

# PORT FOR FISHERY

## (Regulation of the Minister Marine and Fishery of R.I. Number PER.08/MEN/2012, dated April 20, 2012)

WITH THE BLESSING OF THE ONE AND ONLY GOD  
THE MINISTER OF MARINE AND FISHERY  
OF THE REPUBLIC OF INDONESIA,

Considering:

- a. the context of accomplishing professional, reliable, high competency, and efficient, as well as existence of change to the function of port for fishery as governed in Law Number 31 Year 2004 concerning Fishery as amended by Law Number 45 Year 2009, it is necessary to review Regulation of the Minister Marine and Fishery Number PER.16/MEN/2006 concerning Port for Fishery;
- b. on the consideration referred to in letter a, it is necessary to stipulate Regulation of the Minister on Port for Fishery;

In view of:

1. Law Number 31 Year 2004 (BN No. 7144 Pgs. 7B-12B) concerning Fishery (Statute Book of the Republic of Indonesia Year 2004 Number 118, Supplement to Statute Book of the Republic of Indonesia Number 4433), as amended by Law Number 45 Year 2009 (Statute Book of the Republic of Indonesia Year 2009 Number 154, Sup-

plement to Statute Book of the Republic of Indonesia Number 5073);

2. Law Number 32 Year 2004 (BN No. 7152 Pgs. 9B-18B) concerning Regional Administration (Statute Book of the Republic of Indonesia Year 2004 Number 125, Supplement to Statute Book Number 4437), as lately amended by Law Number 12 Year 2008 (BN NO. 7661 Pgs. 11B-18B) (Statute Book Republic of Indonesia Year 2008 Number 59, Supplement to Statute Book of the Republic of Indonesia Number 4844);
3. Law Number 27 Year 2007 (BN No. 7560 Pgs. 2B-12B) concerning Management of Coastal and Small Islands Regions (Statute Book of the Republic of Indonesia Year 2007 Number 84, Supplement to Statute Book of the Republic of Indonesia Number 4739);
4. Law Number 17 Year 2008 (BN No. 7669 Pgs. 1B-10B) concerning Navigation (Statute Book of the Republic of Indonesia Year 2008 Number 64, Supplement to Statute Book Republic of Indonesia Number 4849);

5. Government Regulation Number 62 Year 2002 (BN No. 6884 Pgs. 11B-14B) tentang Tariff of State Non-Tax Income prevailing at the Department of Marine and Fishery (Statute Book of the Republic of Indonesia Year 2002 Number 118, Supplement to Statute Book of the Republic of Indonesia Number 4241), as amended by Government Regulation Number 19 Year 2006 (Statute Book of the Republic of Indonesia Year 2006 Number 45, Supplement to Statute Book of the Republic of Indonesia Number 4623);
6. Government Regulation Number 6 Year 2006 concerning Management of Property Belonging to the State/Region (Statute Book of the Republic of Indonesia Year 2006 Number 20, Supplement to Statute Book of the Republic of Indonesia Number 4609);
7. Presidential Regulation Number 47 Year 2009 tentang Establishment of and Organization of State Ministry, as lately amended by Presidential Regulation Number 91 Year 2011;
8. Presidential Regulation Number 24 Year 2010 concerning Capacity, Duty, Function, Authority, Organizational Structure, and Work Procedure of the State Ministry of Republic of Indonesia, as lately amended by Presidential Regulation Number 92 Year 2011;
9. Presidential Decree Number 84/P Year 2009, as amended by Presidential Decree Number 59/P Year 2011;
10. Regulation of the Minister of Marine and Fishery Number PER. 01/MEN/2009 concerning Fishery Management Region of the Republic of Indonesia;
11. Regulation of the Minister of Marine and Fishery Number PER.15/MEN/2010 concerning Organization and Work Procedure of the Ministry of Marine and Fishery;

#### DECIDES:

To stipulate:

REGULATION OF THE MINISTER OF MARINE AND FISHERY ON PORT FOR FISHERY.

#### CHAPTER I

#### GENERAL PROVISION

#### Article 1

What is meant in this Regulation of the Minister by:

1. Port for Fishery shall be any plan consisting of land and waters surrounding it with certain borders as places for administration activities and fishery business system activities used as places for fishery ships to moor, anchor, and/or disembark fish load supported by navigation safety facilities and fishery supporting activities.

2. Port for fishery shall be all matters relating to functional operation of fishery port in support of smooth operation, security, and order of flow of traffic of fishery ships, and constituting the center for national and regional economic growth relating to fishery activities with due consideration of the space layout of the region.
3. System of fishery port shall be any system of fishery port consisting of function, facilities, and classification of fishery port, and master plan of national fishery port.
4. Regional Fishery Management of the State of the Republic of Indonesia hereinafter referred to as WPP-NRI, shall be region for fishery management for fishery ships activities covering remote area waters, islands waters, territorial waters, added zone waters, and Exclusive Economic Zone of Indonesia.
5. The Head of port shall be management of fishery port having the authority to carry out the function to govern, control, and oversee activities of fishery port.
6. Operator of fishery port shall be Director General, Governor, Regent/Mayor or private party.
7. Master plan of national fishery port shall be the governing of space for national fishery port consisting of policy on fishery port, location plan of national fishery port, constituting guideline for determination of location, planning, development, and development of fishery port.
8. Master plan of fishery port shall be governing space layout for fishery port in the form of allocated use of land and waters at fishery port.
9. Work Area shall be place comprising part of land and waters used automatically for fishery port activities.
10. Regional Operation shall be place comprising partly land and waters that directly affect fishery port operations. .
11. Port pool shall be waters in front of the harbour/port used for mooring operational and fishery ships movement management.
12. Harbormaster of fishery port shall be implementation of duty and function of fishery port administration for guaranteeing security and safety of fishery ships operation.
13. Harbormaster at fishery port shall be harbormaster specifically positioned at fishery port for administration management and run the function to maintain navigational safety.
14. Navigational Approval Letter, hereinafter referred

to as SPB, shall be State document issued by Harbormaster at fishery port to every fishery port for each fishery ship that will sail after complying with the requirement on ship feasibility, catching feasibility, and storage feasibility and other obligations.

15. Concession shall be grant of right by port operator to business entity for port operation to business entity to provide fishery port operational activity and/or service for a certain period of time and against certain compensation.

16. Fish processing industry shall be economic activities using fish processing unit as a place for processing fish originating from basic material or semi-finished product or finished product using equipment for handling and processing fish, so as to obtain product with higher value, including plan, build and engineering activities.

17. Central Government hereinafter referred to as Government, shall be President of the Republic of Indonesia holding the power over administration for the State of the Republic of Indonesia as referred to in the 1945 Constitution of the Republic of Indonesia.

18. Regional Government shall be implementation of administration affairs by Regional Government

and Regional House of the People's Representatives based on the principle of autonomy and duty on providing assistance based on the principle of extensive autonomy within the system and principle of the Unitary State of the Republic of Indonesia as referred to in the 1945 Constitution of the Unitary State of the Republic of Indonesia Year 1945.

19. Minister shall be Minister of Marine and Fishery.

20. Director General shall be Director General of Fishery Catching.

21. Gubernur shall be head of provincial region and regional instrument constituting regional instrument as element of operator of administration of provincial region.

22. Regent/Mayor shall be head of regency/municipality region and regional instrument as element of regional administration of regency/municipality.

## CHAPTER II

### SYSTEM OF NATIONAL FISHERY PORT

#### Part One

#### General

#### Article 2

(1) The system of national fishery port shall be accomplished in the context of reliable, high capability, efficiently secured, and having global

competitive power to support the development of fishery within the WPP of the State of the Republic of Indonesia.

(2) System of national fishery port is system of fishery port that reflects the planning of fishery port based on economic and geographic zone, and comparatively superior region, and atmospheric condition.

(3) System of national fishery port comprises:

- a. function of fishery port;
- b. facilities of fishery port;
- c. classification of fishery port; and
- d. master plan of national fishery port.

## Part Two

### Function of Fishery Port

#### Article 3

(1) Fishery port constitutes supporting activity for management and utilization of fish resources and its environment from pre-production, production, processing, and marketing.

(2) Fishery port comprises the function of:

- a. administration; and
- b. exploitation.

(4) Administrative function in fishery port referred to in paragraph (2), letter a, constitute implementa-

tion of governing, management, control, supervision and security and safety of fishery ship operation in fishery port.

(4) The exploitation function in fishery port referred to in paragraph (2) letter b, constitutes function to run exploitation in the form of provision of and/or service for fishery ship and the relevant service in fishery port.

(5) The administrative function referred to in paragraph (3), covers:

- a. fostering service on the quality and process of fishery product;
- b. collection of data catch and fishery product;
- c. place for exercising information provision and development of the fishermen community;
- d. implementation of fishery ship operational activities;
- e. place for exercising supervision and control of fish resources;
- f. operation of harbormaster;
- g. place for exercising fish quarantine function;
- h. publication of mooring and anchoring services results of fishery ship and fishery supervising ship;
- i. place of publication of the result of marine and fishery research;
- j. monitoring of coastal region;
- k. control of environment;

- l. customs matter; and/or
- m. immigration matter.

(6) Other than holding administrative function referred to in paragraph (5), fishery port may exercise other administrative function relating to fishery management in accordance with the statutory regulation.

(7) The exploitation function referred to in paragraph (4), covers:

- a. anchoring and mooring services of fishery ships;
- b. unloading service for fish load;
- c. processing service for fishery yield;
- d. marketing and distribution of fish;
- e. utilization of Fishery Port facilities and ground;
- f. repair and maintenance services for fishery ships;
- g. logistic and supply services for fishery ships;
- h. sea tourism; and/or
- i. supply and/or provision of other services based on the statutory regulation.

### Part Three

#### Fishery Port Facilities

##### Article 4

(1) To support the function of Fishery Port, every Fishery Port must possess facilities consisting of:

- a. main facilities;
- b. functional facilities; and

- c. supporting facilities.

(2) The main facilities referred to in paragraph (1) letter a, may consist of:

- a. waves breaker, sea wall turap (revetment), and groin;
- b. anchorage;
- c. jetty;
- d. port bay;
- e. navigation canal;
- f. complex roads and drainage; and
- g. ground.

(3) The fungsional facilities referred to in paragraph (1) letter b, may consist of:

- a. place for fish marketing (TPI);
- b. navigational and communication services such as telephone, radio communication, internet, signals, beam of light, and watch tower;
- c. potable water, Oil Fuel (BBM), ice, and electric installations;
- d. place for ship maintenance and for fish catching tools, such as dock/slipway, workshop and place for net repair;
- e. place for fish handling and processing, such as sheed transit and laboratory for quality control;
- f. office space, such as port administration office, integrated services office, and banking office

- g. transportation, such as fish transporting media;
- h. sanitation and waste processing media, such as Waste Water Processing Installation (IPAL), Temporary Place for Discharge (TPS); and
- i. zone safeguard, such as zone barrier with ring fence.

(4) The support facilities referred to in paragraph (1) letter c, may consist of:

- a. hall for fishermen meeting;
- b. mess for operator;
- c. place for fishermen to stay;
- d. social and public facilities, such as place for pray, and bathe and toilet;
- e. shops; and
- f. guard post.

(5) Facilities that must exist in Fishery Port are:

- a. main facilities consisting of ground, anchorage, port bay, complex roads and drainage;
- b. functional facilities consist of office of port administration, TPI, potable water supply, and electric installation;
- c. support facilities consisting of guard post and place for bathing, place for praying, and toilet.

#### Part Four

#### Classification of Fishery Port

#### Article 5

Fishery Port is classified into four (4) classes, namely:

- a. Fishery Port Class A, hereinafter referred to as Ocean Fishery Port (or Pelabuhan Perikanan Samudera PPS));
- b. Fishery Port Class B, hereinafter referred to as Archipelago Fishery Port (or Pelabuhan Perikanan Nusantara (PPN));
- c. Fishery Port Class C, hereinafter referred to as Coastal Fishery Port (or Pelabuhan Perikanan Pantai PPP)); and
- d. Fishery Port Class D, hereinafter referred to as Fish Mooring Spot or (Pangkalan Pendaratan Ikan (PPI)).

#### Article 6

The PPS referred to in Article 5 letter a is stipulated based on technical criteria and operational, covering:

- a. Technical criteria covers:
  - 1) capability to provide service for fishery ships exercising fishery activities on Indonesian waters, Indonesia Exclusive Economic Zone or (Zona Ekonomi Eksklusif Indonesia (ZEEI), and open sea;
  - 2) possessing anchoring and mooring facilities

for fishery ships of the size at least 60 GT;

- 3) length of anchorage is at least 300 m, with a depth of the bay at least 3 m;
- 4) capability to accommodate fishery ships at least 100 units or in total at least 6.000 GT; and
- 5) total area of the ground utilized and managed is at least 20 ha.

b. Criteria of operational covers:

- 1) a portion of the unloaded fish is for export;
- 2) loading and unloading activities of fish and marketing of fishery yield is averagely 50 tons per day; and
- 3) existing fish processing industry and other supporting industry.

#### Article 7

The PPN referred to in Article 5 letter b is stipulated based on technical and operational criteria, covering:

a. technical criteria covering:

- 1) capability to serve fishery ships exercising fishery activities on Indonesian waters and the ZEEI;

2) possessing anchoring and mooring facilities for fishery ships of the size at least 30 GT;

- 3) length of anchorage is at least 150 m, with the depth of the bay is at least 3 m;
- 4) capability to accommodate fishery ships at least 75 units or in total at least 2.250 GT; and
- 5) area of ground utilized and managed is at least 10 ha.

b. Criteria of operational covers:

- 1) existence of fish loading and unloading activities and marketing the fish yield at averagely 30 ton per day; and
- 2) existence of fish processing industry and other supporting industries.

#### Article 8

The PPP referred to in Article 5 letter c is stipulated based on technical and operational criteria, covering:

a. technical criteria covering:

- 1) capability to serve fishery ships exercising fishery activities on the Indonesian waters;
- 2) possessing anchoring and mooring facilities for fishery ships measuring at least 10 GT;



- 3) length of anchoring is at least 100 m, with a depth of the bay at least 2 m;
- 4) capability to accommodate fishery ships at least 30 units or in total at least 300 GT; and
- 5) area of ground utilized and managed is at least 5 ha.

b. criteria of operational covers:

- 1) existence of fish loading and unloading activities and marketing of fishery yield of an average 5 tons per day; and
- 2) existence of fish processing industry and other supporting industries.

#### Article 9

The PPI referred to in Article 5 letter d is stipulated based on technical and operational criteria covering:

a. Technical criteria covers:

- 1) capability to serve fishery ships exercising fishery activities on Indonesian waters;
- 2) possessing anchoring and mooring facilities for fishery ships measuring at least 5 GT;
- 3) length of anchoring is at least 50 m, with a depth of the bay at least 1 m;
- 4) capability to accommodate fishery ships at

least 15 units or in total at least 75 GT; and

- 5) area of ground utilized and managed at least 1 ha.

- b. Criteria of operational, namely existence of fish loading and unloading activities and marketing of fishery yield at average 2 tons per day.

#### Part Five

#### National Master Plan for Fishery Port

#### Article 10

- (1) In the context of governing national fishery ports system, the Government shall prepare National master plan for Fishery Port.

- (2) National master plan for Fishery Port covers:

- a. national policy on Fishery Port; and
- b. plan on location of Fishery Port.

- (3) The national policy on Fishery Port referred to in paragraph (2) letter a is guideline for construction of Fishery Port, so that operation of Fishery Port will mutually support between a party and the other.

- (4) The national plan for location of Fishery Port referred to in paragraph (2) letter b will consider:

- a. Coastal Regional Zoning and Small Islands Plan / General Plan on Space Layout of Provincial / Regency/Municipality Regions;

- b. fish resource potentiality;
- c. human resource supporting power;
- d. WPP-NRI;
- e. support on regional infrastructure;
- f. regional geography and condition of the waters; and
- g. people social economy.

(5) National master plan on Fishery Port is stipulated for a term of 20 (twenty) years.

(6) The national master plan on Fishery Port referred to in paragraph (5) may be reviewed once in five (5) years.

(7) If environmental condition changes or in the event of natural disaster, the national master plan on Fishery Port referred to in paragraph (5) may be reviewed once in five (5) years.

(8) National master plan on Fishery Port is stipulated by the Minister.

### CHAPTER III

#### FISHERY PORT DEVELOPMENT PLAN

##### Article 11

(1) Fishery Port Development Plan shall be prepared and stipulated by the Fishery Port operator by referring to the national master plan on Fishery Port.

(2) Fishery Port development plan covers:

- a. feasibility study;
- b. Fishery Port master plan; and
- c. detailed design.

##### Article 12

(1) The feasibility study referred to in Article 11 paragraph (2) letter a shall be compiled with due observance of:

- a. justification with Coastal Regional Zoning and Small Islands Plan / General Plan on Space Layout of Provincial / Regency / Municipality Regions;
- b. support on availability of fish resource and WPP-NRI;
- c. available human resource; and
- d. harmony and stability with other related activities at the port location.

(2) The feasibility study referred to in paragraph (1) is set forth in the form of document containing among other things:

- a. information on fish resource
- b. feasible facilities and infrastructure in the region;
- c. technical feasibility; and
- d. feasible social economy.

##### Article 13

(1) The master plan on Fishery Port referred to in Article 11 paragraph (2) letter b shall be compiled

based on feasibility study.

(2) The master plan on Fishery Port contains plan on land and waters use system covering allocation plan for work area and operational area for Fishery Port.

(3) The master plan on Fishery Port referred to in paragraph (2) shall be set forth in the form of document containing:

- a. background;
- b. general view of the condition of the location;
- c. policy framework on Fishery Port development strategy;
- d. stages and term of Fishery Port development;
- e. plan on coordinates points in the work area and operational area for Fishery Port;
- f. plan on the facilities to be developed;
- g. estimated need for budget;
- h. Fishery Port management plan; and
- i. drawing of the location of lay out..

(4) Fishery Port master plan may be reviewed after five (5) years elapsed.

#### Article 14

(1) The detailed design referred to in Article 11 paragraph (2) letter c shall be compiled after obtaining stipulation on the location or location permit from the Regent/Mayor based on the statutory regulation.

(2) Stipulation of location or location permit for Jakarta Capital City of Provincial Special Region shall be issued by the Governor.

(3) The detailed design shall be set forth in the form of document stating:

- a. mechanical condition of the land;
- b. hydro-oceanographic condition;
- c. topographic and bathymetric condition;
- d. structure and model of construction as planned;
- e. design in drawing form;
- f. details of cost budget; and
- g. technical specification of the facilities to be constructed.

#### Article 15

The procedure for implementation and compilation of Fishery Port development program referred to in Article 12 through Article 14, shall be stipulated in Decision of the Director General.

### CHAPTER IV

#### DEVELOPMENT AND OPERATION OF

#### FISHERY PORT

##### Part One

#### Recommendation for Fishery Port Construction

#### Article 16

(1) Construction of Fishery Port shall be conducted after obtaining recommendation for Fishery Port

construction from the Director General.

(2) To obtain recommendation for Fishery Port construction as referred to in paragraph (1), the Fishery Port operator shall submit application to the Director General supported by:

- a. document of planning on Fishery Port construction; and
- b. administrative requirement in the form of deed of company establishment, and Obligatory Taxpayer Identification Number (NPWP) for Fishery Port for construction by private sector.

(3) The Director General based on the application referred to in paragraph (2) shall conduct evaluation on the complete compliance with the requirements with due observance of the national master plan on Fishery Port within 20 (twenty) working days as of receipt of the complete application letter.

(4) If the application referred to in paragraph (2) is approved, the Director General shall issue recommendation for construction of Fishery Port.

(5) If the application is rejected, the Director General shall notify such rejection to the operator of Fishery Port supported by reason for rejection.

## Part Two

## Construction of Fishery Port

### Article 17

(1) Construction of Fishery Port may be conducted by provider of construction service based on concept or other form.

(2) In the construction of Fishery Port referred to in paragraph (1), the operator of Fishery Port or provider of construction service shall be obliged to:

- a. start construction of Fishery Port within two (2) years effective as of the date the recommendation for construction is issued;
- b. carry out the construction work of Fishery Port according to the construction plan of Fishery Port referred to in Article 11 paragraph (2); and
- c. be responsible on anyh impact arising during the period of construction of Fishery Port concerned.

(3) The Director General shall control the construction of Fishery Port by conducting monitoring and evaluation.

### Article 18

Construction of Fishery Port facilities on land may be conducted only after obtaining permit to Construct Building in accordance with the provisions in the statutoryh regulation.

## Part Three

## Operation of Fishery Port

## Article 19

(1) The operator of Fishery Port may operate Fishery Port after complying with the requirements below:

- a. possess the facilities referred to in Article 4 paragraph (5); and
- b. issue written statement stating its readiness to operate the Fishery Port to the Minister.

(2) The statement of readiness to operate referred to in paragraph (1) letter b, is data for consideration in determining the class of Fishery Port.

## Article 20

The operator of Fishery Port that operates Fishery Port shall be obliged to be:

- a. Fully responsible for the operation of the Fishery Port concerned; and
- b. comply with the provisions in the statutory regulation concerning fishery and environment.

## CHAPTER V

## FISHERY PORT OPERATION MANAGEMENT

## Article 21

(1) Fishery Port that is already in operation must establish Fishery Port operating institution.

(2) The Operating Institution of Fishery Port referred

to in paragraph (1) may be in the form of:

- a) Technical Operator Unit of the Ministry, for Fishery Port constructed by the Government.
- b) Technical Operating Unit of Region, for Fishery Port constructed by Regional Government.
- c) Fishery Port Operating Unit, for Fishery Port not constructed by the Government and Regional Government.

(3) Provision on Operating Institution for Fishery Port constructed by the Government and Regional Government shall be stipulated by the Minister, Governor, Regent/Mayor according to their respective authority.

(4) Provision on Operating Institution for Fishery Port not constructed by the Government and Regional Government shall be stipulated by the private sector concerned.

## Article 22

(1) Operating Institution for Fishery Port either constructed by the Government and Regional Government shall be managed by the Port Master.

(2) Operating Institution for Fishery Port constructed by private sector shall be managed by the Port Master assigned by the owner which decision

thereof must be submitted to the Director General.

- (3) In Fishery Port constructed by private sector, the function of administrative may be exercised by the Government and/or Regional Government.

#### Article 23

- (1) Operating Institution for Fishery Port constructed by the Government shall be determined by the Minister after obtaining written approval from the Minister in charge of empowerment of State instrument and reformed bureaucracy.
- (2) Operating Institution for Fishery Port constructed by Regional Government shall be determined by Regional Administration.

### CHAPTER VI

#### CLASS DETERMINATION AND PROMOTION OF FISHERY PORT

##### Part One

##### Class Determination

#### Article 24

- (1) Class for Fishery Port that has been operating and possessing Operating Institution of Fishery Port may be determined based on technical criteria and operational criteria.
- (2) Application for class determination of Fishery Port shall be submitted by the operator of Fishery Port

to the Minister through the Director General.

- (3) The application referred to in paragraph (2) must be supported by the required:
- a. photocopy of statement of readiness to operate as referred to in Article 19 paragraph (1) letter b; and
  - b. report on operation of Fishery Port for at least six (6) months after the start of operation.
- (4) Based on the application referred to in paragraph (3) verification must be made by the Director General within 30 (thirty) working days as of the date the complete application is received.
- (5) The Director General shall submit report on the result of verification to the Minister that shall constitute as material for consideration for class determination of Fishery Port.
- (6) Based on the report on verification result referred to in paragraph (5), the Minister shall determine the class of Fishery Port within 30 (thirty) working days.

##### Part Two

##### Class Promotion

#### Article 25

- (1) Fishery Port which class has been determined may submit application for class promotion based

on technical criteria and operational criteria.

(2) The Operator of Fishery Port shall submit application for class promotion to the Minister through the Director General.

(3) The application referred to in paragraph (2) must be supported by data on Fishery Port facilities, data on Fishery Port operations, managing organization / human resource, projected construction of Fishery Port, and plan of financement.

(4) Based on the application referred to in paragraph (3) verification shall be made by the Director General within 30 (thirty) working days at the latest effective as of the date the complete application is received.

(5) The Director General shall submit report on the result of verification to the Minister that shall constitute data for consideration for class promotion of Fishery Port.

(6) Based on the report of verification result referred to in paragraph (5), the Minister shall determine class promotion from the Fishery Port within 30 (thirty) working days at the latest.

## CHAPTER VII

### WORK AREA AND OPERATION OF FISHERY PORT

## Article 26

(1) In the interest of Fishery Port operation, Work Area and Operation of Fishery Port shall be determined with stipulated coordinates of borders.

(2) Work Area of Fishery Port consists of:

- a. Land Work Area used for port ground, office for Fishery Port administration, place for handling and processing fishery yield, TPI, place for potable water supply, ice and Oil Fuel, guard post, and place for praying;
- b. Waters Work Area used for port bay, waves breaker, sea wall (revetment turap)), groin, anchorage and jetty.

(3) Operation Area for Fishery Port consists of:

- a. Land Operation Area used for road access from and to Fishery Port, fishermen residence, fish market and others that directly affect the Fishery Port operational activities;
- b. Waters Operation Area used for navigation canal from and to the Fishery Port, for emergency need, piloting activity, ship trial test, placement of non-operating ships, and ships at ad hoc condition.

## Article 27

(1) Work Area and Operation of Fishery Port shall be determined by the Minister based on the application

from the operator of Fishery Port.

(2) The application referred to in paragraph (1) shall be submitted to the Minister supported by proof of compliance with the requirements below:

- a. location permit or location stipulation from the Governor, Regent/Mayor according to their respective authority; and
- b. master plan of Fishery Port.

(3) The Minister based on the application referred to in paragraph (2) shall examine the completeness of compliance with the requirements within 30 (thirty) working days effective as of the date the complete application is received.

(4) If the application referred to in paragraph (2) is declared incomplete, the Minister shall determine Work Area and Operation of Fishery Port.

#### CHAPTER VIII

#### EXPLOITATION OF FISHERY PORT

##### Article 28

- (1) Fisher Port constructed by the Government, regional government or private company may be exploited.
- (2) Exploitation of fishery port referred to in paragraph (1), shall be in the form of utilization of facilities and service provision.

(3) Exploitation of fishery port referred to in paragraph (2) shall be conducted according to the statutory regulation.

#### CHAPTER IX

#### PORT ADMINISTRATION ON FISH BOATS

##### Article 29

(1) In the context of safeguarding operation of fishery boats, Port Master on fishery port shall be appointed.

(2) The Port Master of Fishery Port shall be appointed by the Minister in charge of navigation affairs as proposed by the Minister.

(3) The Port Master of Fishery Port shall be placed and assigned to fishery port by the Director General.

(4) The Port Master of fishery port in carrying out its duty shall coordinate and shall be responsible to the Head of local Fishery Port.

##### Article 30

- (1) The Post Master of Fishery Port shall be assigned duty and authority to:
  - a. issue Navigational Approval Letter;
  - b. arrange arrival and departure of fishery boats;
  - c. re-examine completeness of the document on fishery boats;



- d. examine ships/boats technology and nautical of fishery boats and examine fish catch equipment, and fish catch accessories;
- e. examine and approve sea work agreement;
- f. examine the log book on fish catch and transportat;
- g. arrange fishery boats movement and traffic at fishery port;
- h. supervise piloting activities;
- i. supervise filling of oil fuel;
- j. supervise construction of fishery port activities;
- k. provide assistance on search and rescue;
- l. lead in the control of pollution and firefighting activities at fishery port;
- m. provide supervisory in the implementation of maritime environmental protection;
- n. examine compliance with the requirements on the provision of boats crews;
- o. issue Statement Letter of Proof of Fishery Boats/Ships Arrival and Departure., and examine the fish certificate on fish catch crop.

(2) Further provisions on Port Master affairs at fishery port shall be governed in separate Regulation of the Minister.

## CHAPTER X

### WORK RELATIONSHIP AT FISERY PORT

#### Article 31

(1) Fishery Port Management Institution constructed

by the Government or regional government is assigned the duty to provide crop accommodating facilities and marketing of fishery crop in its area, supervisory, supervisory facilities for utilization of fish resource, and smooth operation of fishery boats, and its port master service, and other administrative activities.

(2) The duty referred to in paragraph (1), shall be implemented by the Head of Fishery Port as coordinator of fishery port.

(3) Fishery Port Management Institution in running the function of fishery port may be supported by the relevant agency/work unit according to their respective authority.

(4) The agency/work unit at fishery port referred to in paragraph (3) consists of:

- a. regional government of province and regency/municipality;
- b. TNI/POLRI;
- c. Immigration;
- d. Customs and Excise;
- e. health condition of Port;
- f. Sea Communication;
- g. supervision and control of marine and fishery resource;
- h. Processing and Marketing of Fish Crop;
- i. Rsearch and Development of Marine and Fishery;

- j. Development of Human Resource on Marine and Fishery;
- k. fish quarantine;
- l. BUMN and/or BUMD; and/or
- m. other relevant agency.

(5) The relevant agency in carrying out its duty and function on fishery port is obliged to work in coordination with the Head of Fishery Port .

#### Article 32

- (1) The Fish Port facilities belonging to fishery port management institution in fishery port area shall constitute responsibility of the fishery port management unit.
- (2) The fishery port belonging to the relevant agency at fishery port work area shall constitute responsibility of the agency concerned.
- (3) The facilities referred to in paragraph (2), fishery port management institution shall be authorized to:
  - a. exercise arrangement and control of fishery port according to the master plan of fishery port;
  - b. grant approval to utilize the land according to the master plan of fishery port and the statutory regulation.

(4) With respect to the facilities referred to in para-

graph (2), the agency relating to the owner of facilities is responsible to:

- a. utilize the facilities after obtaining approval of the Head of Fishery Port; and
- b. maintain the facilities and environment under its management.

### CHAPTER XI

#### DEVELOPMENT OF FISHERY PORT

##### Article 33

- (1) Fishery port that has been operating may be developed according to its need.
- (2) Development of fishery port may be made if:
  - a. amendment is made to the master plan of fishery port; and
  - b. the existing facilities in the master plan of fishery port has been complied with.
- (3) Mechanism of planning and implementation of development of fishery port referred to in Article 11 through Article 18 prevails mutatis mutandis on the mechanism of development of fishery port.

### CHAPTER XII

#### MANAGEMENT AND REPORT

##### ON FISHERY PORT

##### Part One

##### Management

##### Article 34

- (1) The Director General, Governor, or Regent/Mayor

based on their respective authority shall exercise technical management and operation of fishery port.

- (2) Technical management and operation of fishery port shall be conducted through orientation, coordinating meeting, technical management, and supervision.

## Part Two

### Reporting

#### Article 35

- (1) Fishery Port Management Institution is obliged to submit monthly report on fishery port activities.

- (2) Report on fishery port activities shall cover:

- a. stages of development of fishery port; and/or
- b. operation of fishery port shall be among other things, frequency and number of boats, fish crop, service for logistic need, and employment of manpower.

- (3) The report referred to in paragraph (2) must be submitted by:

- a. the Technical Operating Unit of the Ministry to the Director General;
- b. the Provincial Regional Technical Operating Unit to the Governor with copy to the Director General;
- c. Regency/Municipality Regional Technical Operating Unit to the Regent/Mayor<sup>7</sup> with copy

to the Director General and Governor; and

- d. Fishery Port Management Unit for fishery port not yet constructed by the Government to the Director General with copy to the Governor and Regent/Mayor.

- (4) Report on fishery port activities will be used as data for evaluating performance and compilation of policy on construction, development and management of fishery port.

- (5) As required for compilation of data for evaluating the performance referred to in paragraph (4) may be monitored by the Director General, Governor, Regent/Mayor based on its authority.

- (6) Further provision on the nature and format of report on fishery port activities shall be stipulated under Decision of the Director General.

## CHAPTER XIII

### INFORMATION CENTER ON FISHERY PORT

#### Article 36

- (1) Any fishery port must possess Information Center on Fishery Port.

- (2) Information Center on Fishery Port shall constitute information system covering collection, management, analysis, storage, presentation, and distribution of data and information on fishery port.

(3) The data and information on fishery port referred to in paragraph (2) will be used to:

- a. support operation of fishery port;
- b. improve information service to public; and
- c. support in the preparation of policy on fishery port.

(4) The data and information referred to in paragraph (2) consist among other things:

- a. fishery port facilities; and
- b. data on daily, monthly and annual operations of fishery port, containing frequency of boats trips, fish production and fish price, fish catch equipment, logistic, marketing, and manpower in the form of daily data.

(5) Any Fishery Port Information System must integrate each other..

#### CHAPTER XIV

#### OTHER PROVISIONS

##### Article 37

(1) The Director General, Governor, or Regent/Mayor based on their respective authority shall exercise management on the existence of ports for fish catches existing in the surrounding.

(2) The management of existing port for fish catch referred to in paragraph (1) shall cover:

- a. collection of data on fish catch and fishery crop;

b. management of the quality and process of fishery crop; and

c. control of the environment.

#### CHAPTER XV

#### TRANSITIONAL PROVISION

##### Article 38

With this Regulation of the Minister comes to force, all fishery ports existing and 1operating, may operate on the provision that within five (5) years effective as of this Regulation of the Minister comes to force, it must justify with the provisions as governed in this Regulation of the Minister.

#### CHAPTER XVI

#### CLOSING PROVISION

##### Article 39

By the time this Regulation of the Minister comes to force:

1. Regulation of the Minister of Marine and Fishery Number PER.16/MEN/2006 concerning Fishery Port, and
2. Decision of the Minister of Agriculture Number 1082/Kpts/OT.210/10/99 concerning Employment System on the Implementation of Technical Operating Unit on Fishery Port with the Relevant Agency in the Management of Fishery Port, is revoked and hereby declared null and void.

##### Article 40

This Regulation of the Minister takes effect on the date it is enacted.

For public cognizance, this Regulation of the Minister shall be announced by placing it in the State Gazette of the Republic of Indonesia.

Stipulated in Jakarta

Dated April 20, 2012

MINISTER OF MARINE AND FISHERY OF THE REPUBLIC OF INDONESIA INDONESIA,

Sgd.

SHARIF C. SUTARDJO

Enacted in Jakarta

Dated April 20, 2012

MINISTER OF LAW AND HUMAN RIGHTS OF  
THE REPUBLIC OF INDONESIA

sgd.

AMIR SYAMSUDIN

STATE GAZETTE OF THE REPUBLIC OF INDONESIA  
YEAR 2012 NUMBER 440

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