PROTECTION FOR PASSENGER SHIPS WHEN NEW NORMAL
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ABSTRACT:
When Covid 19 hit Indonesia, the Government began to close shipping access. The government confirmed that the closure of the port during the Covid-19 emergency period was the authority of the Central Government in this case the Ministry of Transportation eq. Directorate General of Sea Transportation. This is stated in Circular of the Director General of Sea Transportation number Circular Letter 13 of 2020 dated March 26, 2020 concerning Limitation of Passengers on Ships, Logistics Transportation and Port Services during the Corona Virus Disease 2019 Emergency Disaster Management (Covid-19). In the circular, the port closure mechanism was set up by the Regional Government in order to prevent the spread of Corona 19. The purpose of this study was to determine the Form of Protection for ship passengers during New Normal. This research is a qualitative descriptive study. The research approach used in this paper is the statute approach. The statute approach is carried out by examining all laws and regulations relating to the legal issues being addressed. The research conducted is aimed more at the approach to laws and regulations associated with the protection of ship passengers in the new normal era. Data Analysis Techniques Data analysis techniques used for this study are deductive analysis methods, which are data analysis methods that begin with general postulates and certain paradigms as a base for starting conclusions. In an effort to protect ship passengers in the new normal era, the Government released special rules related to sea transportation services in the face of a period of adaptation to new or new normal habits. The rule is contained in Circular Letter 12 of 2020 concerning Guidelines for the Implementation of the Trip of People with Transportation in the Adaptation Period of New Habits Towards Productive and Safe Communities Corona Virus Disease 2019 (Covid-19). The Circular was issued following the enactment of Minister of Transportation Regulation (Permenhub) No. 41 of 2020 concerning Amendments to Permenhub Number 18 of 2020 concerning Transportation Control in the Prevention of the Distribution of Covid-19. In the operation of sea transportation during the adaptation period this new custom has been set criteria that must be met by every passenger, passenger ship operator, passenger terminal operator and Syahbandar at the port of embarkation / debarkation. Passengers must also be responsible for their health by implementing health protocols. The health protocol includes keeping a distance, wearing a mask, and washing hands as well as complying with applicable regulations. In addition, passengers are required to show tickets, boarding passes, identification along with other required documents. Specifically for passengers who come from abroad must conduct a PCR Test upon arrival at the port in the country and activate the Protect Care application on the cell phone device. Regarding the amount of passenger capacity allowed for aboard, the Ministry of Transportation emphasized that passenger capacity is adjusted to the characteristics of the ship while still using the principles of health protocol.
Keywords: passenger protection, covid-19, new normal

INTRODUCTION

The port is a vital object that not only serves passengers but also transports goods and community logistics. The port also functions as a node of national disaster management infrastructure such as medicine supply, mobilization of medical personnel and State security. World trade, as it is known that most of its commodities are transported by sea transportation which is managed by shipping companies. Based on data from the International Chamber of shipping, the Shipping Industry is responsible for transporting commodities about 90% of total world trade. The emergence of COVID-19 has a significant impact on the shipping industry today.

COVID-19 resulted in reduced transport volume and suboptimal vessel utilization. Quoted from ship-technology, currently shipping companies have canceled 21 shipping routes for the US - Asia Pacific trade route due to the low demand for commodity transportation in China. The cancellation is in addition to the 66 cancellations that have occurred during the 2019 Chinese New Year. As for the Asian-European trade route, 61 voyages have been canceled, resulting in a reduction in capacity of 151,000 TEU. Several large shipping companies were devastated by the emergence of COVID-19, such as Maersk and Hapag Lloyd. About 30% of Maersk's annual shipping volume comes from operations in China and Hapag Lloyd around 25% of group revenue is contributed from operations in China. Both Maersk and Hapag Lloyd threatened to lose the business.

IMO (International Maritime Organization) which is the agency responsible for the security and safety of international shipping, has endorsed several circulars in responding to COVID-19, as follows (Barchue, L. D. 2020):
6. Circular Letter No. 4204. Add. 1 (12 February 2020) - Coronavirus novel (2019-nCoV), provides information and guidance, based on recommendations developed by WHO and DHMOSH, the United Nations about preventive measures to minimize the corona virus to delegates attending meetings at IMO.
7. Circular Letter No. 4204. Add. (31 January 2020) - Coronavirus novel (2019-nCoV), provides information and guidance, based on recommendations developed by WHO, about preventive measures to minimize the corona virus to crew, passengers and people on board.

So far, IMO has taken steps to prevent the spread of the corona virus from becoming more widespread. Campaign related to coronavirus prevention, is still considered as the right step. This is done so that the world’s ports and shipping can continue to operate. Imagine if the port is closed completely, how big is the impact of the loss that will occur. This step will still be updated according to the conditions that occur later.

Similarly, when Covid 19 hit Indonesia, the Government began to close shipping access. The government confirmed that the closure of the port during the Covid-19 emergency period was the authority of the Central Government in this case the Ministry of Transportation cq. Directorate General of Sea Transportation. This is stated in Circular of the Director General of
Sea Transportation number SE 13 of 2020 dated March 26, 2020 concerning Limitation of Passengers on Ships, Logistics Transportation and Port Services during the Corona Virus Disease 2019 Emergency Disaster Management (Covid-19). In this circular, a port closure mechanism is regulated by the Regional Government in order to prevent the spread of Corona 19 (Bruyne, J. D. 2014).

With regard to preventing the spread of Covid-19 at the port, the government appealed to the Heads of Port Authority (OP) / Main Syahbandar / Port Authority and Port Authority (KSOP) / Batam Special KSOP / Port Operators Unit (UPP), Ship Operators, Port Operators in order to carry out the specified restriction procedures. The port is also requested to proactively coordinate with stakeholders at the port and the Regional Government in the implementation of the functions of regulating and guiding, controlling and supervising port activities to ensure smooth flow of goods such as providing special treatment, discretionary restrictions related to port access for loading and unloading activities. regional logistics needs, embarkation and debarkation of passengers in certain situations that are urgently needed.

Directorate General of Sea Transportation has carried out a number of actions related to anticipating the spread of the Corona virus in Indonesia through ports since the Corona Virus was first spreading in the world. Noted, since then the Directorate General of Sea Transportation in collaboration with Port State Owned Enterprises (SOEs) and the Port Health Office (KKP) have tightened passenger health checks and have issued Circular Letter of the Director General of Sea Transportation Number SE 8 of 2020 concerning Preparatory Measures to Spread the Corona Virus in The Indonesian Port Area as a follow up to the International Maritime Organization (IMO) Circular Letter Number 4204 dated January 31, 2020, regarding the prevention and transmission of Coronavirus or Novel Coronavirus (2019-nCOV). For passengers found not to meet the requirements, isolation will be carried out in a special room and will be unloaded at the first destination port and report to the local regional task force. Of the 26 passenger ships, while Pelni operates six ships, namely KM Ciremai, KM Dobonsolo, KM Gunung Dempo, KM Nggapulu, KM Kelud, and KM Egon. The ship will sail carrying passengers to the port that is still open to access, namely the Ports of Tanjung Priok, Surabaya and Makassar and continue the journey by carrying logistical loads.

In an effort to revive the economy, the Indonesian government began to impose new normal on various sectors including the sea transportation sector. New normal is a form of adaptation to conditions when the corona virus vaccine has not been found. The new normal idea refers to changes in human behavior due to a pandemic. This change in behavior to design economic activities does not stop due to viruses. Mobility of goods and services must not be faltered during a pandemic. Of course, the implementation of new normal is done in stages. New implementation is measurable and controlled. The new normal implementation takes into account risk management. The application of new normal is modeled on smart practices in other countries. The implementation of new normal is in tune with the involvement of all elements of society. In spite of all that, new normal demands that protocols be made public or specific. General protocol with distance, wear a mask, wash hands, and hand sanitizers are available. Consumption of vitamins to maintain immunity. Specific protocols should also be prepared according to the activities carried out.

Problem
What is the Form of Protection for passenger ships when New Normal?

Research Methods
a. Type of Research

This type of research uses the normative legal research method, which is a scientific research procedure to find the truth based on legal scientific logic from the normative side
In this normative law research is more focused on examining the application of the rules or norms in positive law, especially those relating to the Implementasi Perlindungan bagi penumpang kapal saat New Normal (Dewanta, Mukti Fajar dan Yulianto Achmad, 2013).

a. Type of Data
In normative legal research or library data collection techniques used are literature studies of legal materials, both primary legal materials, secondary legal materials and tertiary legal materials and or non-legal materials (Mukti Fajar, 2006).
1). Primary legal materials in the form of laws and regulations
2). Secondary legal materials are legal books and legal journals. In addition, legal dictionaries, and comments on court decisions relating to the object of research, and relating to writing.
3). Tertiary legal materials are materials that provide information about primary legal materials and secondary legal materials, such as: legal dictionaries, and language dictionaries. Non-Legal Materials, even in legal research in academic purposes non-legal materials.

c. Nature of Research
The research conducted is descriptive in nature, which is describing the symptoms of the community environment in a case which is a method of research that results in descriptive data. The author hopes to be able to further examine and provide researched data about the object under study as for the writer wants to give a description of the Implementation of Protection for ship passengers during New Normal.

d. Research Approach
The research approach used in this paper is the statute approach. The statute approach is carried out by examining all laws and regulations relating to the legal issues being addressed. The research conducted is aimed more at the approach to laws and regulations associated with the issue of Implementation of Protection for ship passengers during New Normal.

e. Data Analysis
Data Analysis Techniques used for this study are deductive analysis methods, namely data analysis methods starting with general postulates and certain paradigms as a base for starting conclusions.

Discussion

a. The term new normal is now very easy to find by people in various media platforms. New normal is said to be a new way of life in the midst of a corona virus pandemic whose recovery rate is increasing. Some regions have made rules regarding the implementation of new normal while continuing to prevent COVID-19. The public is expected to follow these rules by always implementing health protocols. New normal is the step to accelerate the handling of COVID-19 in the health, social and economic fields. The new normal scenario is carried out by considering the readiness of the region and the results of epidemiological research in the relevant region. The definition of new normal is a scenario to accelerate the handling of COVID-19 in health and socio-economic aspects. The Indonesian government has announced plans to implement the new normal scenario taking into account epidemiological studies and regional readiness. The maritime sector is also preparing to welcome new normal. The port, shipping, logistics and other sectors are said to have prepared a number of steps for this.

b. WHO provides several indicators which are requested to be complied with by all countries in the world in order to adjust their normal life. The intended indicators are as follows:
1. Does not increase transmission or expand transmission or reduce transmission to the maximum extent.
2. Using health system indicators that is how high the adaptation and capacity of the health system can respond to COVID-19 services
3. Surveillance is a way to test a person or group of people whether a person has the potential to have COVID-19 or not, so that a massive test is performed.

At present, the government has stated to welcome new normal or new normality in the midst of a pandemic. Meanwhile, since May 2020, several ships have also begun to open ticket sales for passengers to the ports that open their access. However, ship tickets can only be purchased by a few passengers with certain criteria. The passengers are transported in accordance with what has been determined by the Government based on the requirements in the Covid-19 Task Force Circular Letter or the Director General of the Republic of Indonesia's Ministry of Transportation Circular Letter, such as employees (ASN, BUMN, BUMD, Private, Foreign Companies (domicile of Indonesia)), patients who need emergency health services or passenger trips whose core family members are seriously ill or dead, as well as repatriation of Indonesian Migrant Workers. Ticket purchases can be made at Pelni branch offices and ports that have been opened. During this period, Pelni will only sell tickets for about 50% of the ship's capacity. That way, the passengers on the ship can keep their distance or physical distancing.

PT Pelayaran Nasional Indonesia anticipates the possibility of reopening sea transportation activities in June 2020. Pelni ensures that it will comply with the implementation of the new normal life scenario in operational activities while still observing the COVID-19 protocol. Documents needed to travel with PELNI ships include a rapid test or swab that shows non-reactive / negative Covid-19 results, KTP / ID, and has a certificate / assignment letter.

The implementation of the new normal phase is expected to be able to move the national economy back and support the Government's strategic program in terms of implementing public transportation. PELNI as a State-Owned Enterprise engaged in the field of sea transportation has currently operated as many as 26 passenger ships and visited 83 ports and served 1,100 sections. In addition to passenger transportation, PELNI also serves 45 pioneer ship routes which are a means of accessibility for population mobility in the area where pioneer vessels stop at 275 ports with 3,739 sections. PELNI also operates as many as 20 Rede vessels. Whereas in logistics business services, PELNI now operates 4 cargo ships, 8 sea toll vessels and 1 cattle-specific vessel. In an effort to protect Passengers in the new normal era, Pelni already has a scenario and is ready to be applied on the ship, such as the ticket purchasing protocol carried out online and passengers must submit evidence of rapid test results.

Following are the requirements for boarding a ship when new is normal:

1. **KTP Origin Destination Port**
   Passengers who buy boat tickets must have a national identity card (KTP) with the port of destination. If you don't have it, passengers are not permitted to board the ship.

2. **Health Certificate**
   The other condition for the appointment is a health certificate. The letter must come from the doctor in charge. If the passenger does not have it it will be refused.

3. **Wear a mask**
   Passengers are required to wear a mask before and after boarding the ship. For those who do not wear masks, it is not permitted to ride.

4. **Mandatory Cashless**
   The last requirement for boarding is to buy a boat ticket, using cashless or non-cash
   Meanwhile, passengers who do not meet the requirements and are known while on the ship will be isolated in a special room. Then the first destination port will be lowered and

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   Meanwhile, passengers who do not meet the requirements and are known while on the ship will be isolated in a special room. Then the first destination port will be lowered and
reported to the local regional task force. Concerning the health of the crew such as conducting a rapid test to the crew and partners who will serve on the ship to ensure that their health conditions are suitable for duty. The crew on duty have also been equipped with Personal Protective Equipment ranging from head cover (face shield), gloves, clothes, to shoe cover. Health, comfort and safety factors in shipping are the main priorities. Embarkation and debarkation processes, food and drink services on board, and protocols for the use of facilities on board. Among others, maintaining cleanliness and implementing physical and social distancing, by applying a maximum passenger limit of 50% of capacity, use of Personal Protective Equipment in full for the crew, to limit physical interaction / meeting with passengers. The distance between passengers is regulated. Communication between ABK and passengers is not the same as before the pandemic.

PT ASDP Indonesia Ferry (Persero) has prepared a number of new normal scenarios in the office and port environment that will be applied in all branches throughout Indonesia. The scenario still follows the Large-Scale Social Restrictions (PSBB) policy in each region. This task force has a role in drafting the protocol in ASDP by taking into account various elements, both in the aspects of human resources, the workings of the company's operations, both process and technology. Also, the impact on customers, partners and other stakeholders while ensuring business continuity. Since the beginning of the COVID-19 pandemic the main focus has been the health and safety of the whole community and employees (people first). Therefore, ASDP implements preventive protocols in all ports and ships ranging from environmental disinfectants, body temperature checks, physical distancing arrangements when vehicles and passengers enter or leave the ship.

Also, it requires the use of masks for motorists and officers while at the port or on the ship. In fact, passenger loading is limited to a maximum of 50% of the ship's capacity. Welcoming the new normal which is planned to be carried out in stages, ASDP has prepared an interaction protocol involving employees, customers, suppliers, business partners and other stakeholders which includes prevention and handling protocols for the spread of COVID-19, health handling protocols during the COVID 19 pandemic, port operational protocols, discipline protocol for the use of PPE, masks, gloves and others. Then, the office time / hour adjustment protocol and household protocol. The policies imposed in support of the interaction protocol start from the application of an online ticketing system (Ferizy), the socialization of healthy behavior and health protocols (physical distancing in offices, ships and ports).

The form of legal protection for passengers is the enactment of the Minister of Transportation Circular Number 12 of 2020 concerning Guidelines for the Implementation of Travel of People by Sea Transportation in the Adaptation Period of New Habits Towards Productive and Safe Communities Corona Virus Disease 2019.

a. Passenger

1) Each passenger is responsible for their health by implementing the Health protocol covering, keeping a distance, wearing a mask and washing hands as well as subject and comply with applicable regulations.

2) Each passenger shows a ticket and boarding pass along with travel documents in the form of:
   a) Personal identity card or other valid ID
   b) Certificate of PCR Test valid for 7 days or Certificate of Rapid test for 3 days
   c) Influenza symptom-free certificate issued by the hospital or health center for passengers from areas that do not have a Rapid Test or PCR Test

3) Passengers who have just arrived from abroad must conduct a PCR test at the domestic Port if they do not show and have not yet conducted a Rapid Test

4) During the waiting time rapid test passengers are required to quarantine in a special quarantine accommodation
5) Travel documents 2b and 2c are excluded
   a) Regular passengers traveling by ship
   b) Passengers from abroad who are able to show a Rapid Test and can show a letter free of symptoms of influenza
   c) Commuter passengers who travel by ship through the Cross-Country Border Post to show an influenza-free letter issued by the Hospital or Health Authority

6) Every passenger who has influenza disease symptoms is positive about covid 19 must undergo quarantine in quarantine accommodation provided by the Government

7) Every Passenger is required to download and activate the Care Protect application.

b. Passenger Ship Operators
   1) Comply with the provisions stipulated in the SE Implementing task force for the acceleration of Covid handling 19
   2) Conducting free covid 19 checks regularly on employees, crew and other operational personnel through the PCR test and Rapid test
   3) Applying health protocols to employees, crew members and operational personnel covering distance, wearing masks and washing hands as well as complying with the applicable terms and conditions
   4) Apply distance, wear masks and wash hands to employees, crew and operational personnel when preparing trips, when traveling and when arriving at the port of destination or debarkation
   5) Setting up a hand washing or hands sanitizer on the boat and providing masks for passengers in need
   6) Carry out body temperature checks for employees, crew and operational personnel and passengers when preparing for travel, when traveling and when arriving at the port of destination or debarkation
   7) Prepare a fixed procedure for handling emergencies when traveling and when arriving at the port of destination or debarkation
   8) Ensuring that potential passengers meet the travel requirements document before being given a ticket or transport document
   9) Ticket reservation service at branch offices both online and offline is prohibited from providing tariff increases
   10) Implement distance and control the queue of prospective passengers at ticket ticket counters at the head office and branch offices
   11) Serving the refund / reroute / reschedule process for passengers who fail to leave without being charged extra fees
   12) Carrying out passenger cruise reroutes or rescheduling is valid for one booking within one year.

c. Passenger Terminal Operator
   1) Comply with the provisions stipulated in the SE Implementing task force for the acceleration of Covid handling 19
   2) Conducting free covid 19 checks regularly on employees, crew and other operational personnel through the PCR test and Rapid test
   3) Applying health protocols to employees, crew and operational personnel covering distance, wearing masks and washing hands as well as obeying and complying with applicable terms and conditions
   4) Setting up a place to wash hands at each exit or entrance to the passenger terminal at the port as well as providing masks for those who need it
5) Prepare a check point and check at the entrance and exit ports of the passenger terminal of the Port
6) Prepare fixed procedures for handling emergencies at the passenger terminal at the Port
7) Prepare special quarantine accommodation at the port

d Syahbandar at the Port of Embarsadi and Debarkation
1) Comply with the provisions stipulated in the SE Implementing task force for the acceleration of Covid handling 19
2) Implement Health protocol discipline that includes, keep a distance, wear masks and wash hands
3) Implement Covid Health protocol 19 disciplinary together with Port organizers, port Health offices, TNI, Police, Local Government, Task Force for the acceleration of handling 19 regional Covid, terminal operators and other relevant agencies.
4) Syahbandar appoints officers to supervise and control the implementation of this circular letter, equipped with Personal Protective Equipment
5) Syahbandar in accordance with its authority has the right to stop and or prohibit passenger travel for violations of this SE or other statutory regulations
6) Carry out quarantine supervision for passengers who are found to have symptoms such as influenza or have been declared positive reactive covid 19 on quarantine accommodation that has been provided at the Port.
7) For passengers who fail to depart, the appointed officer directs the passenger to the ship operator to immediately carry out a refund / reschedule / reroute process without incurring additional costs
8) Carry out law enforcement in accordance with their authority over acts of violation and imposition of sanctions in accordance with statutory provisions.

Circular Letter Number 12 Year 2020 was published following the issuance of Minister of Transportation Regulation (Permenhub) Number 41 Year 2020 Regarding Amendment to Minister of Transportation Number 18 Year 2020 concerning Transportation Control in the context of Preventing the Distribution of Covid-19 and Circular Letter of the Chairperson of the Implementing Task Force for the Acceleration of COVID-19 Handling Number 7 of 2020 concerning Criteria and Requirements for the Travel of Persons in the Adaptation Period of New Habits Towards a Productive and Safe Society of Corona Virus Disease 2019 (COVID-19). In the Minister of Transportation, it is explained that in order to control sea transportation in the form of passenger ships, it is obligatory to carry out public services of economy class passenger ships and pioneer transportation vessels with various provisions such as limiting passengers from the total seating capacity and beds through the application of physical distancing, transport logistics with the support of handling and prevention of COVID-19 and essential goods, essential and essential goods. The point is the Protection of Ship Supporters in New Normal or New Customs is a shared responsibility so that transportation services can run optimally by implementing health protocols so that all officers and passengers can remain productive but remain safe from the potential spread of Covid-19.

Conclusion
In an effort to protect ship passengers in the new normal era, the Government released special rules related to sea transportation services in the face of a period of adaptation to new or new normal habits. The rule is contained in Circular Letter 12 of 2020 concerning Guidelines for the Implementation of the Trip of People with Transportation in the Adaptation Period of New Habits Towards Productive and Safe Communities Corona Virus Disease 2019 (Covid-19). The Circular was issued following the enactment of Minister of Transportation Regulation
(Permenhub) No. 41 of 2020 concerning Amendments to Permenhub Number 18 of 2020 concerning Transportation Control in the Prevention of the Distribution of Covid-19. In the operation of sea transportation during the adaptation period this new custom has been set criteria that must be met by every passenger, passenger ship operator, passenger terminal operator and Syahbandar at the port of embarkation / debarkation. Passengers must also be responsible for their health by implementing health protocols. The health protocol includes keeping a distance, wearing a mask, and washing hands as well as complying with applicable regulations. In addition, passengers are required to show tickets, boarding passes, identification along with other required documents. Specifically for passengers who come from abroad must conduct a PCR Test upon arrival at the port in the country and activate the Protect Care application on the cell phone device. Regarding the amount of passenger capacity allowed for aboard, the Ministry of Transportation emphasized that passenger capacity is adjusted to the characteristics of the ship while still using the principles of health protocol.

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