

## Indonesia

1. Those responsible for the management and prevention of the occurrence of marine pollution is the Department of communication in this instance sea communication .Whereas those responsible for maritime security are:

- 1) The Navy of Republic Indonesia (TNI AL)
- 2) Territorial Water Police (Polair)

2. Whereas pursuant to article 30 clause (1) of the life environment management law (law No 23 of year 1997) it is stated that settlement of environmental disputes can be made through the court or outside of court based on the voluntary option of the disputing parties, Clause 2 of this article clearly state that settlement outside the court shall not be valid for environmental crimes. In settling environmental disputes outside of court based on the alternative dispute resolution the following forum or process can be used.
- a. Negotiation
  - b. Mediation
  - c. Conciliation
  - d. Arbitration

Alternative settlement or alternative dispute resolution (ADR) in Indonesia is regulated in various laws and regulations.

Such as law No 30 of year 1999 regarding dispute settlement alternative.Law No 9 of year 1999 Indonesian Consumers Institute.

Whereas based on International regulations that is the International Conventions on Civil Liability for all pollution Damage 1992 or known as the CLC 1992 and international Convention on the establishment of an International fund for compensation for oil pollution damage year 1992 which constitute of a supplement of a supplement of the CLC 1992 which regulated in case of occurring ship accidents resulting in sea pollution, Settlement can be made through the court or by negotiation, peaceful discussions between the Claimants and ship owners or insuring insurance company.

3 In case of a ship accident which result in pollution of the sea and after investigation it appears to contain criminal elements, than pursuant to article 30 clause (2) of law number 23 of year 1997 regarding life..... environment management which clearly state that settlement of disputes outside the court cannot be enforced for environmental crimes, the action that can be taken is to submit a criminal claim against the party causing the pollution through the criminal Court.

4 In case of pollution of the sea and no criminal elements are found, the steps that can be taken is to submit a claim for compensation to the party causing the pollution through the civil court.

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5 In an investigation process and inquiry in a suspected violation and crime on the sea the authorised official is permitted to arrest the seamen/seafarers. This matter is among others based on the following laws and regulations:

- Law number eight of year 1981 on Civil Procedural Law .....

Shall immediately conduct the necessary investigation".

"In case caught in the act without waiting for the order to investigate, the investigator shall immediately take the necessary action within the frame of the investigation".

- Law number 21 year 1982 regarding shipping
- Article of 99 on investigation clause 2 state that the authorities of the investigate or are among others: investigation of the suspect, summoning an explanation examination witnesses, searching, sealing off and confiscation of evidence, investigation on the place of occurrence, asking questions regarding tools of evidence (expert witness) and stopping the investigation process in case of sufficient evidence of the crime in the shipping sector.

6 Seafarers are permitted to leave our state until such investigation or other hearing takes place.

In Indonesia in general in case of violation and a maritime crime is suspected, the authorised party conducting the investigation is the police, the Navy and civil Directorate General Sea Communications Department for Communications and Manpower.

The legal basis is law No 21 of year 1992 on Shipping and its regulations for implementation as well as manpower regulations.