indonesian ship according to the 311 Commercial Code. Further documents are required for determination of the nationality of the ship. Based on the request, and provided all documentation is verified and all requirements met, the harbormaster (a ship registrar official) will make a registration deed and the ship owner will be given the first copy of the registration certificate.

Keywords: Licensing; Registration Letter; Ship.

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Published: 12 January 2021

Publishing services provided by
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Selection and Peer-review under the responsibility of the IWOSPA Conference Committee.

1. Introduction

Indonesia's position as an archipelagic country can be seen from its manifestation and nature which consists of islands, located between two continents, namely Asia and Australia and between two oceans, namely the Indian and the Pacific so that it is called an archipelagic country covering land and sea, and this is a unity that can not be separated (Soedjono,Wiwoho. (1986). *Hukum Laut Khusus Tentang Pengangkutan Barang di Indonesia*. Yogyakarta: Liberty. p. 1).

Indonesia is the largest archipelagic country in the world which is located on the equator and is located between the continents of Asia and Australia and between the Pacific Ocean and Indian Ocean therefore it is called the Archipelago (<http://id.m.wikipedia.org/wiki/Wikipedia:Indigo/Artikel/Indonesia>, Accessed on 17-03-2020, at 15:30 WIB). As explained in Act No. 6 of 1996 concerning Indonesian Waters Article 1 point 1, namely: "An archipelagic country is a country which entirely consists of one or more islands and can include other islands." And it is also explained in article 1 point 2. that: "An island is a land area that is naturally formed surrounded by water and is

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above the water surface at high tide” (See Article 1 paragraph (1) and (2) Act No. 6 of 1996 concerning Indonesian Waters.).

The number of islands in Indonesia from Sabang to Merauke is unique, where not every island can be reached by land or by air, so the only means of transportation that can be used to reach the island must use sea transportation. (Op. Cit Wiwoho Soedjono, p. 5).

Ships according to Article 1 point 1 of Government Regulation Number 17 of 1988 concerning the Organization and Operation of Sea Transportation states that: “Sea transportation is a shipping activity using ships to transport passengers, goods and / or animals for one trip or more from one port to another. another port or between multiple ports (See Article 1 number 1 Government Regulation Number 17 of 1988 Implementation and Business of Sea Transportation).”

Based on the function of the ship, the ship can be interpreted as:

“Water vehicles of certain shapes and types, which are driven by wind power, mechanical power, other energies, are towed or tugged, including vehicles with dynamic support, vehicles under the surface of the water, as well as floating devices and floating structures that do not move (See Article 1 paragraph (2) of Act No. 17 of 2008 concerning Shipping).” Furthermore, there is in “Article 309 paragraph (1) KUHD:., Ships are all means of sailing, regardless of their name and nature. The ship does not consist of only the ship’s frame (kasko), but also equipment, namely objects outside the ship’s frame, which are used forever (See Article 309 paragraph (1) of the KUHD).”

Transportation in Indonesia has an important role in promoting and expediting domestic and foreign trade because transportation can streamline the flow of goods from production areas to passengers so that passenger needs can be met (Anantyo, Sendy. (2012). Diponegoro Law review Volume 1 Nomor 4 tahun 2012 (pengangkutan Melalui Laut). Semarang: Diponegoro Law Review. p. 2).

Transportation by sea has a very big role for transportation services in Indonesia. Sea transportation is the most widely used because it can provide the following advantages (Soekardono, R. (1969). Hukum Perkapalan Indonesia. Jakarta: Dian Rakyat. p. 12):

1. Transportation costs are cheaper than other means of transportation;
2. Able to carry passengers at the same time carrying goods weighing hundreds or even thousands of tons.

There are four types of sea transportation operations, both according to Act No. 17 of 2008 concerning Shipping and according to Government Regulation Number 17

of 1988 concerning Operation and Business of Sea Transportation. The four types of transportation are as follows.

1. Domestic shipping, namely sea transportation activities between ports in Indonesia which is carried out regularly and regularly and / or by means of irregular and irregular shipping using all types of vessels. The operation of domestic sea transportation is carried out by using ships with Indonesian flags and ships with foreign flags which are operated by Indonesian legal entities in certain circumstances and meet the requirements set by the Government.
2. Public shipping is a special sea transportation activity for goods or animals between Indonesian ports using motorized sailing ships in accordance with the following requirements:
 - Conducted by a company in one of the business entities, including cooperatives;
 - Owns sailboats or motor sailing boats with sizes up to 850 m³ of gross contents or motor boats with sizes up to 100 m³.
3. Pioneer shipping, namely shipping shipping in waters on routes stipulated by the government to serve areas or areas that are not or are not served by water transportation because they do not provide commercial benefits.
4. Overseas shipping is ocean shipping as sea transportation activity to or from a country which is carried out regularly and regularly or by non-permanent shipping and not using all types of ships (Asyhadie, Zaeni. (2017). *Hukum Bisnis Prinsip dan Pelaksanaannya di Indonesia Ed.Rev-10*. Jakarta: PT. Raja Grafindo Persada. p. 166-168).

The types of shipping above according to article 5 paragraph (1) Regulation of the Minister of Transportation of the Republic of Indonesia Number PM 39 of 2017 concerning Registration and Nationality of ships states that: Ownership of vessels that have been measured and have received measuring letters can be registered in Indonesia by owners to registrant officials and reverse registrar of the ship's name.

In paragraph (2) states that: ships that can be registered for ownership in Indonesia, namely:

1. Ships with a gross tonnage of at least GT 7 (seven Gross Tonnage).
2. Ships belonging to Indonesian citizens or legal entities established under Indonesian law and domiciled in Indonesia and,

3. Ships belonging to Indonesian legal entities, which are joint ventures that are majority owned by Indonesian citizens.

Article 6 (1) registration of ownership rights over ships as referred to in Article 5 paragraph (1) is divided into 3 categories:

1. Ocean ship
2. Fishing boats
3. Ships sailing in waters of rivers and lakes

Article 6 paragraph (4) ships that can be registered under the category of ships sailing in rivers and lakes as referred to in paragraph 1 letter c include ships used in rivers and lakes (See Article 6 paragraph (4) of the Regulation of the Minister of Transportation of the Republic of Indonesia Number PM 39 of 2017 concerning Registration and Nationality of ships).

2. Research Methods

The research in this research is juridical empirical, which in other words is a type of sociological legal research and can also be called field research, which examines the applicable legal provisions and what happens in reality in society. In other words, it is a research conducted on the actual situation or real conditions that occur in society (Waluyo, Bambang. (2002). *Penelitian Hukum Praktek*. Jakarta: Sinar Grafika. p. 15-16).

3. Results and Discussion

3.1. Proof of the Nationality of Indonesian Ships

Indonesian ships according to the ships ordinance in 1935 are ships which have been given proof of Indonesian nationality or a license to replace them, unless the permit is no longer valid. Regarding proof of Indonesian nationality or a license in its place, it is regulated in Article 2 paragraph (1) "Beslit" which reads "Indonesian ships are ships owned by: one or more Indonesian citizens; and at least two-thirds of the shares belong to one or more Indonesian citizens. Meanwhile, the rest is owned by one or more Indonesian residents, on condition that the bookkeeper, if this exists, must be an Indonesian citizen residing in Indonesia (Purwosutjipto, HMN. (1993). *Pengertian Pokok*

Hukum Dagang Indonesia (Hukum Pelayaran Laut dan Perairan Darat), Jilid 5 (b). Jakarta: Djambatan. p. 20).

Regarding the evidence of the nationality of Indonesian ships, there are two regulations that need to be considered, namely “Zeebrieven en Scheepspassen Besluit 1934 (S. 1934-78 jo. 35-565, mb 1 December 1935) and Zeebrieven en Scheepspassen Ordonnantie 1935 (S. 1935-492 jo 565, mb December 1, 1935)”. These two regulations have several definitions that need to be considered, namely (ibid. p. 20-23):

1. The sea is all areas of the sea, including bays, long and narrow bays (zeearmen) and straits, outside the boundaries of defined port walls (Article 1 Besluit concerning sea documents and ship passages, 1934);
2. Sea ships, namely every sailing device used for navigation at sea or designated for this purpose (Article 1 Besluit);
3. Fishing boats are ships that are solely used for catching or obtaining fish or other marine products, and / or transporting them and all that is needed to operate a company, unless the ship is 100 m³ or more in gross and is equipped with a mechanical propulsion device;
4. Cruise ships are ships that are solely used for cruise (c and d, article 1 of the marine documents and ship passports 1935).

Article 3 Besluit concerning sea documents and ship passes 1934 paragraph (1) reads “Indonesian ships can be given proof of nationality in the form of sea certificates, ship passes, temporary sea certificates and sailing permits”

3.1.1. Temporary Sea Mail

Ships purchased or built outside Indonesia, when they are to be brought back to Indonesia, can be given a temporary sea certificate by the Minister of Transportation of the Republic of Indonesia, if the ship has met the requirements as mentioned in the first three paragraphs of article 2 Besluit, namely:

- 1) There is proof of ownership;
- 2) Owned by Indonesian citizens; or
- 3) Owned by a resident of the Republic of Indonesia with certain conditions.

The temporary sea letter may be issued for a maximum period of one year. After arriving in Indonesia, the ship must immediately be requested for a permanent sea certificate according to the usual procedure. An application for a temporary sea certificate

can be submitted through the Indonesian Consular Officer where the ship is located (Article 5 paragraphs (1) to (4) Beslit).

3.1.2. Written permission to sail

1) Written permission to sail once or several times, upon request to the Minister of Transportation of the Republic of Indonesia, can be granted by Indonesian Consular Officials abroad, on condition that the ship for which the sailing permit is requested has met the requirements as stipulated in Beslit (Article 5 paragraph (1)) and (2) Beslit.

2) The RI Consular Officer is also authorized to give written permission for the interests of the ship, which for him can be given a ship pass, to undertake a voyage to Indonesia;

3) The written permission to sail is only given for 6 (six) months;

4) For ships purchased or made in Indonesia at the expense of a foreign country and will sail back to their destination country, or ships which under certain circumstances will make only one voyage to a place in Indonesia, the Minister of Transportation of the Republic of Indonesia or an official appointed by him can provide written permission. to sail during the time determined by the Ordinance on sea documents and ship passes (Article 6 Beslit).

3.1.3. Sea mail

Sea certificates and ship passes are regulated in the 1935 Sea Mail and Ship Pass Ordinance. Sea certificates are issued to ships whose gross contents are 500 m³ or more, which are not marine fishing vessels or cruise ships (Article 3 of the Ordinance). This letter is given by the Minister of Transportation of the Republic of Indonesia for an unspecified period, made according to a model stipulated by Government Regulation (Article 3 paragraph (2) Ordinance).

3.1.4. Ship fitting

This ship pass is regulated in article 4 of the Ordinance. Ship passes are given to ships that cannot be given sea certificates. There are two types of ship fitting, namely:

1) Annual pass is given to vessels whose gross contents are 20 m³ or more, but less than 500 m³, which are not marine fishing boats or cruise ships (Article 4 paragraph (1) sub a, Ordinance). Annual pass is given for one year and a maximum of 15 months (Article 4 paragraph (3) of the Ordinance).

2) Small pass or blue pass is given to vessels whose gross contents are less than 20 m³, marine fishing boats and cruise ships. Small pass is given for an indefinite period of time, but each year must be shown (geviseerd) to the authorized official (Article 4 paragraph (4) Ordinance) (Ibid., p. 23-24).

3.2. Theoretical Overview of Ship Registration

3.2.1. Definition of Ship Registration

Vessel registration is basically a registration of ownership rights to a ship, a vessel that has been registered can be used as collateral for debt by means of a mortgage imposition on the vessel and the vessel that has been registered can be subject to other property rights.

Article 314 paragraph (1) of the KUHD reads: "Indonesian ships with a size of at least 20 m³ of gross contents, can be recorded in a ship register according to the provisions to be stipulated in a separate ordinance". The Ordinance in question is the Ordinance concerning "Ship Registration" (Teboekstelling van Schepen) _ S. 1933-48 jo. 38-2, mb April 1, 1938, abbreviated as OPK (Ship Registration Ordinance).

Article 314 paragraph (2) of the KUHD determines what must be regulated in the ship registration ordinance, namely:

1. Methods of transfer of ownership rights and delivery of ships or ships under construction that have been registered in the ship register;
2. The method of transfer of ownership rights and delivery of parts / portions of registered ships or vessels under construction.

The matters mentioned above are further detailed in Article 3 paragraph (1) of the Ship Registration Ordinance, as stated below:

1. Registration of Indonesian vessels with a gross volume of at least 20 m³, except for non-motorized vessels of less than 100 m³ gross contents;
2. Temporary registration of ships under construction;
3. The method of transfer of ownership and delivery (changing the name of the ship);
 - Seaworthy vessels / ships under construction which are registered;
 - The share of ships ready for sea or vessels under construction registered;

4. Making a deed of change of ship class, for example: sea ship class is changed to inland water ship class (deepening);
5. The mortgage charge for ships ready to sea or ships under construction that have been registered;
6. Determination of ownership rights or other material rights over the ship or ship under construction, which has been recognized by a judge's decision (Ibid. p. 32-35).

3.2.2. Ship Registration Category

Article 2 Regulation of the Minister of Transportation of the Republic of Indonesia Number PM 39 of 2017 concerning Registration and Nationality of ships states that:

1) Vessel registration includes:

- Registration of property rights
- Charging mortgage and
- Registration of other property rights over the ship

2) The registration as intended in paragraph (1) is carried out by the registrant official and the transfer of name of the ship is assisted by a registration assistant employee and the transfer of the name of the ship.

3) The officer who registers and registers the name of the ship, and the assistant officer for registration and transfer of the name of the ship as meant in paragraph (2) shall be determined by the director general.

4) Registration of other property rights over ships as referred to in paragraph (1) letter c includes:

- Bare boat charter and
- Leasing (leasing) (See Article 2 of the Regulation of the Minister of Transportation of the Republic of Indonesia Number PM 39 of 2017 concerning Registration and Nationality of ships)

3.3. Registration of Ownership of Vessels

Article 5 paragraph (1) Regulation of the Minister of Transportation of the Republic of Indonesia Number PM 39 of 2017 concerning Registration and Nationality of ships states

that: Ownership of vessels that have been measured and have received a measuring letter can be registered in Indonesia by the owner to registrant officials and registrar of ship names.

In paragraph (2) states that: ships that can be registered for ownership in Indonesia, namely:

- a. Ships with a gross tonnage of at least GT 7 (seven Gross Tonnage).
- b. Ships belonging to Indonesian citizens or legal entities established under Indonesian law and domiciled in Indonesia and,
- c. The vessel belongs to an Indonesian legal entity which is a joint venture which is majority owned by Indonesian citizens.

Article 6 (1) registration of ownership rights over ships as referred to in Article 5 paragraph (1) is divided into 3 categories:

- a. Ship
- b. Fishing boat
- c. Ships sailing on rivers and lakes

Article 6 (4) ships that can be registered under the category of ships sailing in river and lake waters as referred to in paragraph 1 letter c include ships used in rivers and lakes. (See Article 6 paragraph (4) of the Regulation of the Minister of Transportation of the Republic of Indonesia Number PM 39 of 2017 concerning Registration and Nationality of ships).

3.4. Ship Registration Mechanism Based on Minister of Transportation Regulation Number PM 39 of 2017 concerning Registration and Nationality of Ships

Registration is very important for the parties, because if a ship is to be the object of debt collateral, the ship must be registered. As property rights, if the ship weighs 20 m³, but is not registered, then the ship is considered a movable object so that the guarantor uses a fiduciary or pawning institution.

The following are the stages and conditions for registering ships in Indonesia based on the Minister of Transportation Regulation Number PM 39 of 2017:

Applications are submitted to the transfer officer (ship registrar) accompanied by the following documents:

- a. Measurement letter given in accordance with applicable legal provisions.

b. Deed of submission of shipbuilding / letter of purchase of ships / other proof of ownership.

c. Registration of vessels for the use of ships / river boats.

d. If registration as a sea vessel / sea fishing vessel, additional documents are required in the form of:

1) Information from the applicant that the ship is an Indonesian ship according to the 311 Commercial Code, namely a ship which can be proven to be an Indonesian ship based on sea documents and ship pass (both annual pass and small pass)

2) Other documents required for determination of the nationality of the ship.

Based on the request the Syahbandar (ship registrar official) will make a registration deed and the ship owner will be given a first copy of registration / grosse deed of registration (de grosse van de acte can teboekstelling), if the examination of letter data and the party proves the correctness of its ownership, and has met all the requirements..

Registration can be carried out at the place desired by the interest, but once it has been registered and registered in a place, it cannot be transferred to another place.

This registration can be crossed out if:

a. Shipwrecked or hijacked by certain parties

b. The ship is dismantled

c. Marine ships / marine fishing vessels lose their characteristics as Indonesian vessels.

This registration follows a negative system, so the name on the list does not necessarily indicate the owner of the vessel in question. So the real owner at any time can apply for his rights to the authorities (<http://notarisgracegiovani.com>. Accessed on 19-03-2020, at 16:30 WIB).

3.5. Sailing Concept According to Act No. 17 of 2008

The law of the sea in a broad sense includes all aspects of the use or utilization of the sea and the resources contained in the ocean. In the legal literature in continental countries such as the Netherlands, the law of the sea is generally defined as the law of shipping which mainly focuses on regulating the operation of transportation by sea and matters related to it. In countries that adhere to the anglo-saxon system, the term maritime law is known as legal provisions that focus on transportation by sea in connection with international trade. It can be said that the law of shipping or maritime law is essentially a special part of the law of the sea in a broad sense (Umar, Hussyen. (2001). Hukum

Maritim dan Masalah-Masalah Pelayaran di Indoneisa: Book I. Jakarta: Pustaka Sinar Harapan. p. 9).

Sea transportation in Indonesia has an important role in bridging economic activities from one island to another. Sea transportation is divided into two parts, namely shipping safety and protection of the maritime environment. Shipping safety includes, among other things, facilities and infrastructure to support shipping activities. Maritime environmental protection includes water pollution caused by ship accidents.

Sailing based on Article 1 point (1) of Act No. 17 of 2008 concerning Shipping is an integrated system consisting of transportation in waters, ports, safety and security, as well as protection of the maritime environment. So, do not be surprised if the law basically contains provisions regarding various aspects of shipping, namely navigation, port, shipping, transportation, ship accidents, search and help (search and secure), prevention and pollution by ships, in addition to the provision regarding guidance, human resources, investigation and criminal provisions (Ibid. p. 25).

Article 8 paragraph (1) the use of Indonesian-flagged vessels by the national sea transportation company is intended to implement the cabotage principle to protect sovereignty and support the realization of the archipelago's insight, as well as to provide the widest possible business opportunity for national transportation companies to gain market share. therefore foreign ships are prohibited from carrying passengers and / or goods between islands or between ports in the territorial sea area along with archipelagic waters and inland waters. The cabotage principle is the right to carry passengers, goods, and post on a commercial basis from one port to another within the territory of the Republic of Indonesia (Martono, HK. (2011). *Transportasi di Perairan Berdasarkan Undang-Undang Nomor 17 Tahun*. Jakarta: Rajawali Press. p. 14-15).

3.6. Principles and Purpose of Shipping

In Act No. 17 of 2008 concerning Shipping, In general it can be said that this law contains provisions that are very comprehensive compared to the previous shipping laws. The most visible thing is from the number of articles contained in the new shipping law which is more, namely 355 articles whereas the previous shipping law only contains 132 articles (Hussyen Umar, Book II, Op. Cit.,. h. 220).

The principles regarding shipping are stated in Article 2 of Act No. 17 of 2008 that shipping is carried out based on:

- a. The principle of benefit;
- b. The principle of joint and family business;

- c. Fair competition principle;
- d. the principle of fairness and equality without discrimination;
- e. The principles of balance, harmony and harmony;
- f. the principle of public interest;
- g. The principle of integrity;
- h. The principle of law enforcement;
- i. The principle of independence;
- j. Environmental principles;
- k. The principle of state sovereignty; and
- l. The principle of nationality.

Shipping as a sector in Indonesia's maritime environment certainly has a purpose in carrying out its activities. This is stated in Article 3 of Act No. 17 of 2008 concerning Shipping which states that shipping is carried out with the aim of:

- a. Streamlining the flow of people and / or goods moving through waters by prioritizing and protecting water transportation in the context of smoothing out national economic activities;
- b. Fostering the marine soul;
- c. Upholding state sovereignty;
- d. Creating competitiveness by developing the national water transportation industry;
- e. Support, motivate and encourage the achievement of national development goals;
- f. Strengthening the unity and integrity of the nation in the context of realizing the insight of the archipelago; and
- g. Increase national resilience.

In Act No. 17 of 2008 concerning Shipping, there are several provisions that are much clearer than the previous laws, such as the scope for which the law is formulated explicitly, which applies to all transportation activities in the waters, ports, safety and shipping security as well as protection of the maritime environment in Indonesian waters, also applies to foreign ships sailing in Indonesian waters and to all Indonesian-flagged vessels that are outside Indonesian waters (Article 4) (Ibid, p. 222).

3.7. Types of Shipping Activities

Based on Article 5 of Government Regulation Number 2 of 1969, the types of shipping can be divided into three major groups, namely: domestic shipping, foreign shipping

and special shipping which can be specified as follows (HMN.Purwosutjipto, Op.Cit. p. 15):

3.7.1. Domestic Shipping

1) Archipelago shipping, namely shipping to carry out the business of transportation between Indonesian ports regardless of the route taken, one way or another in accordance with the applicable regulations.

2) Local shipping, namely shipping to carry out the business of transportation between Indonesian ports, which is intended to support domestic shipping activities and overseas shipping by using ships measuring below 500 m³.

3.7.2. Overseas Shipping

1) Near ocean voyages, namely voyages to ports of neighboring countries that do not exceed a distance of 3000 nautical miles from the outermost ports in Indonesia, regardless of direction.

2) Ocean voyages, namely voyages to and from abroad that are not near ocean voyages.

3.7.3. Special Voyages, namely domestic and international shipping using special shipping vessels for the transportation of industrial, mining and other business products of a special nature.

In Article 6 of Act No. 17 of 2008 concerning Shipping, shipping activities are differentiated based on the type of transportation in waters, which consists of:

- a. Sea transportation;
- b. River and lake transportation; and
- c. Crossing transportation.

Whereas in Article 7, the classification of sea transportation is further developed into:

- a. Domestic sea transportation;
- b. Overseas sea transportation;
- c. Special sea transportation; and
- d. People-shipping sea transport.

The forms of shipping activities can also be seen from the ship operators. A ship entrepreneur running a business as a reder can have the desired shipping business forms.

The forms of shipping business can be distinguished as follows (Ibid):

a. According to the ship's operating area

Based on the area of the ship's operation, there are known forms of shipping business as follows:

1) Local shipping, is a shipping business that operates within certain regional or local boundaries, within a province or two border provinces in Indonesia.

2) Coastal shipping, is a voyage between islands or an archipelago cruise. The operating area of a shipping company covers all waters in Indonesia but does not cross into international waters or waters of other countries. In connection with this archipelago shipping, it can be stated about the existence of People's Voyages. People's voyages are voyages using folk ships or boats, consisting of sailboats, pinisi, and others. The operation of this voyage is erratic, in the sense that there are no restrictions on local areas or local beaches, but may operate anywhere in Indonesia.

3) Ocean shipping, is a shipping operating in international waters, moving from one country to another. Due to the nature of ocean shipping operations, many countries have different legal provisions so that ocean shipping operators must pay attention to applicable international laws and conventions.

b. According to the nature of the shipping business

According to the nature of the shipping business, there are two forms of shipping business, namely as follows:

1) Fixed shipping (Linear Service), is a voyage that is carried out regularly and regularly, in terms of departure, arrival, route (area of operation), money tariffs, terms and conditions of transportation agreement. Strictly speaking, a shipping company that runs a Linear Service business must meet the requirements of having certain and regular shipping routes and ship trips, a list of generally accepted fixed transportation rates, terms and conditions of fixed transportation agreements that generally apply.

2) Tramp shipping, is a form of free shipping business, which is not bound by any formal provisions. Ships that are operated on in tramp voyages do not have a certain route. So, the ship sails anywhere and carries any cargo.

3.8. Rights and Obligations of Ship Owners

1. Ship Owner Rights

The ship owner's rights are:

a. Ship owners are free to choose one of the ship registration points to register their vessels (See Article 4 paragraph (2) Regulation of the Minister of Transportation of the Republic of Indonesia Number PM 39 of 2017 concerning Registration and Nationality of Ships).

b. The owner of the ship is entitled to receive services from the registration officer to register his ship.

c. Ship owners are entitled to ship mortgages, which are property collateral rights over registered vessels to guarantee payment of certain debts that give priority to certain creditors over other creditors.

d. The owner of the ship has the right to charter and lease his ship.

2. Obligations of the owner of the ship

The obligations of the ship owner are (<http://japragroup.wordpress.com>, Accessed on 27-07-2020, 12:00 WIB):

a. Ship owners are obliged to register their ships at the harbormaster office.

b. The obligation before sailing the ship owner must ensure that the ship is in a seaworthy condition.

c. Obligations are obliged to comply with applicable regulations and laws.

d. Obligation to keep and maintain ship documents.

e. The obligation to pay attention to the interests of the parties entitled to the ship.

f. Obligation to carry out legal registers.

g. Trying to make improvements in order to continue shipping by any means.

h. Trying to save his ship from being destroyed or captured by the opposing party, if his country is at war, then enter a safe harbor.

i. Acting as a prosecutor or plaintiff, if his ship is confiscated or detained by a country and reports it to the Indonesian government.

j. To regulate the work of the crew as well as possible as long as it does not conflict with the applicable law.

k. Flying the national flag, namely the Indonesian flag.

l. Strive to provide food for all shipments on board optimally.

m. Regulate the proper residence of the crew in accordance with health requirements and applicable regulations.

4. Conclusion

Registration is very important for the parties, because if a ship is to be the object of debt collateral, the ship must be registered. As property rights if the ship weighs 20 m³, but if it is not registered, then the ship is considered a movable object so that the guarantor uses a fiduciary or pawning institution.

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