When some members of society rely on the sea for their source of living, law enactment is required related to the ecosystem damage due to oil pollution.

"Indonesia has a heavy tanker traffic which is risky for oil pollution caused by tanker accident like what happened in Cilacap, the largest oil well in the country," said Elly Kristiana Purwendah, SH., M.Hum, at Faculty of Law UGM on Monday (15/10).

According to Elly, despite not being ideally implemented, but the international regulations regarding polluter pays principle, precautionary principle and strict liability for damages due to tanker accident have been included in the national law. But demand for damages have not been well resolved while institutions have not implemented the suitable principles. There are still overlapping and conflicting authorities before 2015, especially before the establishment of Co-ordinating Ministry for Maritime Affairs.

The Ministry acting as coordinator increases the hopes for damage settlement. "It uses the right method for natural resources damage (Contingent Analysis Method) by considering the willingness
to pay and willingness to accept between P&I insurance and victims," she said.

Elly Kristiana suggested government to restructure the institutions responsible for demand and calculation of damages to avoid long and complicated calculation. She suggested the formation of a loss adjuster which is under the coordination of the Ministry.

“They should coordinate with other institutions based on marine database and calculation method for damage settlement,” she suggested.

Elly also suggested to produce a special legal system for environmental damage, bearing in mind that enactment of precautionary principle, polluter pays principle, and strict liability in oil pollution by tanker has special characteristics remembering the civil right and liability of P&I insurance.

“A loss adjuster in the preventive and mitigation team is also needed to calculate marine resources damage in case of oil pollution due to tanker accidents,” said Elly, accompanied by her promoter, Prof. Dr. Marsudi Triatmodjo, S.H., LL.M, and co-promoter, Linda Yanti Sulistiawati, S.H., M.Sc., Ph.D.

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