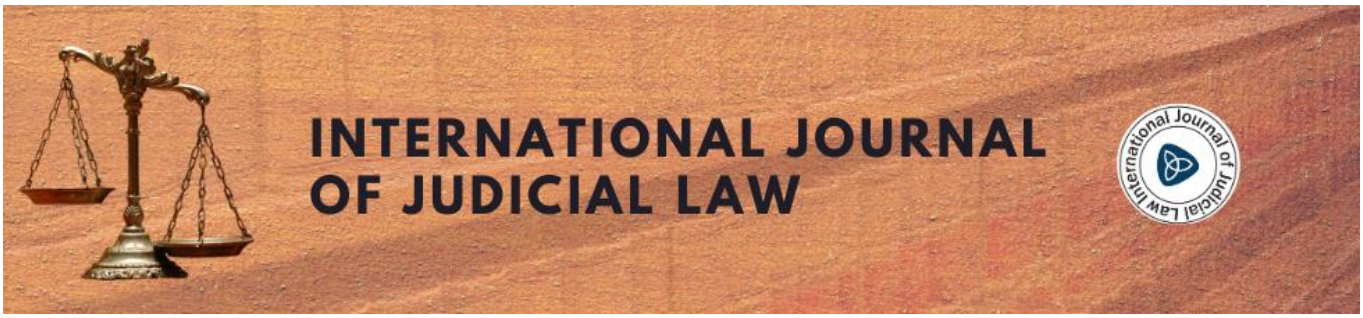




Harmonization of Indonesian Maritime Transport Law with International SDG Standards on Sustainable Transport

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Abstract

This study analyzes the role of maritime transport within the international Sustainable Development Goals (SDGs) framework for sustainable transport and assesses the extent to which Indonesian maritime transport law is harmonized with these standards. It employs normative legal research using statutory and conceptual approaches. Legal materials are analyzed descriptively and qualitatively through an inventory of legal norms, mapping of regulatory interrelationships, and gap analysis. The findings show that maritime transport functions as an enabling sector supporting the achievement of SDGs 9, 11, 13, and 14. The national legal framework provides a basis for protecting the marine environment through the Shipping Law, the Maritime Affairs Law, and the Presidential Regulation on Carbon Economic Value. Nevertheless, harmonization remains incomplete because national norms continue to focus on conventional pollution prevention; no sector-specific implementing instruments govern emissions limits and carbon economic value in shipping; and no responsive mechanism has been established to accommodate evolving IMO decarbonization standards. Legal reform should therefore prioritize the adoption of ship-emissions-intensity standards, the issuance of implementing regulations on carbon economic value for shipping, and stronger statutory references to evolving international maritime instruments.

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1. Introduction

Indonesia is an archipelagic state comprising more than 17,000 islands and a coastline of approximately 81,000 kilometers. This geographical configuration makes maritime transport a principal means of national connectivity, inter-island trade, goods distribution, and regional economic integration.^[1] Dependence on maritime transport means that the quality of shipping regulation directly affects equitable development and the access of island communities to basic services.

The 2030 Agenda, adopted through United Nations General Assembly Resolution A/RES/70/1, comprises 17 Goals and 169 sustainable development targets.^[2] Transport is not formulated as a standalone Goal but is positioned as a cross-cutting enabling sector. Its relevance to maritime transport is particularly evident in SDG 9 on infrastructure, SDG 11 on access to safe and affordable transport, SDG 13 on climate action, and SDG 14 on the protection of marine ecosystems.^[3]

The strategic importance of shipping is accompanied by a substantial environmental burden. The IMO greenhouse gas emissions study estimates that international shipping accounts for approximately 2.89% of global emissions, or about 1,076 million

1 Badan Pusat Statistik, Statistik Indonesia 2023 (Jakarta: BPS, 2023), p. 3; Kementerian Koordinator Bidang Kemaritiman dan Investasi, Buku Saku Kemaritiman Indonesia 2022 (Jakarta: Kemenko Marves, 2022), p. 12.

2 United Nations, Transforming Our World: The 2030 Agenda for Sustainable Development, A/RES/70/1 (New York: United Nations, 2015), para. 1.

3 International Transport Forum, Transport and the Sustainable Development Goals (Paris: OECD/ITF, 2018), pp. 5-8.

tonnes of CO₂ annually.^[4] This has prompted a shift in the orientation of shipping law from preventing operational pollution toward emissions control, energy efficiency, low-carbon fuels, and fleet decarbonization.

Indonesian positive law establishes Law Number 17 of 2008 on Shipping as the principal framework governing waterborne transport, port affairs, safety and security, and marine environmental protection.^[5] Although the Law provides a broad foundation, it predates both the 2030 Agenda and the current direction of international shipping decarbonization.

The principal weakness of the national framework lies in its normative orientation. Marine environmental protection provisions remain centered on preventing and responding to conventional pollution, while carbon-emissions reduction, the energy transition of vessels, and carbon-pricing instruments have not yet received adequate sector-specific regulation. The commercial-law literature referenced in the source thesis identifies regulatory certainty as essential to the conduct of shipping businesses and the protection of the parties' interests.^[6]

At the international level, the IMO has developed a strategy to reduce greenhouse gas emissions from ships. The 2023 Strategy sets a course toward net-zero emissions by or around 2050 and establishes interim targets for reducing shipping emissions.^[7] These developments necessitate adjustments to national regulation because Indonesia is an IMO Member State and a party to various international maritime legal instruments.

The harmonization of national law with international standards entails a process of normative transformation. In a legal system that requires international commitments to be ratified and implemented through domestic legislation, such commitments can operate effectively only after they have been incorporated into the legislative framework and sectoral policies.^[8] The research issue therefore extends beyond the existence of Indonesia's commitments to encompass substantive alignment, the completeness of implementing instruments, and the capacity of national law to respond to evolving global standards.

Presidential Regulation Number 98 of 2021 provides the legal basis for implementing Carbon Economic Value as part of efforts to achieve the nationally determined contribution and control greenhouse gas emissions.^[9] From a planning perspective, Law Number 59 of 2024 on the 2025-2045 National Long-Term Development Plan places low-carbon development within the country's long-term development trajectory.¹⁰ These instruments create opportunities for harmonization but have not yet produced implementing regulations specifically covering emissions from the shipping

subsector.

Based on these issues, this article addresses two questions. First, how do international SDG standards position maritime transport within sustainable transport? Second, to what extent is Indonesian maritime transport law harmonized with those international standards? The analysis focuses on the Shipping Law, the Maritime Affairs Law, the Presidential Regulation on Carbon Economic Value, and the international instruments examined in the underlying thesis.

2. Research Method

This study employs normative legal research to examine legal rules, principles, and the harmonization of legal instruments using library materials and secondary data.^[10] It applies statutory and conceptual approaches. The statutory approach examines the relationship among the Shipping Law, the Maritime Affairs Law, Presidential Regulation Number 98 of 2021, and relevant international legal instruments. The conceptual approach explains sustainable transport, legal harmonization, and low-carbon development.^[11] Legal materials are analyzed descriptively and qualitatively through an inventory of norms, mapping of inter-norm relationships, identification of gaps, and formulation of directions for harmonization.

3. Discussion

3.1. The Position of Maritime Transport within International SDG Standards on Sustainable Transport

The 2030 Agenda positions transport as a cross-sectoral enabling sector. Paragraph 59 identifies transport systems as a prerequisite for achieving multiple development goals.^[12] In shipping, this role emerges from the relationship among maritime infrastructure, public mobility, emissions reduction, and protection of the marine environment. These four dimensions explain the direct relationship between maritime transport and SDGs 9, 11, 13, and 14.

SDG 9 requires the development of quality, reliable, sustainable, and resilient infrastructure. In Indonesia, these parameters encompass ports, aids to navigation, logistics networks, and fleets capable of maintaining efficient inter-island connectivity.^[13] Target 9.4 extends this requirement by calling for the modernization of infrastructure and industry through environmentally sound technologies. In shipping, modernization entails greater engine efficiency, improved vessel design, and the use of lower-carbon-intensity fuels.

SDG 11 is relevant to archipelagic states through Target 11.2, which concerns access to safe, affordable, accessible, and sustainable transport systems.^[14] This target should not be confined to urban transport. Traditional shipping, pioneer vessels, and inter-island maritime transport networks

4 Julia Faber *et al.*, Fourth IMO GHG Study 2020 (London: International Maritime Organization, 2020), p. 1.

5 Law Number 17 of 2008 on Shipping (State Gazette of the Republic of Indonesia of 2008 Number 64, Supplement to the State Gazette of the Republic of Indonesia Number 4849), Preamble (Considering clause) and Article 1(1).

6 Ridwan Khairandy, *Pokok-Pokok Hukum Dagang Indonesia* (Yogyakarta: FH UII Press, 2014), p. 221.

7 International Maritime Organization, Resolution MEPC.377(80): 2023 IMO Strategy on Reduction of GHG Emissions from Ships, adopted 7 July 2023 (London: IMO, 2023).

8 Mochtar Kusumaatmadja and Etty R. Agoes, *Pengantar Hukum Internasional* (Bandung: Alumni, 2019), pp. 56-58.

9 Presidential Regulation Number 98 of 2021 on the Implementation of Carbon Economic Value for Achieving the Nationally Determined Contribution Target and Controlling Greenhouse Gas Emissions in National Development (State Gazette of the Republic of Indonesia of 2021 Number 249). 10 Law Number 59 of 2024 on the 2025-2045 National Long-Term Development Plan (State Gazette of the Republic of Indonesia of 2024 Number 172).

10 Soerjono Soekanto and Sri Mamudji, *Penelitian Hukum Normatif: Suatu Tinjauan Singkat* (Depok: Rajawali Pers, 2022), p. 52.

11 Peter Mahmud Marzuki, *Penelitian Hukum*, 14th ed. (Jakarta: Kencana, 2019), pp. 133-135.

12 United Nations, *Transforming Our World: The 2030 Agenda for Sustainable Development*, A/RES/70/1 (New York: United Nations, 2015), para. 59.

13 International Transport Forum, *Transport and the Sustainable Development Goals* (Paris: OECD/ITF, 2018), pp. 6-8.

14 United Nations, *Transforming Our World: The 2030 Agenda for Sustainable Development*, A/RES/70/1 (New York: United Nations, 2015), Target 11.2.

function as public transport for communities in disadvantaged, frontier, and outermost regions. Affordable fares, safety, schedule reliability, and service coverage are elements of transport justice in an archipelagic context.

The position of maritime transport is also supported by the international law of the sea. Indonesia ratified UNCLOS 1982 through Law Number 17 of 1985.^[15] The UNCLOS obligations to protect and preserve the marine environment provide a legal basis for controlling the impacts of shipping on the sea. Indonesia has also ratified several MARPOL annexes, including Annex VI, which addresses air pollution from ships.^[16]

These ratifications demonstrate that sustainable maritime transport standards do not exist entirely within the realm of soft law. Convention-based obligations create binding legal relationships, whereas the SDGs provide a policy framework and benchmarks for achievement. The two are complementary: conventions prescribe minimum obligations, while the 2030 Agenda directs the transformation of transport systems toward economic, social, and environmental objectives.

SDG 13 situates shipping decarbonization within climate action. The 2023 IMO Strategy sets a vision of achieving net-zero greenhouse gas emissions from international shipping by or around 2050. Its interim targets seek to reduce greenhouse gas emissions by at least 20% by 2030 and approximately 70% by 2040, relative to 2008 levels.^[17] These targets provide benchmarks for vessel-design policies, operational efficiency, fuel selection, and carbon-pricing instruments.

Indonesia's commitment to climate action has a legal basis in its ratification of the Paris Agreement.^[18] Indonesia's 2022 Enhanced Nationally Determined Contribution sets emissions-reduction targets of 31.89% through domestic efforts and 43.20% with international support by 2030.^[19] The transport sector is identified as a strategic area for energy efficiency, clean fuels, and low-carbon technologies.

The 2025-2045 National Long-Term Development Plan strengthens the connection between climate policy and national development by making the reduction of greenhouse-gas-emissions intensity a long-term development objective.^[20] The low-carbon development study used in the underlying thesis places the transport sector among the priority sectors requiring integration across planning documents.^[21] Thus, the SDG 13 dimension has been incorporated into the national planning architecture, although it has not yet been translated into detailed measures for

maritime transport.

SDG 14 is the Goal most directly related to shipping. The prevention of marine pollution, management of ship-generated waste, emissions reduction, and protection of coastal ecosystems form part of the shipping sector's contribution to this Goal.^[22] The IMO states that shipping contributes to at least 11 of the 17 SDGs through safety standards, pollution prevention, trade facilitation, and emissions reduction.^[23]

The Avoid-Shift-Improve framework operationalizes sustainable maritime transport. "Avoid" involves reducing inefficient journeys through route optimization and cargo consolidation. "Shift" promotes the transfer of transport activity to lower-emissions modes, including maritime transport for large-scale freight movements. "Improve" focuses on technological advancement, energy efficiency, and the operational performance of vessels.^[24] This framework demonstrates that sustainability cannot be achieved solely through pollution prohibitions; it requires changes in planning, modal choice, and technology.

Taken together, these dimensions give maritime transport a multifunctional position within international SDG standards. The sector enables economic connectivity, ensures social access, serves as an object of climate-change mitigation, and affects the quality of marine ecosystems. Sustainability criteria must therefore encompass infrastructure resilience, service accessibility, emissions efficiency, environmental protection, and the capacity of regulation to keep pace with international maritime standards.

3.2. Harmonization of Indonesian Maritime Transport Law with International SDG Standards on Sustainable Transport

3.2.1. The Marine Environmental Protection Framework Under the Shipping Law

Marine environmental protection under Law Number 17 of 2008 is governed by Chapter XII, comprising Articles 226-243.^[25] Article 226 assigns the Government responsibility for marine environmental protection through pollution prevention and response. Article 227 regulates the obligation to prevent pollution arising from ship operations.^[26]

This legal construction affirms the state's obligation to protect the marine environment; however, its normative substance remains dominated by operational pollution, such as oil spills, the discharge of ship-generated waste, and fuel leakage. This approach reflects the original orientation of

15 Law Number 17 of 1985 on the Ratification of the United Nations Convention on the Law of the Sea (State Gazette of the Republic of Indonesia of 1985 Number 76).

16 Presidential Regulation Number 29 of 2012 on the Ratification of Annex III, Annex IV, Annex V, and Annex VI of the International Convention for the Prevention of Pollution from Ships 1973 (State Gazette of the Republic of Indonesia of 2012 Number 60).

17 International Maritime Organization, Resolution MEPC.377(80): 2023 IMO Strategy on Reduction of GHG Emissions from Ships, adopted 7 July 2023 (London: IMO, 2023).

18 Law Number 16 of 2016 on the Ratification of the Paris Agreement to the United Nations Framework Convention on Climate Change (State Gazette of the Republic of Indonesia of 2016 Number 204).

19 Ministry of Environment and Forestry of the Republic of Indonesia, Enhanced Nationally Determined Contribution (ENDC) Indonesia 2022 (Jakarta: KLHK, 2022), p. 42.

20 Law Number 59 of 2024 on the 2025-2045 National Long-Term Development Plan (State Gazette of the Republic of Indonesia of 2024 Number 172).

21 Low Carbon Development Indonesia, Strategi dan Penahapan Pembangunan Rendah Karbon dalam RPJPN 2025-2045: Upaya Mencapai Net Zero Emissions (Jakarta: LCDI/Bappenas, 2025).

22 Mateusz Prantner and Agnieszka Konior, "Sustainable Maritime Transport and the Protection of Marine Environment in the Context of SDG 14," *Marine Policy*, Vol. 148, 2023.

23 International Maritime Organization, IMO and the Sustainable Development Goals (London: IMO, 2024).

24 Holger Dalkmann and Charlotte Brannigan, "Transport and Climate Change," in *Sustainable Transport: A Sourcebook for Policy-makers in Developing Cities*, Module 5e (Eschborn: GTZ, 2007), pp. 12-15.

25 Law Number 17 of 2008 on Shipping, Chapter XII.

26 Law Number 17 of 2008 on Shipping, Article 226(1)-(3) and Article 227.

MARPOL as incorporated when the law was enacted, but it does not establish greenhouse-gas-emissions reduction and the energy transition of vessels as stand-alone sectoral obligations.

Law Number 66 of 2024, the third amendment to the Shipping Law, strengthens several aspects of safety, security, supervision, and marine environmental protection.^[27] Nevertheless, it does not explicitly formulate obligations to reduce carbon emissions from vessels comparable to the evolving energy-efficiency and decarbonization standards under MARPOL Annex VI. The amendment therefore does not close the gap between pollution-prevention norms and the low-carbon transformation agenda.

This limitation undermines certainty in implementation. Without emissions parameters, verification mechanisms, and a clear allocation of authority, marine environmental protection obligations cannot readily serve as a direct legal basis for controlling the carbon intensity of vessels. Implementing regulations are needed to connect the general norms of the Shipping Law with technical standards that continue to evolve at the IMO level.

3.2.2. Protection of the Marine Environment under the Maritime Affairs Law

Law Number 32 of 2014 on Maritime Affairs establishes a broader framework. Article 56(1) and (2) affirm the Government's responsibility to protect and preserve the marine environment through the prevention, reduction, and control of pollution and the remediation of environmental damage.^[28] Article 56(3) permits bilateral, regional, and multilateral cooperation in fulfilling these obligations.

Article 57 provides that the protection and preservation of the marine environment shall be carried out in accordance with national legislation and international law of the sea.^[29] This reference clause provides an entry point for IMO conventions and standards. However, the Law does not establish a transformation procedure explaining how evolving decarbonization targets, fuel standards, or ship-related carbon-pricing instruments are to be incorporated into national regulation.

Consequently, Articles 56 and 57 are aligned in purpose with SDG 14 but do not ensure operational alignment. Open-ended norms require technical regulations specifying the applicable standards, competent institutions, regulated obligations and entities, supervisory procedures, and legal consequences for business actors that fail to comply with applicable marine environmental standards.

3.2.3. Carbon Economic Value as an Instrument for Reducing Shipping Emissions

Presidential Regulation Number 98 of 2021 is the national instrument most closely related to the shipping

decarbonization agenda. It provides the basis for implementing Carbon Economic Value and guides emissions reduction toward the Nationally Determined Contribution target.^[30] Its scope includes carbon trading, results-based payments, carbon levies, transparency, monitoring, and evaluation.

Conceptually, maritime transport falls within the scope of this cross-sectoral policy because shipping activities generate greenhouse gas emissions. However, as of the period covered by the underlying thesis, no implementing regulations establish emissions caps, tradable units, measurement methods, or carbon-economic obligations for the shipping subsector. The application of the polluter-pays principle in this sector therefore remains at an early stage.^[31]

This gap becomes more significant when considered alongside the development of the IMO Net-Zero Framework at MEPC 83 in 2025. The framework introduces a greenhouse-gas fuel-intensity standard for ships and a carbon-pricing mechanism for ships that fail to meet the standard.^[32] For Indonesia, this development requires alignment between the national Carbon Economic Value policy and the shipping-specific mechanism being developed at the global level.

3.2.4. Normative Gap Analysis and Directions for Harmonization

The first gap concerns normative substance. The Shipping Law and the Maritime Affairs Law adopt a reactive and conventional approach to pollution prevention. International standards are moving toward a proactive and transformative approach through emissions-reduction targets, fuel transition, energy efficiency, and carbon pricing. This difference in orientation means that national marine environmental protection does not yet encompass the full dimensions of SDGs 13 and 14.^[33]

The second gap concerns implementing instruments. Presidential Regulation Number 98 of 2021 provides a cross-sectoral framework but lacks shipping-specific instruments. Without emissions limits, calculation methods, reporting systems, and enforcement mechanisms, Carbon Economic Value cannot yet be implemented effectively across the national fleet.

The third gap concerns legal responsiveness. IMO standards evolve through resolutions, MARPOL amendments, and technical frameworks that change in response to decarbonization needs. National law has not established an adjustment mechanism that allows new standards to be incorporated promptly while remaining within the hierarchy of laws and regulations. The reference clause in the Maritime Affairs Law is insufficient without procedures for adoption and a clear allocation of authority.

The theory of harmonization employed in the underlying

27 Law Number 66 of 2024 on the Third Amendment to Law Number 17 of 2008 on Shipping (State Gazette of the Republic of Indonesia of 2024 Number 297).

28 Law Number 32 of 2014 on Maritime Affairs (State Gazette of the Republic of Indonesia of 2014 Number 294, Supplement to the State Gazette of the Republic of Indonesia Number 5603), Article 56(1)-(2).

29 Law Number 32 of 2014 on Maritime Affairs, Article 57.

30 Presidential Regulation Number 98 of 2021 on the Implementation of Carbon Economic Value for Achieving the Nationally Determined Contribution Target and Controlling Greenhouse Gas Emissions in National Development, Article 2.

31 Presidential Regulation Number 98 of 2021, Article 3; Kementerian Lingkungan Hidup dan Kehutanan, Melalui Mekanisme Nilai Ekonomi Karbon (Jakarta: KLHK, 2022).

32 International Maritime Organization, Net-Zero Framework: Amendments to MARPOL Annex VI, adopted at the 83rd session of the Marine Environment Protection Committee (MEPC 83), London, April 2025.

33 Aldo Chircop, "Regulatory Challenges for Decarbonizing International Shipping," Review of European, Comparative & International Environmental Law (RECIEL), Vol. 28, No. 2, 2019, pp. 150-151.

thesis emphasizes the need for ratification, legislative implementation, and substantive harmonization to incorporate international commitments into national law.^[34] From the perspective of positive law, the capacity to adapt to social developments and international demands is a prerequisite for legal effectiveness.^[35]

The first direction for harmonization is to issue implementing regulations under Articles 226 and 227 of the Shipping Law governing ship-emissions-intensity standards, energy efficiency, reporting obligations, verification, and supervision. The substance of these regulations should be linked to MARPOL Annex VI and evolving IMO standards so that national obligations are based on measurable parameters.

The second direction is to issue subsidiary regulations under Presidential Regulation Number 98 of 2021 for the shipping subsector. These regulations should define vessel coverage, emissions limits, methods for calculating fuel greenhouse-gas intensity, carbon-pricing mechanisms, recording procedures, and coordination among the ministries responsible for transportation, the environment, maritime affairs, and development planning.

The third direction is to strengthen the reference clause in the Maritime Affairs Law. The international law of the sea referred to by the Law should expressly include evolving IMO instruments on greenhouse-gas-emissions reduction. This strengthening may be achieved through legislative amendment or implementing regulations that establish procedures for adopting new standards, so that national law is not confined to the instruments existing when the Law was enacted.

Harmonization must also account for the capacity of the national shipping industry. The transition to low-carbon vessels requires investment certainty, the availability of alternative fuels, port facilities, financing, and realistic compliance phases. Clear regulation enables business actors to calculate transition costs and prevents the national fleet from falling behind as international standards are applied more stringently.

Through these three directions, Indonesian maritime transport law can move from a conventional pollution-prevention framework toward a comprehensive sustainable maritime transport system. Harmonization does not mean automatically copying international standards; rather, it entails adaptation that takes into account international obligations, the structure of national legislation, the development needs of an archipelagic state, and the readiness of the shipping industry.

4. Conclusion and Recommendations

4.1. Conclusion

International SDG standards position maritime transport as a cross-sectoral enabling sector. This role is reflected in SDG 9 through the development of resilient and sustainable maritime infrastructure; SDG 11 through guaranteed access to shipping services for island communities; SDG 13 through the reduction of greenhouse gas emissions from shipping; and SDG 14 through pollution prevention and the protection of marine ecosystems. The Avoid-Shift-Improve framework, UNCLOS, MARPOL, and the IMO greenhouse-gas-reduction strategy provide operational parameters for

implementing these four dimensions.

The harmonization of Indonesian maritime transport law with international SDG standards remains incomplete. Gaps persist in normative substance, which remains focused on conventional pollution; in Carbon Economic Value instruments, which lack shipping-specific implementing regulations; and in the responsiveness of national law to evolving IMO decarbonization standards. The Shipping Law, the Maritime Affairs Law, and Presidential Regulation Number 98 of 2021 provide a legal foundation but have not yet established a measurable, coordinated, and enforceable system for reducing emissions from shipping.

4.2. Recommendations

The Government, particularly the ministry responsible for transportation, should issue implementing regulations under Articles 226 and 227 of the Shipping Law that adopt evolving IMO standards on ship greenhouse-gas-emissions intensity, energy efficiency, reporting, verification, and supervision.

The ministry responsible for the environment should issue subsidiary regulations under Presidential Regulation Number 98 of 2021 specifically governing emissions limits and Carbon Economic Value mechanisms in the shipping subsector. Their preparation should involve the ministries responsible for transportation, maritime affairs, and development planning, together with industry stakeholders, to ensure that the resulting mechanisms are practicable.

The reference clause in the Maritime Affairs Law should be strengthened through clear procedures for adopting developments in international maritime law. Shipping industry actors should also begin a phased transition toward low-carbon vessel technologies and alternative fuels to reduce the risk of falling behind when global standards are applied more stringently.

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34 Mochtar Kusumaatmadja and Ety R. Agoes, *Pengantar Hukum Internasional* (Bandung: Alumni, 2019), pp. 56-58.

35 Bagir Manan, *Hukum Positif Indonesia: Satu Kajian Teoritik* (Yogyakarta: FH UII Press, 2004), pp. 67-69.

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