

Maritime Law Subject in Indonesian Law Faculty Curriculum: Supporting Indonesia's Maritime Industry Development

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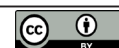
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Maritime Law;
Maritime Industry;
Curriculum.

Abstract

This paper examines whether the inclusion of maritime law subject in the curriculum of the Indonesian faculty of law is necessary for the expansion of the maritime industry. This paper describes how education can positively influence the long-term growth of the maritime industry in Indonesia. The method used in this research is normative legal research. Basically, in accordance with the Indonesian Vision 2045, a cultural and structural maritime reformation must be implemented for the nation to become a maritime leader; one of the strategies for achieving this goal is to improve the quality of human resources through formal education with a solid curriculum. The result of this research showed that through teaching and academic research, the presence of maritime law will have a significant impact on the Indonesian maritime industry. Additionally, the presence of maritime law and research institutes will result in the reform of maritime regulations to make them more effective and business-friendly, so that the policymakers and business actors in Indonesia have strong academic partners with which to resolve maritime issues that have arisen or will arise in Indonesia through the formation of admiralty court in Indonesia.

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Introduction

Indonesia plans to become one of the world's largest maritime nations within the next 31 (thirty-one) years, beginning in 2014. As declared by President Joko Widodo at the 2014 East Asia Summit in Nay Pyi Taw, Myanmar, the Indonesian government's World Maritime Axis Vision aims to make Indonesia the global maritime fulcrum. The Ministry of National Development Planning followed up this vision in 2019 with the publication of a document titled Indonesian Vision 2045. The purpose of this document is to describe Indonesia's hopes and objectives for the year 2045, broken down into four pillars: human development and science technology, equitable development, economic development, and national resilience and governance. With regard to the economic development, the Indonesian government included maritime sector as the priority area.

In 2015, the maritime and marine sector's contribution to Indonesia's GDP remained at 6.4% of the country's total GDP.¹ Previously, the contribution to the GDP in 2015 came from 4 (four) primary industries: offshore mining, maritime transportation, marine tourism, and fisheries. However, in the future, the priority sectors to increase the Indonesia's GDP will be services and exploration/exploitation of renewable resources originating from (i) sea transportation, maritime industry, and maritime services; (ii) marine tourism, and (iii) fisheries, will be prioritized in order to increase the GDP.² The growth of the maritime economy is anticipated to be more than 10% in 2045. The 2025 goal for maritime GDP is 8.4% of GDP, followed by 10.5% in 2035 and 12.5% in 2045.³

For Indonesia to achieve the Global Maritime Axis by 2045, a cultural and structural maritime reformation must be implemented through the following four (four) main strategies:⁴ (i) developing connectivity infrastructure for Indonesian islands; (ii) developing and strengthening the maritime economy; (iii) strengthening the defense and security of the sea; and (iv) developing the maritime culture, human resource quality, and maritime and marine technology innovation. Regarding the last strategy, it is evident that Indonesia also prioritizes the quality of maritime industry human resources. It is stated that the development of human resources in the maritime sector is conducted through formal education, while the content of the educational curriculum shall be developed so as to build the human resources' capacity and competence.⁵

Creating a new curriculum of maritime law in the faculty of law in Indonesia is a way to support the strategy of the Government of Indonesia to realize the country as the Global Maritime Axis by 2045. The curriculum for a bachelor's degree consists of introductory-middle level subjects designed to provide students

¹ Tim Penyusun Visi Indonesia 2045, 'Visi Indonesia 2045' (2019) <https://perpustakaan.bap-penas.go.id/e-library/file_upload/koleksi/migrasi-data-publikasi/file/Policy_Paper/Dokumen_lengkap_2045_final.pdf>.

² *ibid.*

³ *ibid.*

⁴ *ibid.*

⁵ *ibid.*

with a comprehensive understanding of general through intermediate material that should be understood initially by bachelor students. By doing so, each bachelor's degree at every university includes nearly every available field of study within a single field of knowledge, as deemed necessary to provide an overview of the entire body of knowledge. Such new curriculum is needed in Indonesia to at least solve the current following problems hindering the development of maritime industry: *first*, there is no commercial maritime law curriculum in the faculty of law in Indonesia along with its research institute;; *second*, the absence of the effective government regulations covering the needs of maritime business activities in Indonesia; and *third*, the absence of an Admiralty Court in Indonesia to expedite the resolution of maritime case disputes.

Therefore, this paper aims to analyze the urgency of including maritime law in the Indonesian faculty of law curriculum, in a hope to support the development of maritime industry in a long run. This paper will proceed in 3 (three) parts. The first part, it will discuss about the legal basis of the curriculum arrangement under Indonesian law along with its criteria and procedures. The second part will discuss about the formulation of maritime law as a new subject in the curriculum of the Indonesia's faculty of law. The last part will discuss about the potential positive impacts of the maritime law in a long run to the Indonesia's maritime industry.

Method

This type of research is normative legal research. This research explores the Indonesian regulations governing the formulation of the new curriculum. Likewise, this research also provides examples of maritime industry development in terms of academics, services, and dispute resolution mechanisms from more developed maritime industries in the United Kingdom and Malaysia. This research employs this methodology to gain a comprehensive understanding of the significance of adding maritime law to the Indonesian faculty of law curriculum and the maritime law's long-term impact on the maritime industry in Indonesia.

Regulation Regarding the Inclusion of Maritime Law Subject in Law School Curriculum

The process of creating a new subject in the faculty is a lengthy one, requiring a great deal of time and effort from planning to evaluation. It cannot function as a stand-alone teaching tool for college students and should conform to the faculty's desired needs and objectives. It should also assist the faculty in educating their students and ensuring their relevance to the real world. In order to accomplish this, each faculty in universities has a system called 'curriculum', which defined as a set of subjects arrangements used by the faculty as a guideline to exercise its function on education activities.⁶ According to Indonesian National Standard of Higher Education (*Standar Nasional Pendidikan Tinggi – "SN-Dikti"*), it is a duty of each faculty to formulate a curriculum,⁷ adjusted by the uniqueness of each faculty.⁸ It signifies that curriculum can vary across faculties based on their respective objectives, provided that it adheres to SN-Dikti⁹ and the Indonesian National Qualification Framework (*Kerangka Kualifikasi Nasional Indonesia – "KKNI"*).¹⁰ In principle, KKNI is qualification system which equalizing educational qualifications and work competences in integral manner.¹¹

Both SN-Dikti and KKNI regulate the depth level of subject matter understanding for each degree of education. Both requires that for the bachelor graduates to master the theoretical concept of certain area of knowledge and skill be it in general and in depth and able to formulate procedural problem solving.¹² This is a standard applied by each degree in shaping the curriculum, including

⁶ Ministry of Education and Culture Regulation Number 3 of 2020 concerning National Standards of Higher Education (The Republic of Indonesia state gazette year 2020 Number 47) 2020.

⁷ *ibid.*

⁸ Aris Junaidi, *Panduan Penyusunan Kurikulum Pendidikan Tinggi di Era Industri 4.0 untuk Mendukung Merdeka Belajar-Kampus Merdeka* (2020).

⁹ Ministry of Education and Culture Regulation Number 3 of 2020 concerning National Standards of Higher Education (The Republic of Indonesia state gazette year 2020 Number 47).

¹⁰ President Decision Number 8 of 2012 concerning Indonesian National Qualification Framework (The Republic of Indonesia state gazette year 2020 Number 24).

¹¹ *ibid.*

¹² Ministry of Education and Culture Regulation Number 3 of 2020 concerning National Standards of Higher Education (The Republic of Indonesia state gazette year 2020 Number 47).

the formulation of the required subjects in the curriculum.¹³ The purpose of such requirements is to ensure the graduates from the bachelor degree meet the minimum requirements when applying for the jobs.¹⁴ Curriculum for a bachelor's degree consists of introductory-middle level subjects designed to provide students with a comprehensive understanding toward initial subject materials. By doing so, each bachelor's degree curriculum includes nearly every available field of study within a single field of knowledge deemed necessary to provide an overview of knowledge.¹⁵ In law school, for instance, the curriculum began with an introduction to law science and the legal system before moving on to more specialized subjects such as criminal law, private law and procedural law.

In arranging the subjects into the curriculum, The Ministry of Education and Culture of the Republic of Indonesia ("**Ministry of Education**") has enacted a guidebook to formulate a curriculum in higher education ("**Curriculum Guidebook**"), as an implementation of SN-Dikti and KKNI. The latest version of the Curriculum Guidebook was enacted in 2020 to support the implementation of "*Merdeka Belajar-Kampus Merdeka (MBKM)*".¹⁶ The most important aspect of this guidebook is the mechanism used to formulate curriculum, including the formulation of a new subject.

1. The Procedure of Formulating a Curriculum

According to the curriculum guidebook enacted by The Ministry of Education, there are 6 (six) circular stages that always run through in formulating a curriculum. The *first* cycle is analysis, where the initial purpose and curriculum foundation established, then tailored to the needs of the society and faculty. *Second*, planning the desired level of the

¹³ Any Umy Maslahah, 'penerapan Kurikulum Mengacu KKNI dan Implikasinya Terhadap Kualitas Pendidikan di PTKIN' (2018) 13 *Edukasia : Jurnal Penelitian Pendidikan Islam*.

¹⁴ *ibid.*

¹⁵ Muhammad Yusuf dan S Sohiron, 'Manajemen Pembelajaran Pendidikan Tinggi (Implementasi Kurikulum berbasis KKNI pada Program Sarjana Melalui Pendekatan Andragogi)' (2019) 2 *Indonesian Journal of Islamic Educational Management*. [53].

¹⁶ Aris Junaidi (n 8).

“Graduates Learning Output (*Capaian Pembelajaran Lulusan*—“CPL”), determining its subject matter, learning methods and assessment tools. *Third*, development, where the earlier stage planning expanded into more simple form in each subjects. *Fourth*, implement the planned expansion while identifying the problems arise from the learning process, conduct curriculum socialization and monitoring. *Fifth*, evaluate the overall implementation as a means to the *sixth* stages, to upgrade and improve the curriculum to be more effective. After the *sixth* stage done, it loops all over again to the *first* stage like an endless cycle.¹⁷

2. The Procedure of Formulating a New Subject

a. Formulating the Graduates Learning Output (CPL)

The “Graduates Learning Output (*Capaian Pembelajaran Lulusan*—“CPL”) is general criteria to be achieved by the curriculum and subjects to ensure the prospective graduates possess the qualifications needed in the future.¹⁸ CPL comprises of Attitude, Knowledge, General Skills and Specific Skills. The most possible CPL that conforming Maritime Law should go in below-mentioned example. Changes are possible according to the needs of the faculty.

- Attitude : “show a responsible attitude towards work in their field of expertise independently”.
- Knowledge : “Mastering the theoretical concept on specific field of knowledge generally and specific theoretical concept in depth”.
- General Skills : “Able to take an effective decision in terms of solving the problems within the field of expertise, according to the data and analysis result”.
- Specific Skills : “Applying the field of expertise and benefitted it in every situation”.

After CPL formed, it is necessary to implement CPL more detail in subject level. Moreover, “Subjects Learning Output (*Capaian Pembelajaran*

¹⁷ *ibid.*

¹⁸ Lispridona Diner, ‘Evaluasi Rencana Pembelajaran Semester Mata Kuliah Nihonjijo Dan Seminar Desain Skripsi’ (2020) 19 *Anterior Jurnal*. [1].

Mata Kuliah - “CPMK”) should be formed in subject level.¹⁹ For example, in terms of Knowledge, students must understand professional career opportunity within the subject, and related to Specific Skills, the involved actively in the organization in university. Here is the example of CPMK for maritime law.

- Attitude : “Understand and show a responsible attitude as shipping lawyers do”.
- Knowledge : “Mastering the general theory of maritime law and understand each specific theory arise from it”.
- General Skills : “Able to applying the maritime law theories in every situation”.
- Specific Skills : “Competent in producing legal opinion and action toward maritime law problems and solving the problem according to legal and data analysis”.

The final step is in the formulation of CPL formulating of “Sub-Subjects Learning Output (*Sub-Capaian Pembelajaran Mata Kuliah* - “**Sub-CPMK**”). Sub-CPMK depicts the possible target to be achieved in each meeting between lecturers and students for the subsequent subject.²⁰

b. Formulating the Subject, Curriculum Matrix and its Semester Credit Weight (SKS)

A subject that has satisfied CPL, CPMK, and Sub-CPMK may now be formed and matriculated into the curriculum to determine its semester credit weight. The faculty and lecturers in a discussion determined the implemented subject to support the fulfillment of CPL. Once the decision has been made, it is time to incorporate the subject into the curriculum of the faculty and determine its semester credit weight. Following this, there will be a matriculation procedure to determine where and when a subject should be placed in the overall study period. It resembles a hierarchy of subjects that should be studied in order. There will be two types of subjects: prerequisite and conditional. In the first and second years of study, prerequisite courses

¹⁹ M Agphin Ramadhan dan R Eka Murtinugraha, ‘pengembangan Kompetensi Mata Kuliah Struktur Kayu di Program Studi Pendidikan Teknik Bangunan’ (2020) 7 CIVED.[85].

²⁰ Aris Junaidi (n 8).

are required to provide a foundation for conditional courses. Meanwhile, conditional subjects are more complex, so familiarity with earlier subjects will aid comprehension of conditional ones.²¹

After the matriculation process has been completed, it is time to determine the subject's semester credit weight. According to SN-Dikti, 1 credit is equivalent to 170 minutes (2 hours and 50 minutes) of learning times in a single subject, delivered in variety of ways. The most common method is through face-to-face meetings in the classroom to explain the material, followed by an assignment, a group presentation, etc. Bachelor degree requires a minimum of 144 credits, with students required to take between 19 and 24 credits per semester. Consequently, the credit weight of a subject should be planned effectively.²²

In the context of maritime law, the authors will divide maritime law subject into two regimes; dry shipping law and wet shipping law. Wet shipping refers to incidents or issues which come up during the actual voyage; whereas dry shipping refers to all other matters such as contracts, charter agreements, construction and funding for ships, port and harbor infrastructure. The scenario possible toward the division is to take the dry shipping law in the earlier semester, then proceed to the wet shipping law in the later semester. Before taking dry shipping law, at least, students should initially take contract law and insurance law as the prerequisite subjects. For the wet shipping law, the prerequisite subjects are dry shipping law. Moreover, each regime burdened for 2 credits, which consist of 340 minutes (approximately 5 hours 30 minutes) time of learning per weeks in a semester.

²¹ Meilane Sahetapy, 'Penerapan Program Matrikulasi Biologi Umum Fakultas Ilmu Pendidikan Tahun 2016/2017 [On The Implementation of General Biology Matriculation Program Faculty of Education In 2016/2017]' (2018) 14 Polyglot: Jurnal Ilmiah 97.

²² Ministry of Education and Culture Regulation Number 3 of 2020 concerning National Standards of Higher Education (The Republic of Indonesia state gazette year 2020 Number 47).

c. Planning the Learning Styles and Arranging the Semester Learning Plan (RPS)

The third step in the process of developing a new subject is to plan the learning styles and arrange the RPS for the new subject. Planning for learning styles can be accomplished through a task known as Learning Analysis. It details the activities that should be carried out in accordance with the credits weight and form of learning established in order to deliver the subject's materials during the learning process. The analysis is completed by evaluating the two subsequent stages described earlier then an attempt is made to implement it in a learning experiment before the actual class began.²³ After the experiment has been completed, RPS should be developed subsequently and integrated into the learning process throughout the span of one academic semester.

In its formulation, according to Article 12 paragraph (3) of SN-Dikti, RPS should consist of: (a) the name of study program, name and code of the subject, semester, credits and the name of the lecturers; (b) detail of CPMK; (c) final skills planned in each learning process to fulfill CPL; (d) subject matter planned; (e) learning method; (f) time provided; (g) assignment plan that should be done by the student; (h) criteria, indicator and evaluation weight; and (i) reference used in the lecture.²⁴ Please find below the RPS example of maritime law subject.

Study Program	: Law Science
Subject Name	: Dry Shipping Law Part I
Subject Code	: MRT 205
Semester	: 4
Credit/s (SKS)	: 2 credits
Lecturers	: Mr. Jesus Maitre, S.H., LL.M. et al.

²³ Aris Junaidi (n 8).

²⁴ Ministry of Education and Culture Regulation Number 3 of 2020 concerning National Standards of Higher Education (The Republic of Indonesia state gazette year 2020 Number 47).

Table 1. Example of the Possible RPS Formulation for Dry Shipping Law

Weeks	Subject/Module	Sub-CPMK Targeted	Indicator	Learning Method & Estimated Time (ET)	Criteria and Evaluation Form
1	Introduction of Maritime Law	Understand the basics of the maritime law	Explain clearly about the basic materials	Lecture and Discussion ET: 2x1'30" Assignment 1: Finding the Regulatory Basis of Maritime Law in Indonesia ET: 2x1'10"	Accuracy and Mastery of the Material Evaluation Form: Assignment
2,3,4	International Trade and Shipping Document	Able to analyze and present the relation between international trade and shipping document, along with its law	Understanding the relation in each shipping documents	Lecture and Discussion ET: 3x2'15" Case Study ET: 2x2'15"	Accuracy and Mastery of the Material Evaluation Form: Precision on Case Study
5,6	Charter parties	Able to understand the function and contents of the charterparties	Understanding the function of charterparties and the parties involved	Lecture and Discussion ET: 2x2'15" Case Study ET: 2x2'15"	Accuracy and Mastery of the Material Evaluation Form: Precision on Case Study
7,8	Shipbuilding, Sale, Financing and Registration	Able to understand and explain about the regulations and procedures relating to the building, sale, financing and registration of the ship	Regularity on presenting the procedures and regulation	Lecture and Discussion ET: 2x2'15" Forum Group Discussion ET: 2x2'15"	Accuracy and Mastery of the Material Evaluation Form: FGD Process

The modules above are only the examples of how dry shipping law run in the teaching process of the faculty of law. The other examples of the dry shipping law subjects are cargo claims and bills of lading, carriage of passengers, and marine insurance. Furthermore, once the dry shipping

law subject has been completed by the students, they are able to take wet shipping law subject in the next semester. The modules for the wet shipping law will be related to the liabilities of the vessel (collisions, salvage, general average, towage, wreck removal, pilotage, limitation liability, and ports), marine pollution, maritime conflict of laws, and security. All in all, the modules of commercial maritime laws are generally wide and therefore, there are many modules that should be completed by the students, from dry shipping law to wet shipping law related.

d. Arranging the Evaluation Instrument

The last stage of the new subject formulation is to arrange its evaluation instrument. It is purposed to identify, according to the collected data from students such as scores, the achievability of CPL, CPMK and Sub-CPMK. For that sake, evaluation should educative, authentic, objective, accountable and transparent.²⁵ In general, the one that is being evaluated here is the attainability of the CPL that has been planned. Even though each of them uses a unique method, it is possible to use one of two types of evaluation tools: rubrics or portfolios. While the rubric provides an assessment of the student's progress throughout each learning process, the portfolio places a greater emphasis on the outcomes produced by the student's participation in activities such as the assignment, presentation, exam, and project.²⁶

Table 2. Example of Rubric Evaluation Instrument

Evaluated Criteria	Poor (<20)	Average (21-40)	Sufficient (41-60)	Good (61-80)	Very Good (>80)
Communication					
Substantial Mastery					
Presentation					
Ability to Answer Question					
Problem Solving					

²⁵ *ibid.*

²⁶ Aris Junaidi (n 8).

Table 3. Example of Portfolio Evaluation Instrument

Student Name	Test I	Test II	Mid Exam	Test III	Test IV	Final Exam	Final Grade
A							
B							
C							
D							

Urgent Inclusion of Maritime Law as a Subject in the Curriculum of the Faculties of Law in Indonesian Universities

1. Indonesia's Plan to Become a Global Maritime Axis and its Relevance to the Inclusion of the Maritime Law in the Faculty of Law's Curriculum

Despite the fact that Indonesia is an archipelago state, commercial maritime law and even its industry are not particularly well-known in that country. Nevertheless, Indonesia's President Joko Widodo announced in the 2014 East Asia Summit in Nay Pyi Taw, Myanmar, the country's World Maritime Axis Vision, an ambitious plan to make Indonesia the global maritime fulcrum. The President further elaborated such doctrine with the development of maritime highway infrastructure, shipping industry and maritime tourism as well as the implementation of maritime diplomacy, both increasing cooperation and handling maritime conflicts, such as fishing theft, violation of sovereignty, territorial disputes and maritime piracy.²⁷ 5 (five) years after the declaration of the World Maritime Axis, the Ministry of National Development Planning issued document called Indonesian Vision 2045, stating that the Government of Indonesia targets that Indonesia can get out of the middle-income trap by 2036 and become a developed country with a Gross Domestic Product ("GDP") per capita level of US\$ 23,199 in 2045. In order to achieve this target, Indonesia's economic development needs to go through 3 (three) stages, namely strengthening the economic structure (2016–

²⁷ M Najeri Al Syahrin, 'Kebijakan Poros Maritim Jokowi dan Sinergitas Strategi Ekonomi dan Keamanan Laut Indonesia' (2018) 3 Indonesian Perspective.[1].

2025), accelerate innovation-based economic growth (2026–2035), and modernize the economy (2036–2045).²⁸

In 2015, the maritime and marine sector's contribution to Indonesia's GDP remained at 6.4% of the country's total GDP. This number is significantly lower when compared to that of other maritime nations, such as Norway, Spain, Japan, China, and South Korea.²⁹ This is due to the un-integrated development of the maritime and marine economy, the underdeveloped marine-based economy, the not-yet-optimal utilization of maritime and marine resources, the low sector productivity and product competitiveness, and the less favorable investment and regulatory climate. To increase the GDP contribution in the maritime industry, one of the strategic steps Indonesia must take to become the Global Maritime Axis is to make Indonesia a country and region that is conducive to becoming a global shipping hub. In the future, services and exploration/exploitation of renewable resources originating from (i) sea transportation, maritime industry, and maritime services; (ii) marine tourism, and (iii) fisheries, will be prioritized in order to increase the GDP.³⁰

Based on the foregoing, the growth of the maritime economy is anticipated to be 12.5% in 2045. The 2025 goal for maritime GDP is 8.4% of GDP, followed by 10.5% in 2035 and 12.5% in 2045. In order to achieve those targets, one of the strategic steps Indonesia must take is to make Indonesia a country and region that is conducive to becoming a global shipping hub.³¹ Furthermore, according to Maritime Vision 2045,³² for Indonesia to achieve the Global Maritime Axis by 2045, a cultural and structural maritime reformation must be implemented through the following four (four) main strategies: (i) developing connectivity infrastructure for Indonesian islands; (ii) developing and strengthening the maritime economy; (iii) strengthening the defense and security of the sea; and (iv) developing the

²⁸ Tim Penyusun Visi Indonesia 2045 (n 1).

²⁹ *ibid.*

³⁰ *ibid.*

³¹ *ibid.*

³² *ibid.*

maritime culture, human resource quality, and maritime and marine technology innovation. Regarding the last strategy, under the Maritime vision 2045, it is evident that Indonesia also prioritizes the quality of maritime industry human resources. It is stated that the development of human resources in the maritime sector is conducted through formal education, while the content of the educational curriculum shall be developed so as to build the human resources capacity and competence.³³

Therefore, in the context of maritime legal industry, creating a new curriculum of maritime law in the faculty of law in Indonesia is a way to support the strategy of the Government of Indonesia to realize the country as the Global Maritime Axis by 2045. Such new curriculum will be a tool to fill the void that exists in the law education in Indonesia, which will also lead to fill the void in the commercial maritime industry and expertise in a long run. Under the status quo, there are at least 3 (three) fundamental problems identified as a lack of development of the maritime law in Indonesia: *first*, there is no commercial maritime law curriculum in the faculty of law in Indonesia, which specifically aimed to disseminate the knowledge of commercial maritime law to the public, particularly to law students in order for them to be more aware of the maritime problems and increase the number of maritime experts in the future; *second*, the absence of government regulations covering the needs of maritime business activities in Indonesia; and *third*, the absence of an Admiralty Court in Indonesia to expedite the resolution of maritime case disputes.

2. The Fundamental Role of Maritime Law in the Faculty of Law's Curriculum for the Development of Maritime Industry in Indonesia

The efforts of the Government of Indonesia to accelerate the development of national maritime industry can be seen from the commitment of implementing "cabotage principle." The government has implemented the cabotage principle under the presidential Instruction No. 5 of 2005 regarding the Empowerment of

³³ *ibid.*

the Shipping Industry. This mandate was also being emphasized under Article 8 of the Law No. 17 of 2008 regarding Shipping which was amended by the Law No. 11 of 2020 regarding Job Creation (“**Shipping Law**”), stating that domestic sea transportation activities must be carried out by national sea transportation companies by using Indonesian-flagged vessels and manned by Indonesian crew members. Since the enactment of the cabotage principle, the number of national sea transportation fleets has continued to increase. As of 31 December 2019, the total fleet was 32,587 vessels (45 million GT), when compared to May 2005 which had a total fleet of 6,041 vessels (5.67 million GT), there was an increase in the number of fleets of 26,546 vessels.³⁴

Nevertheless, the number of foreign-flagged vessels sailing in Indonesian territorial waters should also be taken into account, given that Indonesia is an archipelagic nation with a very strategic geographical position for the global sea transportation industry. Unfortunately, there is no publicly accessible information on the number of foreign-flagged vessels engaged in commercial activities in Indonesian territorial waters. Furthermore, given the ambition of the Indonesian government to make Indonesia one of the world’s major maritime powers, it is reasonable for the number of foreign-flagged vessels and foreign investors to increase gradually. In order to harmonizing the development of the maritime industry, it is urgently required the expertise in maritime knowledge, including maritime law. There are several reasons why maritime law will play an important role in Indonesia’s maritime industry.

3. Maritime Law Will Create a Positive Impact on the Maritime Industry Development in a Long Run

Maritime law would be indispensable in the long run. As an archipelago state aspiring to be one of the world’s leading nations, it is essential to establish a solid academic foundation. The academic platform will be essential for the

³⁴ Direktorat Jenderal Perhubungan Laut, ‘Perkembangan Armada Nasional Tahun 2017-2019’ (2019) <https://ppid.dephub.go.id/fileupload/informasi-berkala/20200819131314.DATA_JUMLAH_ARMADA_NIAGA_NASIONAL_TAHUN_2017-2019.pdf>.

dissemination of knowledge to students via teaching activities. Strictly speaking, there is no law school in Indonesia that offers maritime law as part of their curriculum. Students of law have limited exposure to maritime law, which has led to a lack of knowledge about careers in the maritime industry, such as maritime attorney and marine insurance specialist.

In comparison, in the United Kingdom (UK), maritime law is taught in universities such as Southampton University, and maritime law specialization is taught in master's degree programs.³⁵ Queen Mary University of London,³⁶ University College London,³⁷ and Swansea University³⁸ offer the highest quality maritime law programs in the UK, where the maritime industry is well-developed. Therefore, the United Kingdom has traditionally attracted individuals from all over the world seeking maritime education and training in a variety of subfields.³⁹

Through the university's program, students will have a greater variety of options for pursuing careers as maritime legal practitioners. The more maritime law knowledge Indonesian students gain, the more competent individuals it will have to build a strong maritime nation. The presence of maritime law would also produce many maritime law specialists in Indonesia in the future. The international community must be able to rely on a profile of Indonesia that includes the presence of experts. For instance, if there is a shipping case involving foreign-flagged vessel in Indonesian territorial waters, it is crucial that the experts provide their opinion in court or out of court.

³⁵ University of Southampton, 'Maritime Law (LLM)' (*Course*, 2022) <<https://www.southampton.ac.uk/courses/maritime-law-masters-llm>> accessed 27 July 2022.

³⁶ Queen Mary University of London, 'International Shipping Law (LLM)' (*Course*, 2022) <<https://www.qmul.ac.uk/postgraduate/taught/coursefinder/courses/international-ship-ping-law-llm/>> accessed 27 July 2022.

³⁷ University College London, 'LLM in Maritime Law' (*Course*, 2022) <<https://www.ucl.ac.uk/laws/study/llm-master-laws/llm-maritime-law>> accessed 27 July 2022.

³⁸ Swansea University, 'LLM, Maritime Law' (*Course*, 2022) <<https://www.swansea.ac.uk/postgraduate/taught/law/llm-international-maritime-law/>> accessed 27 July 2022.

³⁹ Department of Transport, 'Maritime 2050 - Navigating the Future' (2019) <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/877610/maritime-2050-exec-summary-document.pdf>.

One of the biggest cases occurred in Indonesian involving foreign-flagged vessels was the detention of approximately 20 (twenty) vessels in Bintan Island by the Indonesian Navy in 2019.⁴⁰ In that case, the vessels were owned by foreign companies such as from Hong Kong, Vietnam, Panama, Singapore, and Liberia.⁴¹ Clearly, there was a delay in the delivery of the goods as a result of this detention, which could have led to disputes between ship owners, shippers, insurers, and buyers. Unfortunately, the legal justifications for the detention of these vessels by the Indonesian Navy were unclear, whether it was due to allegations of illegal activities in Indonesian territorial waters or illegal anchoring without permission from Indonesian authorities.

Typically, English arbitration will be the forum for resolving disputes involving international trade and shipping.⁴² As the case was under Indonesian jurisdiction, Indonesian maritime law experts' opinions were crucial. The English lawyers would likely seek expert opinion from Indonesia to clarify the case occurred in Indonesian territorial waters, such as what law the vessels violated (national and international laws), Indonesian Navy's authority to detain the vessels, and how to release the vessels under Indonesian law. This opinion is needed to determine who caused the detention of vessels so that goods delivery delays can be compensated.

The experts' role will increase international trust in Indonesia's maritime industry to settle disputes in its territorial waters. In comparison, the UK has a highly developed maritime industry and is one of the world's leading maritime nations. The UK's maritime business services are the best in the world, and the key of their success is because they have many experts utilized globally.⁴³

In 2018, the number of legal experts in UK is the highest in the world, around 100 experts – then followed by United States, Australia, China, Canada,

⁴⁰ I Ketut Dharma Putra Yoga, 'Legal Wrangle Over Detention of Vessels by Indonesia' (*Asia Times*, 2019) <<https://asiatimes.com/2019/08/legal-wrangle-over-detention-of-vessels-by-indonesia/>> accessed 27 July 2022.

⁴¹ Fadli, 'Navy Seizes Eight Cargo Vessels, Tanker in Bintan Waters' (*The Jakarta Post*, 2019) <<https://www.thejakartapost.com/news/2019/02/16/navy-seizes-eight-cargo-vessels-tanker-in-bintan-waters.html>> accessed 27 July 2022.

⁴² Department of Transport (n 39).

⁴³ *ibid.*

and Singapore.⁴⁴ Furthermore, 80% of services provided by UK maritime law firms are provided to clients outside of the UK (30% with Europe, 10% with China, 10% with other Asian countries and 30% with the rest of the world).⁴⁵ Indonesia may look to the UK as an example of how maritime law education impacts maritime businesses in the maritime services sector, particularly legal services.

In addition, the inclusion of maritime law will encourage extensive research on maritime issues as part of academic pursuits. The global maritime industry is advancing rapidly, especially in terms of technological innovation. The law should be able to keep up with the rapid advancement of technology within the maritime industry. Unfortunately, there is no research institute in Indonesia that focuses on commercial maritime law issues. Samudera Indonesia Research Initiatives (SIRI) is a research initiative in the maritime industry that was founded and is supported by one of the largest shipping companies in Indonesia, PT. Samudera Indonesia Tangguh. This initiative, however, is a logistics-focused think tank that does not specifically address issues of commercial maritime law.⁴⁶

Referring to the UK, which has more developed research platforms, research centers are typically affiliated with universities that offer maritime law programs. For example, Institute of Maritime Law as a part of Southampton Law School,⁴⁷ which published a lot of researches regarding the maritime law, where one of its latest publications was related to the electronic bills of lading. Moreover, Cardiff University's Seafarers International Research Centre, the University of Southampton and Solent University do important research into the maritime workforce. Their particular research currently excels in such areas as maritime law, sustainable shipping, maritime logistics and maritime cyber threats.⁴⁸

⁴⁴ *ibid.*

⁴⁵ *ibid.*

⁴⁶ Samudera Indonesia Research Initiatives, 'About' (SIRI) <<https://www.samudera-research.org>> accessed 28 July 2022.

⁴⁷ Institute of Maritime Law, 'About us' (University of Southampton) <<https://www.southampton.ac.uk/iml/about/index.page>> accessed 28 July 2022.

⁴⁸ Department of Transport (n 39).

The research center can serve as a forum for academics, policymakers, and businesses to discuss contemporary maritime law issues. On 25 January 2021, University College London launched the Autonomous Shipping Project, which aimed to determine how autonomous vessels can be incorporated into the legal landscape. This project will help fill this gap in the academic literature and assist the UK in determining how to regulate this new technology.⁴⁹ Ultimately, the research will be essential because it will provide the extensive legal research that policymakers can use to create effective regulatory frameworks for businesses. To accelerate the development of the maritime industry, the academic is essential as a partner of government and business actors.

4. The Expertise on Maritime Law Will Create Effective Regulatory Frameworks and Dispute Settlement in Indonesia

For the maritime industry to improve, Indonesian shipping practitioners must have a comprehensive understanding of maritime law and its practices. Sincerely speaking, Indonesia still lacks effective and business-friendly regulations. For example, the procedure for ship arrest under Indonesian law is still unclear. In Indonesia, the Shipping Law is ship arrest. According to the Shipping Law, in the event that the vessel is involved in a criminal or civil case,⁵⁰ the vessel may be arrested by the harbor master in the relevant port where the vessel is located.⁵¹ This arrest must be carried out in accordance with the written court order issued by the appropriate court. The Shipping Law also stipulates that a court order for the arrest of a vessel in a civil case involving maritime claims can be issued without a civil court proceeding.

As stated in the Shipping Law, the provisions governing the procedure for vessel arrest in connection with maritime claims are supposed to be regulated by the implementing regulation of the Shipping Law, namely the Minister of Transportation Regulation. However, as of the date of this writing, no Indonesian

⁴⁹ University College London, 'Launch of UCL Autonomous Shipping Project' (UCL, 2021).

⁵⁰ Law Number 17 of 2008 concerning Shipping Law (The Republic of Indonesia State Gazette Year 2008 Number 64) 2008.

⁵¹ *ibid.*

regulation specifies a detailed procedure for the issuance of a written court order authorizing the vessel's arrest. As a result, the Indonesian court system is hesitant to issue a written court order of arrest without first initiating civil proceedings. Further, in procedural manner, a claimant seeking to enforce the arrest shall file a formal application with an Indonesian court for a conservatory attachment order, which may be incorporated into or filed concurrently with a statement of claim (civil claim). In general, such a procedure will be lengthy and uncertain – it could take three months to one and a half years for the court to issue a written court order of arrest after assessing and granting a request for such conservatory attachment order as part of a civil claim.

Absence of government regulations covering maritime business activities in Indonesia may lead to uncertainty on maritime dispute settlement, hindering maritime business activities. As an academic partner of policy makers, the inclusion of maritime law in law school curricula will help reform maritime regulations to better align with industry growth. The maritime law expertise may also be used to establish the Admiralty Court in Indonesia. As Indonesia's maritime industry grows, the dispute resolution mechanism should become more advanced and efficient. In the UK, a leading maritime nation, the Admiralty Court was established around 1360 by King Edward III.⁵² The court handles maritime disputes like collision, salvage, and ship security.⁵³

Even Malaysia recognizes Admiralty Court's importance. The Court's establishment in October 2010 quickly boosted Malaysia's maritime sector. The Malaysian Judiciary recognized the importance of specialists courts to support specialist sectors, and the Admiralty Court quickly became an important adjunct to boosting the maritime sector in Malaysia.⁵⁴ Overall, including maritime

⁵² United Kingdom Judiciary, 'History of the Admiralty Court' (*Courts and Tribunal Judiciary*) <<https://www.judiciary.uk/courts-and-tribunals/business-and-property-courts/admiralty-court/history/>> accessed 28 July 2022.

⁵³ United Kingdom Judiciary, 'Admiralty Court' (*HM Courts & Tribunals Service*) <<https://www.gov.uk/courts-tribunals/admiralty-court>> accessed 28 July 2022.

⁵⁴ Philip Teoh, 'Malaysia: Admiralty Practice in Malaysia' (*Mondaq*, 2016) <<https://www.mondaq.com/marine-shipping/483416/admiralty-practice-in-malaysia>> accessed 28 July 2022.

law in the curriculum may help establish Indonesia's Admiralty Court, which needs Indonesian maritime law experts. The maritime industry needs a court to streamline maritime disputes.

Conclusion

Since his first election in 2014, Indonesian President Joko Widodo has vociferously advocated for the world maritime axis. It is also depicted in the 2019 publication titled Indonesian Vision 2045 by the Ministry of National Development Planning, which describes Indonesia's major goals for the year 2045, one of which is economic growth through the maritime sector. Several planning and execution attempts were made to achieve this objective, and it was planned that the maritime sector would be included in the educational activity of the university's class.

Generally speaking, such a plan is feasible. SN-Dikti and KKNI, which stipulate about the formulation of higher education curriculum, stipulate that it is up to the discretion of each university to formulate the most suitable curriculum based on the university's needs and goals. The same holds true for the law school under university supervision. The Curriculum Guidebook promulgated by the Indonesian Ministry of Education provides comprehensive instructions and direction for the creation of curriculum and new subjects. It is stated that each subject must adhere to the CPL established by SN-Dikti and KKNI. However, CPL should be implemented differently for each curriculum, subject, and subject matter. Additionally, it should develop the RPS and its evaluation instrument.

With the incorporation of Maritime Law Subject into the curriculum of Indonesian law schools, it is anticipated that the 2045 Global Maritime Axis agenda will be supported. Moreover, despite the fact that its implementation in real life may not be as simple as described in this paper, it is not impossible. Universities and faculties as educational institutions should devise a technical strategy to enable the inclusion of maritime law in the curriculum. In conclusion, as a maritime nation, Indonesia should mandate that all of its universities study maritime law, in order to spur the development of maritime industry in Indonesia.

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