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VERIFIED GROSS MASS PROVISIONS AND PORT ACCIDENT PREVENTION

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ABSTRACT

Palm oil shipments are mostly exported/imported via sea transportation. To increase cargo protection and ship-accident prevention, all shipping-service users in the world are required to implement Verified Gross Mass which is must be well-applied in the shipping world because it concerns the safety of the goods, people, and the ship itself. The purpose of this research is to find out how the VGM procedure affects the palm oil exports. The research used empirical juridical research methods by conducting field research. The data collection was performed by an empirical juridical study that compares primary and secondary data with existing data in the field and being analyzed using a qualitative research approach. The result showed that the statutory regulations governing VGM are the Minister of Transportation's Regulation Number PM 53 of 2018. The implementation of VGM at Belawan port is by PM 53 of 2018 and Circular from Belawan International Container Terminal which is including the principle of legal certainty, benefit and justice, where every export container that will be loaded onto the ship must be verified on the weight of the container and equipped with a VGM certificate document which has received a recommendation from the Main Port Authority Office Belawan.

INTRODUCTION

Sea transportation is a mode of transportation that is full of regulations (rules). Since the ship is ordered to be built until the ship operates, there'd be always

rules that must be obeyed and in practice, supervision is always carried out. This is done as an effort to realize the fulfillment of safety and security requirements concerning transportation in waters. From the perspective of the national economy, sea transportation plays an important role. This important role is the main facilitator in global trade. The philosophy of freight continued to increase, ship designs got bigger, and goods were transported in a variety of ways. Global trade with sea transportation is the most widely used in the world, especially containerized shipping activities. However, sea transportation in Indonesia is currently experiencing problems. Sea accidents claimed many lives and property. The root causes of marine accidents have not been taken seriously so that the danger always lurks users of sea transportation services at all times.

Based on a World Shipping Council (WSC) survey in 2014-16, the average number of containers lost at sea (excluding catastrophic events) was 612 containers. Shippers must provide shipment weight information and document shipping documents prior to loading the cargo on board. In many instances, the actual weight of the package differs from the shipping document. When the indicated weight is heavier than the actual weight, it has a serious effect on the vessel's stability and may create safety issues in port.

This can be achieved by making regulations to reduce the risk of accidents. Regulation plays a major role in exports. Thus, this is an important issue in the international world. VGM means the verified gross weight, i.e., the weight of the export containers that were checked as heavy prior to being loaded on board the vessel. The VGM is a policy under the SOLAS (Safety of Life At Sea) Convention organized by the International Maritime Organization (IMO). The purpose of the VGM is only to ensure the safety of the vessel and the shipboard workers during navigation. Contractors (shippers) are protected as well. With the existence of an international regulatory basis, legal protection is then a description of the functioning of the functional law for achieving the objectives of law, justice, benefit and legal certainty. Legal protection is a protection accorded to legal persons in accordance with the rules of law, whether preventive or law-enforcement, whether written or unwritten. For enforcing legal settlements.

The number of accidents that continued to be a discussion around the world and the International Maritime Organization - The Maritime Safety Committee (IMOMSC) began to be interested in preventing these ship accidents. To increase the protection of new cargo and passenger ships in case of accidents, in May 2014, MSC-IMO has decided to approve amendments to The International Convention for the Safety of Life at Sea (SOLAS) regarding the requirements for verifying the gross weight of containers. All containers loaded are required to have Verified Gross Mass (VGM) declared by the exporter/shipper/shipper. All loaded containers are required to have Verified Gross Weight or VGM (Verified Gross Mass) declared by the exporter/shipper/shipper. The application of VGM is starting to develop, especially in shipping companies with cargo cargoes in line with the increasing export-import rate in Indonesia. The implementation of the Verified

Gross Mass (VGM) obligation at Indonesian ports is considered very good and important because it concerns the safety of goods, people, and the ship itself.

METHODS

In this study, an empirical or non-doctrinal juridical method is used which is intended as an attempt to approach the problem under study with the nature of the law in accordance with the realities of life in society. The approach used is sociological / empirical using a non-positivistic approach and uses qualitative analysis. It uses a qualitative research. Based on the opinion of Denzin and Lincoln, it is explained that qualitative research is research that uses a natural setting, with the intention of interpreting phenomena that occur and is carried out by involving various existing methods.

The research location will be conducted in Belawan. In this study the authors used qualitative analysis techniques, considering that the data collected was mostly qualitative data. This technique is appropriate for research that produces qualitative data, that is, data that cannot be categorized as qualitative statistics. This qualitative method is used for several considerations. First, adapting qualitative methods is easier when faced with multiple realities. Second, this method is more adaptable to the many sharpening of the shared influence and to the value patterns faced.

RESULT AND DISCUSSION

Sea accidents claimed many lives and belongings. The root causes of marine accidents have not been taken seriously and, as a result, maritime users continue to be at risk. According to a survey conducted by the World Shipping Council (WSC) in 2014-2016, the average number of containers lost offshore (excluding catastrophic events) was 612 containers. Shippers are required to provide information on the weight of containers shipped and document shipping documentation prior to In many cases, the actual weight of the packaged container is not the same as the shipping document from the shipping document. When the indicated weight is heavier than the actual weight, it has a serious effect on the vessel's stability and may create safety issues in port. Hence it is important to do research on how to implement VGM in the Port of Belawan, this research involves the operational stakeholders of the Port of Belawan, using the interview method to obtain the information needed in this study.

International Arrangements Related to Enforcement of VGM (Verified Gross Mass)

The binding force of international law is divided into two streams, namely the philosophy of natural law and the philosophy of positive law. According to the philosophy of natural law, the law comes from nature and is derived. The law is seen as having universal, eternal, unchanging characteristics, the same everywhere, just as nature itself is also universal, eternal, and unchanging, so everywhere is the same. The natural law school views the law as abstract and elevated and recognizes only one kind of law that applies throughout the world, namely the natural law itself. Society or humans are seen as only

passive recipients. Around the middle ages, following the situation and conditions at that time, namely the development of the influence of Divine teachings, this philosophy of natural law did not escape the influence of Divinity, thus showing very strong religious / Deity characteristics. Natural law is no longer viewed as coming from nature, but coming from God. It is God who sent it to humans through nature. Natural laws originate and originate from God. natural law has nothing to do with God. The existence of natural laws does not depend on the presence or absence of God. If God didn't exist, the laws of nature would still exist. Regarding international law, followers of the philosophy of natural law view that international law is only part of natural law, namely natural law that applies in the community of nations or the international community. Therefore, international law also has the same nature and binding force as natural law. (Parthiana, I.W., 1990).

The next philosophy is the philosophy of positive law. The philosophy of positive law does not see the law as coming from nature or God, but the law is made by humans or society, grows, lives, applies, and develops in society. Considering that the socio-cultural system between one community group and another is different and changes from time to time, of course, the law as a product and part of community life itself also differs and changes. So there is no law that is eternal and applies universally or that does not change. These laws vary according to the society in which they are in effect and change according to the time. So there is a state will factor that causes the international community, especially states to obey and be bound by international law. The essence and binding power of international law do not lie in the unilateral will of the state, but the common will of the states. If countries are subject to international law, it is because there is a common will of the countries to submit to and be bound by international relations. This agreement is a manifestation of the common will of the state. (Parthiana, I.W., 1990).

International treaties will only bind a country if that country agrees to sign or ratify it. When a country has ratified it, that state must enact it into its national legal rules. The international treaty that has been ratified then becomes part of the national law of the country (Adolf, H., 2005).

Discussing the VGM rules, of course, is related to the law of the sea. The nature of the law of the sea is that the sea is part of the earth's surface and because it is full of uncertainty risks, the nature of the law of the sea is complementary. Unless something can be regulated from the beginning, the relevant provisions are winged, meaning that these provisions cannot be overridden (Situmorang, V., 1987).

What is meant by sea law is a collection of rules and regulations governing activities (traffic) at sea. This meaning does not give a clear meaning. Because "traffic on the sea" is not only about the relationship between citizens and other citizens but also with the relationship between various countries with one another (Simanjuntak, M., 2018).

According to Simanjuntak, M (2018), in maritime regulation, the legal sources are as follows:

1. Legislation;
2. Agreement of the Parties Concerned;
3. Customs in the world of shipping or at the port;
4. International Conventions.

Regulations on Verified Gross Mass (VGM) in the international arena are included in general multilateral international treaties whose substance relates to a particular issue but in which there is a provision regarding certain crimes or criminal acts. This means that in the international agreements that discuss VGM, so far the results of the agreement regulate a certain subject matter which is not a crime issue. However, in the subject matter, a legal event that is classified as a crime may occur. Therefore, in one of the provisions, it regulates the crime, in maritime matters with all its aspects, for example, this VGM.

SOLAS 1974

SOLAS is an acronym for Safety Of Life At Sea, it is the most important convention of all international conventions on maritime affairs. SOLAS is a maritime safety standard that must be applied to merchant vessels of a certain size and serves as the parent for the issuance of various standards (codes) for ship construction, equipment, and operations. The SOLAS Conference in 1974 was held at the IMO headquarters in London from October 21st to November 1st, 1974, and was attended by 71 countries, then resulted in the 1974 SOLAS convention whose format is valid until today. SOLAS 1974 format regulates shipping safety standards on three aspects: ship construction, equipment, and operations which are spread out in 14 chapters (chapters).

SOLAS 1974 was later ratified as Presidential Decree No. 65 of 1980 concerning ratification of the "International Convention For The Safety Of Life At Sea, 1974", as a result of the 1974 international conference on life safety at sea, which was signed by the delegation of the Government of the Republic of Indonesia in London on November 1st, 1974. This Presidential Decree began entered into force on December 9th, 1980.

SOLAS Protocol 1988

In contrast to SOLAS 1974 and its amendments, which regulate safety onboard as a whole, the 1988 SOLAS Protocol regulates the harmonization of certificate validity periods and the implementation of inspections consisting of initial checks, annual inspections, intermediate checks, and renewal checks. The validity period of the certificate is harmonized to 5 years (depending on the type of ship) is the Passenger Ship Safety Certificate including the Record of Equipment, Cargo Ship Safety Construction Certificate, Cargo Ship Safety Equipment Certificate including the Record of Equipment, Cargo Ship Safety Radio Certificate including its Record of Equipment, Cargo Ship Safety

Certificate including its Record of Equipment, International Load Lines Certificate, International Load Lines Exemption Certificate, International Oil Pollution Prevention Certificate, International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk, International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk, International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk, and Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk. Then the 1988 SOLAS Protocol was ratified into Presidential Regulation Number 57 of 2017 concerning Ratification of the Protocol of 1988 Relating To The International Convention For The Safety Of Life At Sea, 1974 (The 1988 Protocol is related to the International Convention for the safety of life at sea, 1974). This Presidential Regulation was enacted on May 30th, 2017.

SOLAS Chapter VI (Cargo Information)

The SOLAS Convention sets out general obligations, including articles, amendment procedures, and so on. One of the main provisions in the stipulated general obligations is in Chapter VI regarding cargo. This chapter applies to the transport of cargo (other than bulk liquids, gas in bulk and all aspects of their transportation are covered by other chapters) which contain certain hazards to ships or persons on board which require special attention to all vessels affected by this regulation and on cargo ships with a gross tonnage of fewer than 500 tonnages.

J. Grdinic (2016) mentioned that the Government Agency considers that the conditions and areas of shipping are protected and establishes other effective means of ensuring the safety of these vessels. In this chapter it is stipulated that each ship must carry transport documents, bulk loading stability data, and plans relating to loaders.

MSC.1/Circ.1475: *Guidelines Regarding The Verified Gross Mass Of A Container Carrying Cargo* The International Maritime Organization (IMO) issues guidelines on the verified gross weight of cargo-carrying containers. In these guidelines, it is explained that gross weight means the combined weight of the container and all packages and cargo items and other packaging materials and safety materials that are packed into the container. The container in this case is called a container. The shipping document is used by the shipper to inform the verified gross weight of the container. This document can form part of the shipping instructions to the shipping company (for example, a notification including a certificate of weight produced by the weigher). This manual states that the responsibility for obtaining and documenting the verified gross weight (VGM) of a packed container rests with the shipper.

Regulations in Indonesia Regarding the Enforcement of VGM (Verified Gross Mass)

Indonesia as a maritime country, since most of its territory consists of oceans, the existence of waters plays an important role in uniting all the islands in

Indonesia. The sea provides great benefits for the welfare of the country and the people of Indonesia. The sea is a link between islands that supports the smooth running of business or economy in the world (Yanto, N., 2014).

The determination of an act as a crime in the law is inseparably linked to the policy-making process in determining an act as a criminal act or an offense. There are many influencing factors in making or formulating a policy so it must be anticipated to be easy and successful when implemented.

Indonesian Law No. 17 Tahun 2008 Concerning about Shipping

The definition of the term "shipping" as a system has changed and consists of transportation in waters, ports, shipping safety and security, and protection of the maritime environment, which in turn require adjustments to the needs and developments of the times as well as science and technology so that the world of shipping can play a role in the world. international. Based on the aforementioned matters, a Law on Shipping which is a refinement of Law Number 21 of 1992 was drawn up, so that the operation of shipping as a system can provide the greatest benefit to all people, nation, and state, fostering and developing a marine spirit, by prioritizing public interests and environmental preservation, coordination between central and regional levels, as well as national defense and security.

The Law on Shipping which contains four main elements, namely transportation in waters, ports, shipping safety and security, and protection of the maritime environment can be described as follows:

- a. Regulations for the transportation sector in water include the principle of implementing the cabotage principle by empowering national sea transportation that provides a conducive climate for advancing the marine transportation industry, including, among others, facilities in the field of taxation and capital in the procurement of ships as well as long-term contracts for transportation;
- b. Regulations for the port sector contain provisions regarding the elimination of monopoly in port operation, separation between regulatory and operator functions, and provide regional and private participation in a proportional manner in port management;
- c. Regulations for the field of shipping safety and security contain provisions that anticipate technological advances by referring to international conventions that tend to use the latest equipment in shipping safety facilities and infrastructure, in addition to accommodating provisions regarding the shipping security system contained in the "International Ship and Port Facility Security Code";
- d. The regulation for the protection of the maritime environment contains provisions regarding the prevention and countermeasures of marine environmental pollution originating from the operation of ships and similar facilities by accommodating related international provisions such as "International Convention for the Prevention of Pollution from Ships".

Government Regulation Number 51 of 2002 Concerning about Shipping

To carry out domestic shipping or inter-island transportation, the use of Indonesian national vessels is prioritized, as well as for overseas shipping, especially for export and import activities, using Indonesian national ships wherever possible. This is intended to protect the development and development of the national shipping business. The role of shipping, which includes everything related to the marine feasibility of ships and containers in supporting sea, river, and lake transportation as part of the national transportation system, needs to be developed following advances in science and technology to be able to support national development through sea, river, and lake transportation activities. orderly, smooth, safe, comfortable, and efficient by taking into account the geographical conditions of the waters and environmental sustainability.

As an implementation of the previous Law on Shipping, government regulations are regulated which contain the technical nature of ships, one of which is the matter of container eligibility.

Regulation of the General Director of Sea Transportation No. HK.103/2/4/DJPL-16

Regulation of the General Director of Sea Transportation Number: HK.103 / 2/4 / DJPL-16 dated July 1st, 2016 concerning the Gross Weight of Verified Containers Carried on Ships (Verified Gross Mass of a Container) determines that to enforce the implementation of the gross weight verification requirements containers as stated in the SOLAS 1972 amendment to Chapter VI Article 2 which was put into effect on July 1st, 2016 and to prevent differences between the declared weight of the containers and the actual container weight which could result in misplacement on the ship which would impact the safety of the ship, the crew at sea and workers at the port and potential losses, the Director-General of Sea Transportation regulations on VGM (Verified Gross Mass) is stipulated. In this regulation, it is stated that the verified gross weight of containers (VGM) is the total gross weight of container packaging obtained through one of the methods regulated in this Regulation of the Director-General of Sea Transportation.

Circular of the General Director of Sea Transportation No: UM.003/35/II/DJPL-17

Circular of the General Director of Sea Transportation Number: UM.003 / 35 / II / DJPL-17 dated April 28th, 2017 concerning Implementation of Verified Gross Mass (VGM) Regulations to provide direction to related parties and supervise consistency the application of the Regulation of the Director-General of Sea Transportation as mentioned in point 1 earlier. In this circular, it is stated that each container to be exported has been weighed and has a Verified Gross Mass (VGM) certificate from a legal entity recognized by the Government, for the sake of shipping safety, it can be verified by the Port Business Entity (PT. Pelindo) free of charge. Every container that has a VGM

certificate does not need to be issued a new certificate until its validity period expires unless after verification by re-weighing it produces a gross weight exceeding 5% of what is stated in the VGM certificate, then the container may not be loaded onto the ship and must a new certificate is issued by a certified legal entity recognized by the Government. The stakeholders concerned should avoid the regulatory enforcement process which could hamper the flow of export of goods and incur high costs.

Regulation of the Minister of Transportation of the Republic of Indonesia No PM 53 of 2018

Regulation of the Minister of Transportation of the Republic of Indonesia Number PM 53 of 2018 concerning Container Worthiness and Gross Weight of Verified Containers regulates container standardization which refers to international rules, namely the International Convention for Safe Containers (CSC) issued by the International Maritime Organization (IMO).

In PM 53 of 2018, it is stated that a container is part of transportation means that is in the form of a box and is made of materials that meet the requirements, is permanent, and can be used repeatedly, which has a pair of angles and is specifically designed to facilitate the transportation of goods with one or more. more modes of transportation, without having to do reloading. Meanwhile, the gross weight of a container is the combined weight of the tare weight (gross weight) of the container and the weight of all packaging packages and cargo items, including pallets, protective pads (dunnage), as well as other packaging materials and other protective materials. packed into containers.

This Ministerial Regulation applies to:

- a. Containers used as part of the means of transportation on ships used for international transportation and entering ports in Indonesia;
- b. Containers which are used as part of the transportation means on ships transported from ports in Indonesia to be sent to ports of other countries;
- c. Containers that are used as part of the transportation means on ships transported between ports in Indonesia.

The cargo as referred to in PM 53 of 2018 is a variety of goods, equipment, merchandise, and parts of any kind that are transported in containers so that in this case palm oil products are among the cargo that can enter containers and products. Palm oil is one of the most frequently exported products abroad.

Principles Contained in VGM (Verified Gross Mass) Regulations

Every legal order must have legal principles which become basic norms and guide the direction in the formation of a legal rule. In language, the principle contains three meanings, namely the basis/basis/guideline, the truth which is the main or basis in opinion or thinking, and the ideas that form the basis of an association (Ilyas, A, and Nursal, M., 2016). From these three meanings, we

can conclude that the principle is the basis or point of a truth which is then used as a foundation in thinking or arguing.

Furthermore, Ilyas A. and Nursal, M. (2016) mentioned that legal principles are the basics (general in nature) contained in legal regulations. These principles contain ethical values that are recognized by society. From this legal principle, concrete (real) legal regulations are then made. If this legal principle has been made in real legal regulations, then it can be used to regulate an event. However, if it has not been made in the form of a real legal rule, it cannot be used or applied in an event.

In a legal principle, an unlimited number of legal regulations can appear. If we have understood the rule of law down to its legal principles, it will also be possible to understand the values and ethical guidance of society which become the link in the realization of social ideals. It can be said that the principle of law is like "his spirit or his life" so that the rule of law will feel alive and growing.

Principles must encourage the achievement of ideal goals as expected from a rule. Principles and regulations are essentially normative rules that are important to understand. Rules are the most concrete and applicable norms in the framework of producing legal decisions. Second, the principle is more abstract than the norm, as well as when compared to the rules. The principle of law is a general and abstract basis of thought. The principle of law is an idea or concept. Legal principles can be transformed into a legal system (Sulistiowati and Ismail, N., 2018).

Rahardjo, S. (2010) stated that the principle of law has 2 functions both in law and in legal science, namely:

1. Function in law: basing its existence on the formulation of problems by legislators and judges having a normative and binding effect on the parties;
2. Functions in law: only regulatory and explanatory (explaining).

Principles are an important and fundamental element of legal regulations. Perhaps it is not an exaggeration to say that this legal principle is the "heart" of legal regulations. We call it that because, first, it is the broadest basis for the birth of a rule of law. This means that the rule of law can eventually be returned to these principles. This legal principle deserves to be called the reason for the birth of legal regulations. This legal principle will not run out of strength by giving birth to a legal rule, but it will still exist and will give birth to further regulations.

Legal principles are not legal regulations, but no law can be understood without knowing the legal principles contained therein. Therefore, to understand the law of a nation in the best possible way, one cannot only look at its legal regulations but must dig it up to its legal principles. This legal principle gives ethical meaning to legal regulations and legal systems (Rahardjo, S., 2010).

The principles contained in the regulations regarding VGM (Verified Gross Mass), namely:

The Principle of Legal Certainty (Rechtssicherheit)

The law must be enforced and enforced. Everyone expects that the law can be enacted in the event of a concrete event. How the law should apply, basically it should not have deviated: fiat Justitia et pereat Mundus (even though the world is collapsing, the law must be enforced). That is what legal certainty wants. Legal certainty is justifiable protection against arbitrary action, which is expected that someone will be able to get something that is expected in certain circumstances. The public expects legal certainty because there is legal certainty, society will be more orderly. The law has the task of creating legal certainty because it aims to public order (Mertokusumo, S., 2003). The law must be able to function to prevent and reduce crime because only by law can individual rights be guaranteed.

With the birth of the VGM (Verified Gross Mass) rule, it is hoped that social order will be formed, especially here legal entities, namely exporters/shippers, especially palm oil exporters who cannot be denied as one of the main spearheads of the economic pace in Indonesia. With this provision, exporters cannot manipulate the gross weight of their containers. In PM 53/2018, it was explained that to determine the fulfillment of the container eligibility requirements for containers, inspection, testing, and supervision were carried out.

Principle of Benefit (Zweckmassigkeit)

The community expects benefits in implementing or enforcing the law. Law is for humans, so law enforcement or law enforcement must provide benefits or benefits to society. Law enforcement and enforcement should not cause unrest in society (Mertokusumo, S., 2003)

The VGM provisions are intended to prevent the difference between the declared container weight and the actual container weight so that there is no misplacement on the ship which affects the safety of the ship, crew members at sea, and workers in ports as well as potential losses.

The Principle of Justice (Gerechtigkeit)

In law enforcement, society is a very important element, because the value of justice in society itself is one of the benchmarks for the success of law enforcement. The implementation or enforcement of the law must be fair.

Law is not synonymous with justice. The law is general, binding everyone, generalizing, while justice is subjective, individualistic, and not generalizing. Legal certainty and justice must be seen as two inseparable sides of one whole coin. This is because justice must be the main goal of legal certainty. Besides

that, justice itself will not be found if it is not built-in truth and honesty in the application of the law.

The VGM (Verified Gross Mass) rules contained in the Ministerial Regulation Number PM 53 of 2018 apply to all transportation, both international and / or entering ports in Indonesia. Also applies to containers transported from ports in Indonesia to be shipped to ports of other countries and between ports in Indonesia. VGM rules do not differentiate between what products or goods, but apply to all transport both originating and outside Indonesia.

Implementations of VGM Regulations in Belawan Port Viewed from Judicial Aspect

The VGM regulations led to an increase in demand to increase the capacity of containers, to keep container capacity at least up to demand. Tech companies introduce solutions for container weighing. Jurisdiction or rules such as in New Zealand (New Zealand) apply rules for weighing at the beginning of the gate, because the terminal rules are simple, namely No VGM, No Entry.

The regulations that apply in the international world, in general, are adopted from the rules of the IMO. IMO rules state that the Shipper (sender of goods) is the party responsible for providing VGM for each container before being loaded onto the ship. The shipper is responsible for providing verified gross weight (VGM) information. VGM must be notified to the operator on the shipping document. This VGM document can form part of the shipping instructions. The VGM document must be signed by an authorized person for delivery (Thai, S.K., 2016).

In the VGM document, it must be stated that the gross weight of the container was obtained according to method 1 or method 2 following IMO regulations. The shipper must sign this document. Shipper must send this document to the carrier via Electronic Data Interchange or Electronic Data Processing or in hard copy.

In the practice of implementing VGM in the international world, it is explained that if there is a difference during the gross weight verification, then the final verification result takes precedence. If the difference in gross weight that occurs exceeds the tolerance limit of more than 5%, then the terminal operator has the right to refuse the loading of containers on export ships.

The VGM in a nutshell integrates weighing services with supply chain members such as Shippers, Trucks, Terminals, and Shipping Lines. For this VGM rule, the application of the law and the penalties or fines used may be different. Non-compliance with the VGM information being delayed which will certainly result in containers that have to be sent being refused to be loaded onto the ship.

However, from the practices that occur in international regulations regarding VGM (Verified Gross Mass), VGM requirements have not been included in

one of the clauses in the sea freight contract of the parties. The clause regarding VGM needs to be added, especially if it is included in the method in case of disputes arising from the requirements for conducting VGM. Accordingly, the effects and consequences will be determined and stated in the contract of the parties.

Judging from a juridical aspect, the VGM rules that apply in the international world illustrate that the VGM regulations are formed to overcome legal problems such as fraud by shippers or fill legal gaps by considering existing rules, which will be changed, or which will be revoked to guarantee legal certainty and a sense of community justice.

Implementation of Verified Gross Mass (VGM) in the Belawan Port environment is enforced by PT. Pelindo I (Persero) Belawan dated May 9, 2019, according to Circular No: US.11 / 1/11 / BICT-19.TU concerning the Implementation of Verified Gross Mass (VGM) in the BICT Environment. Based on the circular letter, BICT cooperates with a third party, namely PT. The Indonesian Classification Bureau (BKI) charges a service rate for shippers, namely a VGM verification service of 50.000 Rupiahs per container and a VGM certification service of 75.000 Rupiahs. Of course, this implementation will have an impact on exporters in North Sumatra, both in terms of increasing operational costs for shippers and the longer port process. And the commodity palm oil is one of the most consumed and produced oils in the world. Palm oil is an inexpensive oil, easy to produce, and use in a wide variety of foods, cosmetics, hygiene products, and a source of biodiesel. Indonesia is one of the largest palm oil-exporting countries in the world. Indonesia and Malaysia together account for about 85-90% of the world's total palm oil production. Proper regulation of sea transportation will undoubtedly affect the success and smooth operation of palm oil export products worldwide.

The following is the standard operating procedure for Container Weight Verification at BICT based on the results of an interview with Mr. Mulyono:

1. VGM data must be sent by the shipper to the Shipping Line where the delivery procedure is regulated by the respective Shipping Line and shipper;
2. VGM data is sent by Shipping Line to BICT using EDI File (COPARN and VERMAS);
3. VGM data sent by Shipping Line to TPS can also use the COPARN excel spreadsheet which is uploaded via WebAccess BICT;
4. Service User / Shipper completes all requirements (stack request, power of attorney, payment guarantee) to carry out booking expo receiving at BICT;
5. Booking can be made in the document service section or done on the BICT WebAccess (for customers who have a Running Deposit guarantee type);
6. During the booking process (making job orders) all ship and container data are entered;

7. The VGM data from the Shipping Line is first updated in the BICT system at the time of creating a job order;
8. VGM data taken from COPARN and VERMAS will be taken if the booking number entered on the job order creation menu is the same as the booking number on COPARN and VERMAS;
9. Service users are given the option to use VGM BICT by checking the check box (use BICT VGM);
10. Making job orders that choose to use VGM BICT, will use VGM BICT even though there are VGM updates that enter using COPARN and VERMAS;
11. Service users make payments following estimated cost calculations according to activities (including VGM guarantee payments);
12. VGM updates through COPARN and VERMAS can be done until before the Gate In;
13. After the job order has been printed, the trucks and containers go to the Gate In with the job order sheets;
14. In the Gate In process, trucks, and containers will be weighed and their weight is taken into the BICT system;
15. Taking weight is done by confirming the gate in and simultaneously systematically stopping VGM;
16. Truck and container go to block according to the position stated on the job slip;
17. Containers are lowered into blocks in the field;
18. Empty trucks heading for gate out;
19. At the gate out, the empty truck weighing is carried out and the weight is taken into the BICT system by confirming the gate out;
20. The results of the BICT scales are calculated utilizing the Gate In weight minus the Gate Out weight;

Article 33 PM 58 of 2018 describes the method of determining the gross weight of verified containers (Verified Gross Mass / VGM):

1. Method 1, namely determining the gross weight of verified containers by weighing the containers and their contents simultaneously;
2. The second method, namely determining the gross weight of verified containers by weighing the empty container weight and the whole container contents separately.

The equipment used in determining the gross weight of verified containers (Verified Gross Mass) must be calibrated and obtain a certificate from the authorized agency in metrology.

VGM determination can be made by the shipper or a third party. The third-party in question is required to have an agreement with the shipper or representative/association concerned and known to the local port operator (in this case the Belawan Port Authority).

Shipper weighing to obtain VGM, must obtain approval for determining VGM from the Belawan Port Authority. To obtain this approval, Shipper applies to the Belawan Port Authority, which in the application letter attaches:

1. Standard Operating Procedure for Weighing;
2. Own or control equipment or equipment for calibrated weighing proven by proof of ownership, proof of purchase, cooperation agreement, and / or lease;
3. Load plan data to be weighed.

Based on the request submitted by the shipper, the Belawan Port Authority researches the requirements for obtaining an Approval for the Determination of Verified Gross Mass (VGM) within a maximum period of 2 (two) working days from the date the application and attachments are received. completely. The VGM Determination Approval issued by the Belawan Port Authority is issued with a validity period of 1 (one) year and can be extended after fulfilling the requirements as referred to in the 3 attachment points above.

The shipper that has received VGM approval from the Belawan Port Authority then has the obligation to:

1. Submit a report on the results of determining the Verified Gross Mass (VGM) of the Verified Container every 3 (three) months to the local Port Operator and Harbormaster;
2. Documenting the Verified Gross Mass / VGM Weight of the Container.

The results of the determination of VGM carried out by the shipper must be documented in the form of a VGM document and given a company stamp/stamp. The VGM document contains data regarding:

1. Document or certificate number;
2. Container Number;
3. Name and address of the Shipper;
4. The date and place of weighing;
5. The method used;
6. Name of person in charge of weighing;
7. Number and validity period of approval for determining VGM;
8. Data on the number of containers, the weight of empty containers, the weight of contents of containers, and gross weight of containers are verified;
9. And the total weight of the vehicle used to transport containers if the weighing is carried out by weighing the vehicle and the container simultaneously.

CONCLUSION

Each export container that will be loaded onto the ship must be verified on the weight of the container and equipped with a Verified Gross Mass (VGM) certificate document which has received a recommendation from the Main Port Authority Office Belawan. For containers that do not have a Verified Gross Mass (VGM) certificate, verification, and certification service rates will be charged, then a Verified Gross Mass (VGM) certificate will be issued by a third party in this case within the authority of PT. Indonesian Classification

Bureau (Persero). Containers that have a Verified Gross Mass (VGM) certificate with a recommendation from the Belawan Port Authority Office are only subject to verification service rates. The feasibility of containers (containers) is a major element to increase the competitiveness of export activities. For this reason, the regulation of container eligibility as part of the transportation means on board must comply with the container eligibility requirements and the verified container gross weight regulated by statutory regulations. The viability of containers is very important because it supports competitiveness, especially for exports. This is because goods sent using unfit containers, such as being damaged and not sterile, can be refused to enter the markets of the destination country.

This regulation regarding container eligibility applies to containers used as part of the means of transport on ships used for international transportation and entering Indonesian ports or containers transported from ports in Indonesia to be shipped to other countries as well as containers transported between ports in Indonesia. Indonesia.

Each export-import and inter-island container used as part of the transportation means must meet the eligibility requirements as mandated by Law (UU) No 17/2008 on Shipping and Minister of Transportation of the Republic of Indonesia Number PM 53 of 2018. This regulation stipulates container standardization which refers to international rules, namely the International Convention for Safe Containers (CSC) issued by the International Maritime Organization (IMO).

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