



Vessel detentions for illegal anchoring in Indonesian waters

Updated 20 April 2022

For a number of years Indonesian authorities have detained vessels for anchoring in its waters without the requisite permissions from the authorities. Recent cases seem to indicate there is an increased focus on vessels anchored off Bintan Island and other Riau Islands by Indonesian Navy.

Published 14 September 2021

The information provided in this article is intended for general information only. While every effort has been made to ensure the accuracy of the information at the time of publication, no warranty or representation is made regarding its completeness or timeliness. The content in this article does not constitute professional advice, and any reliance on such information is strictly at your own risk. Gard AS, including its affiliated companies, agents and employees, shall not be held liable for any loss, expense, or damage of any kind whatsoever arising from reliance on the information provided, irrespective of whether it is sourced from Gard AS, its shareholders, correspondents, or other contributors.

According to our local correspondent, [Spica](#) , Indonesia has stepped up its campaigning against illegal anchoring in its waters, i.e. anchoring without the prior approval from the authorities and paying of any applicable dues. Vessels can be detained, and criminal charges levied against the vessel and its crew for infringing local maritime and immigration laws. Members and clients are recommended to share the content of this alert with the Masters of vessels trading in or heading to the region.

Indonesian waters

Although vessels have been anchoring in Indonesian waters for decades mistaking them to be international waters commonly referred to as OPL (outer port limits), it is only recently that Indonesian navy has stepped up enforcement in waters off Bintan Island and other Riau Islands.

From claims handled by Gard, it seems the following factors have contributed to misunderstandings amongst not only mariners but also shore managers and commercial operators:

- There may be limited understanding of archipelagic baselines of Indonesia. Many mariners as a result employ an incorrect practice of using the nearest landmass as a reference point to measure the breadth of the territorial waters.
- The boundaries of Indonesian waters, baselines and the designated anchorages may not be marked on all navigational charts commonly used by merchant vessels. Even where marked on electronic charts, zooming in or out to inappropriate scales can affect the display such information.

Indonesian archipelago & archipelagic baselines: Indonesia is an archipelagic state, i.e. it is made up of many small islands. The baselines for Indonesia are therefore determined differently when compared to a non-archipelagic state. Although a discussion on archipelagic baselines is beyond the scope of this alert, it is worth highlighting that the baselines for an archipelagic state are drawn joining the outermost points of the outermost islands and drying reefs of the archipelago. Thus, any waters enclosed within the baseline are treated as internal waters of the state and other maritime boundaries such as territorial waters are measured outward from these baselines. Reference can be made to [Article 46 of UNCLOS](#) for details on ‘archipelago’ and ‘archipelagic baselines’.

Coordinates of baselines: As the maritime boundaries in this region have always been contentious, we referred to [PP%20No.38%20TH%202002.pdf](#) as amended by [PP%2037%20Tahun%202008.pdf](#) to get information on the coordinates of the baselines for the Indonesian archipelago. We also conferred with the website of the local hydrographic centre, [Pushidrosal](#) , and also that of [NSR.jpg](#) . Members are cautioned that the information on these websites might not be regularly updated and should therefore cross check by using other sources.

Challenges in getting the vessel and crew released

It can be a lengthy process to get the vessel and its Master released from detention/arrest. The time taken can be anything from a few weeks to a few months. We have been informed by BUDD Indonesia that in one recent case the time taken from the initiation of criminal proceedings against the vessel until a decision was handed down by the District Court was 8 months. One of the other consequences of the vessel being arrested or detained for illegal anchoring may be that crew members risk being barred from re-entering Indonesia for a certain amount of time after being released.

The process can be summarized as follows: After a vessel is detained there is usually an investigation by the Indonesian navy followed by the prosecution stage and finally a decision is handed down by a District Court. It is not clear if there is any one factor in particular that contributes more to lengthen the release process as each case is different. It may be a combination of a number of factors such as the involvement of different authorities, lack of clarity on the procedures to deal with such detentions, case not being fast tracked by the local courts etc.

Recommendations

Symbols and abbreviations used on charts: Mariners are reminded to refresh their knowledge on symbols used on electronic and paper charts to mark maritime boundaries & associated baselines. Reference can be made to publications by UKHO (NP 5011) and [IHO](#) .

Local agent and permission from authorities before anchoring: Before anchoring it is important that a local agent is appointed, and permission sought from the local authorities when anchoring in this region. This is irrespective of whether a vessel is intending to call an Indonesian port, idling while waiting for orders, or conducting any other operation such as crew change, STS, repairs etc.

Designated anchorages: Obtain information on designated anchorages from local agents and mark these on the charts, if not already shown. We also refer to two Notices by the Minister of Transportation of Indonesia where coordinates of the anchorages off Pulau Bintan are mentioned: [KM 154 Year 2020.pdf](#) , and [NSR.jpg](#) . Procuring local charts may also be helpful.

AIS: Vessel's AIS should be kept 'ON' at all times. Members may also refer to our earlier alert ['AIS mandatory in Indonesian waters'](#) for further guidance on this.

We would like to thank our correspondent, SPICA, as well as BUDD Indonesia for assisting with this alert.