

DECREE OF THE MINISTER OF MARINE AND FISHERIES
NUMBER KEP.10/MEN/2004
CONCERNING
FISHERY PORT

THE MINISTER OF MARINE AND FISHERIES

- Considering :
- a. that, Fishery Port has an important and strategic role to support the increase of fishery production, to accelerate traffic flow of fishing boats, to encourage economic growth of fishery society, and to accelerate service for all activities in the fishery business;
 - b. that, in the framework of the operation of Fishery Port to become more effective and successful to implement its role as mentioned in point a, it is necessary to stipulate rules on Fishery Port in a Ministerial Decree.
- In view of :
1. Law No. 9/1985 concerning Fishery Port (State Gazette of 1985 No. 46, Additional State Gazette No. 3229);
 2. Law No. 23/1997 concerning Environmental Treatment (State Gazette of 1997 No. 68, Additional State Gazette No. 3699);
 3. Government Regulation No. 69/2001 concerning Port Affairs (State Gazette of 2001 No. 127, Additional State Gazette No. 4145);
 4. Government Regulation No. 54/2002 concerning Fishery Business (State Gazette of 2002 No. 100, Additional State Gazette No. 4230);
 5. Government Regulation No. 62/2002 concerning Tariff of Non-Tax State Revenues Applicable Within the Department of Marine and Fisheries (State Gazette of 2002 No. 118, Additional State Gazette No. 4241);
 6. Presidential Decree No. 228/M/2001;
 7. Presidential Decree No. 102/2001 concerning Status, Duties, Functions, Authorities, Organizational Structures, and Work Procedures of the Departments as amended by Presidential Decree No. 45/2002;
 8. Presidential Decree No. 109/2001 concerning Units of Organization and Duties of Echelons I of the Departments as amended by Presidential Decree No. 47/2002;

9. Decree of the Minister of Marine and Fisheries No. KEP.26.I/MEN/2001 concerning Organization and Work Procedure of Fishery Port;
10. Decree of the Minister of Marine and Fisheries No. KEP.24/MEN/2002 concerning Procedure and Techniques for the Arrangement of Laws in the Department of Marine and Fisheries;
11. Decree of the Minister of Marine and Fisheries No. KEP.05/MEN/2003 concerning Organization and Work Procedure of the Department of Marine and Fisheries;
12. Decree of the Minister of Marine and Fisheries No. KEP.10/MEN/2003 concerning License for Fish Catching Business;
13. Decree of the Minister of Marine and Fisheries No. KEP.02/MEN/2004 concerning License for Fish Breeding Business.

H A S D E C I D E D :

To stipulate : DECREE OF THE MINISTER OF MARINE AND FISHERIES CONCERNING FISHERY PORT

CHAPTER I
GENERAL PROVISIONS

Article 1

Hereinafter referred to as:

1. Fishery is all activities relating to the management and utilization of fish resources.
2. Fishery Port is a place consisting of land and waters around it with borders as places of government administration and fishery business system utilized as mooring and anchoring places of fishing boats and/or loading and unloading of fish completed with facilities for marine safety and activities to support Fishery Port.
3. Fish Catching is an activity intended to acquire fish in the waters, uncultivated by means of an instrument or any other method whatsoever, including activity using vessel to load, transport, store, freeze, or preserve fish.

4. Ocean Fishery Port, which is hereinafter called "PPS", is Fishery Port Class A with scale of service including, at least, fishery business in the territorial waters, Indonesian Exclusive Economic Zone, and international waters.
5. Indonesian Fishery Port, which is hereinafter called "PPN", is Fishery Port Class B with scale of service including, at least, fishery business in the territorial waters and Indonesian Exclusive Economic Zone.
6. Coastal Fishery Port, which is hereinafter called "PPP", is Fishery Port Class-C with scale of service including, at least fishery business in the interior waters, archipelago waters, territorial waters, and Indonesian Exclusive Economic Zone.
7. Fish Landing Base, which is hereinafter called "PPI", is Fishery Port Class D with scale of service including, at least, fishery business in the interior waters and archipelago waters.
8. Facilities of Fishery Port are the facilities and infrastructures available at the Fishery Port to support the operation of the port.
9. Maintenance is all efforts intended to optimize the use and function of Fishery Port.
10. Fishery Processing Area is the Indonesian Waters and Indonesian Exclusive Economic Zone.
11. Fishing Boat is a vessel or boat or other floating instrument used to catch fish and to conduct survey and exploration.
12. Minister is the Minister responsible in the field of fishery.
13. Government is the Central Government.
14. Regional Government is the Government of a Province or Regency/Municipality.
15. Director General is the Director General for Fish Catch.

CHAPTER II SCOPE

Article 2

The scope of operation of Fishery Port as a fishery infrastructure consists of location planning and designation, operation, business, maintenance, supervision, and control.

CHAPTER III
STATUS, DUTIES, AND FUNCTIONS

Article 3

- (1) Fishery Port is constructed by:
 - a. The Government;
 - b. The Provincial Government; and
 - c. The Regental/Municipal Government.
- (2) The Fishery Port constructed by the Government as mentioned in paragraph (1) point a is a technical implementation unit of the Government reporting to the Director General.
- (3) The Fishery Port constructed by the Provincial Government as mentioned in paragraph (1) point b reports to the Governor.
- (4) The Fishery Port constructed by the Regental/Municipal Government as mentioned in paragraph (1) point c reports to the Regent/Mayor.

Article 4

- (1) Fishery Port, other than being constructed by the Government, Provincial Government, and Regental/Municipal Government as mentioned in Article 3, may also be constructed by an Indonesian Fishery Company possessing Fishery Business License (IUP).
- (2) Fishery Port constructed by an Indonesian Fishery Company as mentioned in paragraph (1), other than providing services for the interest of self, may also provide fishery services, in general, with the approval of the Director General.
- (3) The requirements and procedure of grant of the approval as mentioned in paragraph (2) will be stipulated by the Director General.
- (4) Fishery Port constructed by an Indonesian Fishery Company shall report to the Director General.
- (5) In his or her daily routine, the Director General may delegate the Provincial or Regental/Municipal Agency responsible in the field of fishery.

Article 5

- (1) The Fishery Port as mentioned in Article 4 must operate functions of a Fishery Port and must facilitate the operation of government administrative functions in accordance with the laws in force.

- (2) The operation of the functions of Fishery Port and government administration as mentioned in paragraph (1) will be further stipulated by the Director General.

Article 6

The Fishery Port, as mentioned in Article 3 and Article 4 paragraph (1) shall have duty to facilitate production, handling and processing, Quality Control and Supervision, marketing of fishery products in the respective area, to facilitate and develop fishers, to control and supervise the utilization of fish resources, to facilitate smooth operation of fishing boats, and to facilitate data collection.

Article 7

In performing the duties as mentioned in Article 6, Fishery Port shall operate functions as the following:

- a. Planning, development, maintenance, and utilization of facilities of Fishery Port;
- b. Technical services for fishing boats;
- c. Coordination of the implementation of safety, order, and cleanliness in the areas of the fishery port;
- d. Development and facilitation for the empowerment of fishery society;
- e. Facilitation and coordination in the respective area for the improvement of production, distribution, and marketing of fishery products;
- f. Supervision over catching, handling, processing, marketing, and quality of fishery products;
- g. Collecting, processing, and provision of data and statistics on fishery;
- h. Development and management of system of information and publication of results of research, production, and marketing of fishery products in the respective area;
- i. Monitoring over coastal area and facilitation of marine tourism;
- j. Implementation of administrative and internal affairs.

CHAPTER IV
PLANNING

Article 8

The planning of Fishery Port as mentioned in Article 2 consists of designation of national Mother Plan, designation of classifications of port that will be constructed, designation of certain water and land territories that will become areas of work interest.

Article 9

- (1) The Minister shall stipulate the national Mother Plan consisting of plan on the construction of Fishery Port in short, medium, and long term.
- (2) The plan to construct Fishery Port must consider:
 - a. Fish resource potentiality and management;
 - b. Human resource potentiality;
 - c. Support to regional and national economic development;
 - d. General Plan on National Spatial Arrangement;
 - e. General Plan on Provincial/Regental/Municipal Spatial Arrangement.
- (3) The national Mother Plan shall be stipulated and checked once in every 3 (three) months and can be reviewed before 3 years based on requirements according to aspiration and economic development in the field of fishery of every region

Article 10

- (1) The classifications of Fishery Port, as mentioned in Article 3 paragraph (1) consist of:
 - a. PPS;
 - b. PPN;
 - c. PPP;
 - d. PPI.
- (2) The classifications of PPS as mentioned in paragraph (1) point a shall be determined based on the following technical criteria:

- a. Serving fishing boats operating in the territorial waters, Indonesian Exclusive Economic Zone, and international waters;
 - b. Having mooring and anchoring facilities for fishing boats with at least 60 Gross Tonnage (GT);
 - c. Having length of pier of at least 300 m with a depth of pool of at least minus 3 m;
 - d. Being able to accommodate at least 100 fishing boats or a total of at least 6,000 GT at once;
 - e. Total fish landed is averagely 60 tons/day;
 - f. Part of the landed fish is for export;
 - g. Having an area of at least 30 Ha;
 - h. Having a laboratory to examine quality of fishery products; and
 - i. Having fishery industry.
- (3) The classifications of PPN as mentioned in paragraph (1) point b shall be determined based on the following technical criteria:
- a. Serving fishing boats operating in the territorial waters and Indonesian Exclusive Economic Zone;
 - b. Having mooring and anchoring facilities for fishing boats with at least 30 Gross Tonnage (GT);
 - c. Having length of pier of at least 150 m with a depth of pool of at least minus 3 m;
 - d. Being able to accommodate at least 75 fishing boats or a total of at least 2,250 GT at once;
 - e. Total fish landed is averagely 30 tons/day;
 - f. Part of the landed fish is for export;
 - g. Having an area of at least 15 Ha;
 - h. Having a laboratory to examine quality of fishery products; and
 - i. Having fishery industry.

- (4) The classifications of PPP as mentioned in paragraph (1) point c shall be determined based on the following technical criteria:
 - a. Serving fishing boats operating in the interior waters, archipelago waters, territorial waters, and Indonesian Exclusive Economic Zone;
 - b. Having mooring and anchoring facilities for fishing boats with at least 10 Gross Tonnage (GT);
 - c. Having length of pier of at least 100 m with a depth of pool of at least minus 2 m;
 - d. Being able to accommodate at least 30 fishing boats or a total of at least 300 GT at once; and
 - e. Having an area of at least 5 Ha.
- (5) The classifications of PPI as mentioned in paragraph (1) point d shall be determined based on the following technical criteria:
 - a. Serving fishing boats operating in the interior and archipelago waters;
 - b. Having mooring and anchoring facilities for fishing boats with at least 3 Gross Tonnage (GT);
 - c. Having length of pier of at least 50 m with a depth of pool of at least minus 2 m;
 - d. Being able to accommodate at least 20 fishing boats or a total of at least 60 GT at once; and
 - e. Having an area of at least 2 Ha.
- (6) Fishery Port constructed by an Indonesian Fishery Company shall be treated the same with the classifications of Fishery Port as mentioned in paragraphs (2), (3), (4), and (5).

Article 11

- (1) The classes of the Fishery Ports as mentioned in Article 10 paragraph (1) points b, c, and d can be improved in accordance with the determined technical criteria.
- (2) The improvement of class of Fishery Port constructed by the Regental/Municipal Government shall be proposed by the Regent/Mayor to the Minister via the Director General.

- (3) The improvement of class of Fishery Port constructed by the Provincial Government shall be proposed by the Governor to the Minister via the Director General.
- (4) The improvement of class of the Fishery Ports as mentioned in paragraphs (1), (2), and (3) shall be proposed by the Director General to the Minister.
- (5) The improvement of class of Fishery Port constructed by an Indonesian Fishery Company shall be proposed by the respective company to the Minister via the Director General at the recommendation of the Regent/ Mayor where the port has its domicile.
- (6) Procedure for proposal for the improvement of class as mentioned in paragraph (1) will be further stipulated by the Director General.

Article 12

- (1) Work area of a Fishery Port consists of land and water territories used directly for the operation of the Fishery Port.
- (2) The land territory of the Fishery Port consists of land territory for the operation of main facility, functional facility, and supporting facilities, amongst others, for the loading of fish, auction sale, packaging, fishery industry area, supply service area, fishing boat maintenance, and other general facilities in the area of the Fishery Port.
- (3) The work area of the Fishery Port covers water territories for the operation of service channel, placement of navigation signs, mooring and anchoring place, place for commodity loading from one to another fishing boat, movement of fishing boats, and maintenance of fishing boats.
- (4) The area of interest of Fishery Port covers land and water territories having direct impact on the operational development of the Fishery Port, including access to the Fishery Port and fishers' residential areas.
- (5) The areas of work and interest of Fishery Port will be stipulated by the Minister based on approval of the Regional Government.
- (6) The work area of Fishery Port with joint interest with another institution will be stipulated by the Minister and the said institution.

CHAPTER V THE CONSTRUCTION OF FISHERY PORT

Article 13

- (1) The designation of location for the construction of Fishery Port shall refer to the national Mother Plan as mentioned in Article 8 and Article 9 paragraph (1)

and the technical guidelines for the construction of Fishery Port as stipulated by the Minister.

- (2) The construction of Fishery Port must go through Study, Investigation, Design, Construction, Operation, and Maintenance (SIDCOM) stages.
- (3) Guidelines for the implementation of the stages as mentioned in paragraph (2) will be further stipulated by the Director General.

Article 14

- (1) The construction of Fishery Port must obtain prior approval of the Director General.
- (2) The Provincial or Regental/Municipal Government that will construct Fishery Port must submit a request for approval to the Director General.
- (3) An Indonesian Fishery Company that will construct Fishery Port must submit a request for approval to the Director General at the recommendation of the Regional Government according to the plan on location for the construction of Fishery Port.
- (4) The requirements and procedure to obtain the approval as mentioned in paragraphs (2) and (3) will be further stipulated by the Director General.

Article 15

- (1) The facilities of Fishery Port consist of main facilities, functional facilities, and supporting facilities.
- (2) The main facilities as mentioned in paragraph (1), are, amongst others:
 - a. Protecting facilities, such as breakwater revetment and groin;
 - b. Mooring facilities, such as pier and jetty;
 - c. Water facilities, such as pool and navigation channel;
 - d. Connecting facilities, such as roads, drainage system, water channel, bridge; and
 - e. Areas, such as area of Fishery Port.
- (3) The functional facilities as mentioned in paragraph (1) are, amongst others:
 - a. Facility for the marketing of fishery products, such as Fish Auction Place (TPI) and Fish Market;

- b. Navigational and communications facilities, such as telephone, Internet, SSB, signs, lighthouse, and monitoring tower;
 - c. Facilities to supply clean water, ice, electricity, and fuel;
 - d. Facilities for the maintenance of vessels and fish catching apparatus, such as dock/slipway, repair shop, and place for net repair;
 - e. Facilities for the handling and processing of fishery products, such as transit sheet and quality development laboratory;
 - f. Office facilities, such as administrative office of the port and other private offices;
 - g. Transportations facilities, such as fish and ice transporting instruments; and
 - h. Waste treatment facilities, such as IPAL.
- (4) Supporting facilities, as mentioned in paragraph (1), are, amongst others:
- a. Facilities for the development of fishers, such as Fishers' Conference Hall;
 - b. Port managing facilities, such as operator's mess, security post, and integrated Service Post;
 - c. Social and public facilities, such as Place for Accommodation of Fishers, place of worship, bathroom, Guest House, and stalls; and
 - d. Science and Technology Stall.
- (5) The technical specifications of the facilities as mentioned in paragraphs (2), (3), and (4) will be further stipulated by the Director General.

CHAPTER VI
OPERATION

Article 16

- (1) Fishery Port which has been constructed and will operate must obtain prior approval for operation of Fishery Port from the Director General.
- (2) The Provincial or Regental/Municipal Government that will operate Fishery Port must submit request for approval to the Director General.
- (3) The approval as mentioned in paragraph (1) will be granted after the requirements and technical guidelines for the operation of Fishery Port stipulated by the Director General have been fulfilled.

- (4) The approval for the operation of Fishery Port constructed and/or managed by an Indonesian Fishery Company shall be granted after fulfillment of the requirements as mentioned in paragraph (2) accompanied with recommendation of the Regional Government.

Article 17

- (1) A Fishery Port, which is operating, must accommodate the functions of government administration consisting of:
 - a. Marine safety;
 - b. Safety and order;
 - c. Customs and Excise for Fishery Ports which are open;
 - d. for international trading;
 - e. Immigrations for Fishery Ports open for international trading;
 - f. Development of quality of fishery products;
 - g. Fish resource supervisor;
 - h. Health; and
 - i. Other matters related to Fishery Port.
- (3) Fishery Post must provide facilities for the operation of the functions of government administration as mentioned in paragraph (1).
- (4) Head of Fishery Port shall act as coordinator in the operation of Fishery Port and shall stipulate standard operational procedure for the Fishery Port.
- (5) The operation of the functions of government administration of Fishery Port constructed by an Indonesian Fishery Company shall be ruled and stipulated by the Director General.
- (6) Procedure of work relation of Fishery Port and the related institution will be further stipulated by the Minister.

CHAPTER VII
BUSINESS

Article 18

- (1) Fishery Port, which is constructed and operated by the Government or Regional Government, can be organized to receive Non-Tax State Revenues (PNBP) and Regional Revenues (PAD).
- (2) Fishery Port, which is constructed and operated by an Indonesian Fishery Company, can be organized with reference to the rules stipulated by the Minister.
- (3) The business of Fishery Port as mentioned in paragraph (1) consists of:
 - a. Lease of permanent facilities, amongst others:
 - Land lease;
 - Lease of buildings;
 - Lease of Cold Storage;
 - Lease of equipment;
 - b. Other services, amongst others:
 - Boat services;
 - Instrument and equipment services;
 - Fulfillment of supplies for fishing boats;
 - Fish auction service;
 - Entrance and parking pass;
 - Quality control service;
 - Other services.
- (4) The lease and the services as mentioned in paragraph (3) shall be imposed with cost of lease or cost of service.
- (5) Procedure for collection and designation of the cost of lease and cost of service as mentioned in paragraph (4) will be stipulated in accordance with the laws in force.

Article 19

- (1) Every person or corporate body must maintain facilities of the Fishery Port in use.
- (2) In the case that the said person or corporate body, as a result of its action or failure, has caused damage to the facilities, it will be imposed to pay indemnity.
- (3) The amount of the indemnity as mentioned in paragraph (2) will be determined according to the amount of cost of repair of those facilities.
- (4) The person or the corporate body as mentioned in paragraph (2) must deliver a guarantee to Head of the Fishery Port prior to the repair.

CHAPTER VIII
CONTROL AND SUPERVISION

Article 20

- (1) Operator of Fishery Port must report its operation every month to the Minister via the Director General cc the Governor or Regent/Mayor.
- (2) Procedure for the reporting as mentioned in paragraph (1) will be further stipulated by the Director General.

CHAPTER IX
OTHER PROVISIONS

Article 21

- (1) The Director General shall conduct technical development for the operation of Fishery Port as mentioned in Article 3 paragraph (1) and Article 4 paragraph (1).
- (2) The operator of Fishery Port shall train the community around the Port in the effort to improve business and to manage fish resources.
- (3) Every fish catching and/or transporting vessel must enter Fishery Port which has been designated as Base Port and has been contained in the SPI or SIKPI, or as Transit Port.

CHAPTER X
CLOSING

Article 22

This Decree shall come into effect from the date of stipulation.

Stipulated in Jakarta
On February 24, 2004
THE MINISTER OF MARINE AND FISHERIES

Signed

ROKHMIN DAHURI