

Inspection Authority of Seaworthiness of Foreign Ships Based on Ratified International Conventions

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Abstract. In line with the development of science and technology, humans could not be separated from various forms of problems in the life of shipping and shipping. The history of the development of shipping and shipping safety is known as SOLAS or Safety of Life at Sea. There have been several changes to the International Convention on SOLAS. Among these changes is the power of the Indonesian government to inspect the seaworthiness of foreign vessels flying flags other than the red and white flag in order to reduce the risks associated with navigation.

Keywords: authority; seaworthiness; foreign ships; international convention

1 Introduction

The number of incidents of ship accidents at sea, as well as the risk of robbery and ship hijacking, make shipping companies and crews who work for shipping companies required to always be vigilant in dealing with these matters [1]. Shipping Companies must ensure that all crew working on their ships can work according to the responsibilities that have been determined based on the board position. Likewise, the condition of the ship meets seaworthiness standards that prioritize the interests of the safety and security of the ship.

SOLAS is a crucial provision related to the safety of merchant ships. The first SOLAS draft took place in 1914 and was approved by 13 countries. If you remember the course of its history, SOLAS has undergone several changes. In the world of shipping and shipping, there is an international agency that plays a vital role in SOLAS, namely IMCO. IMCO stands for (Inter-Governmental Maritime Consultative Organization), is an international body (international organization), which in 1959 had taken over several established conventions, including those concerning the Safety of Life at Sea. 1948 and the Prevention of the Pollution of the Sea by Oil in 1954.

At the time the IMCO conference was held for the first time, namely, in 1960, it had produced the "International Convention on the Safety of Life at Sea" and came into force in 1965. Furthermore, by paying attention and looking at the developments that have occurred, the countries that have contracting governments, one of which is Indonesia, hoping to improve safety at sea, so the provisions contained in SOLAS are often changed or added.

At the time of the conference organized by the IMCO (Inter-Governmental Consultative Organization), now known as IMO (International Maritime Organization), the so-called Protocol (which is a document on matters that have been officially approved) has been produced. Then at the invitation of IMCO, in the city of London, England, from October 21,

1974, to November 1, 1974, a conference was held which was attended by 65 delegates from signatory countries, that does not include observers from countries that are not signatories and reviewers from non-governmental organizations. However, with the frequent changes in SOLAS, there is no need to agonize because the core / primary content of SOLAS is the same, it's just that there are some changes or additions.

The new regulation on the Global Maritime Distress and Safety System (GMDSS) in 1990 was a fundamental change made by IMO in the maritime communication system by taking advantage of technological advances in the field of communications, such as satellites, and will be implemented in stages from 1995 to 1999. The basic concept is that there is a SAR agency on land and ships that receive news of ship accidents (vessels in distress) which will be immediately alerted to help coordinate the implementation of SAR operations. Thus, the focus of the last SOLAS international convention in 1997 was on work safety.

Work security is a security condition that is liberated from the gamble of mishaps and harm where we work which incorporates building conditions, machine conditions, wellbeing hardware, and specialist conditions [2]. Work security can be made, assuming the boat that will cruise has fulfilled fitness for sailing guidelines. Hence, the public authority has given a choice through the Clergyman of Transportation Guideline No. PM. 110 of 2016 concerning Boat Security Auditors.

Article 3 Regulation of the Minister of Transportation No. PM. 110 of 2016 concerning Ship Safety Inspection Officers, reads as follows:

Article 3

- (1) The ship's seaworthiness is verified through inspection and testing;
- (2) The inspection and testing as referred to in paragraph (1) is carried out continuously from the ship is built until its no longer used;
- (3) The inspection and testing as referred to in paragraph (2) must be carried out by the Ship Safety Inspection Officer;
- (4) The Ship Safety Inspector as referred to in paragraph (3) is responsible to the Director General through the head of his work unit.

During the excursion, on the off chance that there is an unfamiliar boat that doesn't fulfill the security guideline, the Public authority is obliged to limit the boat from cruising, so the gamble of mishaps adrift will diminish. The Rules for Detainment of Boats allude to IMO Choice A.1052 (27) Systems for Port State Control, Informative supplement 2, specifically while concluding whether the lacks found on the boat are adequately serious to: merit confinement, PSCO should survey whether:

- (1) The vessel has relevant and valid documentation; and
- (2) The ship has the crew required in the minimum Safe Safeguard Documents.

During the inspection, the PSCO should further assess whether the vessel and/or crew, during its forthcoming voyage, can:

- (1) Navigate safely;
- (2) Safely handle, carry and monitor the condition of cargo;
- (3) Operate the engine room safely;
- (4) Maintain proper propulsion and steering;
- (5) Extinguish fires effectively in every part of the ship if necessary;
- (6) Leave the ship quickly and safely and carry out rescues if necessary;
- (7) Prevent environmental pollution;
- (8) Maintain adequate stability;
- (9) Maintain adequate watertight integrity;
- (10) Communicate in distressing circumstances if important; and

(11) Give protected and sound circumstances on board the boat.

2 Research Problem

The problem in the paper is about how the Authority for Inspecting the Seaworthiness of Foreign Ships is Based on Ratified International Conventions.

3 Method and Approach

3.1 Method

The method used in the writing of this applied paper is the descriptive analytical method, namely by using data that clearly describes the problems directly in the field, then the analysis is carried out and then concluded to reach a problem solution. The method of collecting data is through observation and literature study to obtain problem-solving in the preparation of this paper.

3.2 Approach

Normative juridical approach is the method used to examine problems in terms of law and systematics, and as a guide to legal rules, norms, or other legal regulations that apply to the implementation of the Authority for Seaworthiness Inspection of Foreign Ships Based on Ratified International Conventions.

4 Discussion

4.1 IMO Decision A.1052 (27) Procedures for Port State Control (PSCO)

To help PSCO in the utilization of the Boat Confinement Rules, they can be characterized by their rundown of lacks, gathered by pertinent shows or potentially codes, which are viewed as serious with the goal that they can ensure the detainment of the vessels in question. This rundown isn't viewed as comprehensive however is expected to give instances of significant things. In light of the SOLAS show that has been approved, a few things should get consideration as follows:

Areas under the SOLAS Convention:

1. Failure to appropriately work impetus and other significant hardware, as well as: electrical establishments.
2. Insufficient motor room tidiness, an over the top measure of oil-water combination entering the bilge, channeling protection incorporating fumes pipe in the motor room polluted by oil, and ill-advised activity of the bilge siphoning plan.
3. Failure to the activity of crisis generators, lighting, batteries, and switches.
4. Failure to appropriately work the fundamental and assistant controlling stuff.
5. Absence, deficient limit, or serious harm of individual life-saving gear, salvage vessels, and send off and recuperation game plans.

6. Absence, resistance, or significant decrease to the degree of not having the option to agree with the expected utilization of fire identification frameworks, alarms, putting out fires gear, fixed putting out fires establishments, ventilation valves, fire dampers, and fast shutting gadgets.
7. Absence, significant harm, or disappointment of appropriate activity of freight deck fire security region on big haulers.
8. Absence, resistance, or serious harm to light, shape, or sound sign.
9. Absence or disappointment of legitimate activity of radio hardware for trouble and security correspondences.
10. Absence or disappointment of legitimate activity of navigational hardware, considering the applicable arrangements of the SOLAS V/16.2 guideline.
11. Absence of adjusted navigational guides, or potentially any remaining transportation related distributions expected for the planned journey, considering that electronic graphs might be utilized rather than outlines.
12. Absence of non-sprinkle exhaust ventilation for freight siphon inlet.
13. Serious lacks in functional necessities are recorded in addendum 7.
14. Number, arrangement, or confirmation of team individuals that are not following the safe monitoring report.
15. Non-execution or inability to carry out the upgraded overview program by SOLAS guideline XI-1/2 and goal A.744(18), as corrected.
16. Absence or non-working of journey information recorder (VDR) on the off chance that its utilization is required.

Region under IBC Code

1. Transportation of substances not referenced in the Wellness Authentication or missing freight data.
2. The high-pressure security gadget is absent or harmed.
3. Electrical establishments are not characteristically protected or don't consent to Code necessities.
4. Ignition sources in unsafe areas.
5. Violation of extraordinary prerequisites.
6. Exceeded the greatest passable burden per tank.
7. Insufficient intensity assurance for delicate items.
8. Pressure alerts for the freight tank can't be worked.
9. Transport of the substance to be restrained without a substantial inhibitor declaration.

Area under IGC Code.

1. Transportation of substances not referenced in the Wellness Testament or missing freight data.
2. Enclosure gadgets for convenience or administration rooms are missing.
3. The bulkhead isn't gas-tight.
4. Air lock is broken.
5. The shut-off valve is immediately lost or harmed.
6. The security valve is absent or harmed.
7. Electrical establishments are not inherently protected or don't conform to Code necessities.
8. The ventilation in the freight region is inoperable.
9. Pressure alerts for the freight tank can't be worked.

through massive changes on or after January 1, 2000, which don't adjust to the NOx Specific Code 2008.

3. The sulfur content of any fuel oil utilized on board the boat surpasses as far as possible:
 - a. 4.5% m/m before 1 January 2012;
 - b. 3.5% m/m on and after 1 January 2012; and
 - c. 0.3 0.5% m/m on and after 1 January 2020*
4. The sulfur content of any fuel utilized on board surpasses as far as possible, while: working inside the SOx emanation control region:
 - a. 1.0% m/m on and after 1 July 2010; and
 - b. 0.1% m/m on and after 1 January 2015,individually, by the revisions took on by goal MEPC.176(58).
5. An incinerator presented on board a boat on or after January 1, 2000, isn't meet the requirements kept there of psyche to the Expansion, or standard conclusions for transport incinerators made by the Affiliation (objective MEPC.76(40) and MEPC.93(45)).
6. The chief or group of the boat is curious about the significant methodology in regards to activity of air contamination counteraction gear.

Areas under the STCW Convention

1. The failure of the mariner to hold a confirmation, to hold a legitimate statement, to have a significant guideline, or to give story evidence that an application for a guaranteeing has been submitted to the Association.
2. Failure to consent to relevant security prerequisites of Organization.
3. Failure of the navigational watch plan or method to adjust to the prerequisites endorsed for the boat by the Organization.
4. Absence of management from people who are able to work gear fundamental for safe route, radio correspondence security, or anticipation of marine contamination.
5. Inability to practice the main watch toward the beginning of the journey and for ensuing vanishings to administer people adequately refreshed and fit for obligation.
6. Failure to give proof of expert capability to the obligations doled out to sailors for transport security and contamination anticipation

Regions that may not need control, but rather where, eg. freight tasks should be dependent upon disappointment of appropriate activity (or support) of the latent gas framework, freight related hardware, or apparatus will be viewed as adequate motivation to stop freight activities.

4.2 Authority for Inspection of Seaworthiness of Foreign Ships Based on Ratified International Conventions

Further guideline in regards to PSCO is managed in IMO Goal A.1052 (27). Taken care of methodology under relevant shows, which, for instance, may emerge from the data gave to the port State in regards to the vessel, the PSCO might continue with a stability examination of the vessel and, prior to boarding, get, the state of its appearance in the water, and the impression the norm of care of things, for example, the state of their paintwork, consumption or pitting or unrepaired harm.

As a general rule, a boat is viewed as unsatisfactory, as well as doesn't satisfy security guidelines, on the off chance that its structure, hardware, gear, or functional security, is far beneath the norms expected by pertinent shows or then again on the off chance that the team doesn't consent to safe monitoring records, on the grounds that, between other:

1. absence of significant hardware or game plans expected by: show;
2. non-consistence of hardware or game plans with the important particulars of the show;
3. substantial harm to the boat or its hardware, for instance, because of unfortunate support;
4. insufficient functional abilities, or obliviousness of fundamental functional strategies by the group; and
5. insufficient group or sailor certificate.

Assuming that the PSCO establishes that a boat might be viewed as unsatisfactory as determined in segment 3.1 and add-on 2, IMO Goal A.1052 (27), the port State should quickly guarantee that restorative move is made to keep up with the wellbeing of the boat and its travelers or potentially group. also, take out any dangers to the marine climate prior to permitting boats to cruise.

Despite the fact that it is illogical to characterize a boat as unsatisfactory just concerning a rundown of qualifying deserts, the rules for the detainment of boats are given in add-on 2 as follows:

1. In remarkable conditions where, because of a more point by point review, the state of the boat in general and its gear, likewise considering the state of the team, is viewed as extraordinarily unsatisfactory, PSCO might suspend the examination.
2. Before suspending a review, the PSCO will take note of the decency of lacks in the areas determined in Extension 2, as fitting.
3. The suspension of review might go on until the party in question has: done whatever it takes to guarantee that the vessel conforms to the prerequisites of the important instrument.
4. If the boat is confined and the review is halted, the port State Authority will tell the party in question right away. The notification should remember data for the detainment, and express that the assessment is ceased until the skilled power has been educated that the vessel has conformed to every pertinent prerequisite.

Several procedures must be observed by the Port State Authority if there are ships that are not seaworthy, namely:

1. PSCO shall endeavor to secure the remediation of all detected deficiencies.
2. In the instance of lacks that are risky to somewhere safe and secure or the climate, the PSCO will, besides as given in passage 3.7.3, guarantee that the danger is wiped out before the vessel is allowed to continue to the ocean. To this end, fitting measures should be taken, which might incorporate the detainment or legitimate disallowance of the vessel from proceeding with activities because of laid out lacks that, separately or together, would bring about the continuation of risky tasks.
3. If the lack causing confinement, as alluded to in section (2), can't be amended at the port of review, the power of the port State might allow the vessel worried to continue to the closest accessible fix place, as picked by the expert and supported by that power, given that the circumstances concurred between the port State Authority and the Banner State are followed. Such circumstances will guarantee that the boat isn't permitted to cruise until it can cruise without hazard to the wellbeing of travelers or team, or chance to different boats, or without making a preposterous danger of mischief to the marine climate. Such circumstances might incorporate affirmation from the banner Express that restorative move has been made on board the vessel being referred to. In such conditions, the port State Authority will tell the boat's next port of call authority, the gatherings alluded to in section 4.1.4, and other proper specialists. The notice to the equipped authority will be made in the structure demonstrated in add-on 14. The authority getting the warning will:

advise the telling authority regarding the move made and may utilize the structure showed in add-on 15.

4. Provided that all potential endeavors have been made to address any remaining lacks, with the exception of those alluded to in sections (2) and (3), the boat might be allowed to continue to the port where the inadequacies can be remedied.
5. If the boat alluded to in section (3) sails into the ocean without meeting the circumstances consented to by the assessment port Power that the port State Authority should quickly tell the following port whenever known, the banner State, and any remaining specialists it considers suitable.
6. If the boat alluded to in passage (3) doesn't stop at the assigned port of fix, the port State Authority of the port of fix will promptly caution the banner State and confine the port State, which might make a fitting move, and tell different specialists it considers suitable.

Vessel seaworthiness inspection has been regulated in the Regulation of the Minister of Transportation No. PM. 110 of 2016 concerning Ship Safety Inspectors:

Article 3

- (1) The ship's seaworthiness is verified through inspection and testing;
- (2) The inspection and testing as referred to in paragraph (1) is carried out continuously from the ship is built until the ship is no longer used;
- (3) The inspection and testing as referred to in paragraph (2) must be carried out by the Ship Safety Inspection Officer;
- (4) The Ship Safety Inspector as referred to in paragraph (3) is responsible to the Director General through the head of his work unit.

5 Conclusion

The number of incidents of ship accidents at sea, as well as the risk of robbery and ship hijacking, make shipping companies and crews who work for shipping companies required to always be vigilant in dealing with these matters. SOLAS is a crucial provision related to the safety of merchant ships. Thus, the focus of the last SOLAS international convention in 1997 was on work safety. There have been several changes to the International Convention on SOLAS. Among these changes is the power of the Indonesian government to inspect the seaworthiness of foreign vessels flying flags other than the red and white flag in order to reduce the risks associated with navigation. The PSCO establishes that a boat might be viewed as unsatisfactory as determined in segment 3.1 and add-on 2, IMO Goal A.1052 (27), the port State should quickly guarantee that restorative move is made to keep up with the wellbeing of the boat and its travelers or potentially group nad need further consideration.

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