

Legal Construction Analysis for Ship Chartering in Indonesia: Comparison of BIMCO Agreement and Indonesian Maritime Transport Agreement

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Abstract

This research analyzes the comparative legal construction between BIMCO standard agreements and Indonesian Sea Transportation Agreements in the context of ship chartering. Using a normative juridical method with statutory, conceptual, and comparative approaches, the research identifies fundamental divergences in the orientation and objectives of these legal instruments. BIMCO standards demonstrate a commercial global orientation with transaction flexibility and efficiency, while Indonesian Sea Transportation Agreements maintain a regulatory-national orientation focusing on domestic maritime policies. This disparity creates harmonization challenges for cross-border shipping operators, increasing transaction costs and dispute resolution complexity. This research formulates an ideal legal construction model through a selective harmonization approach with three pillars: commercial adaptability, protection of national interests, and legal certainty. Implementing this model has the potential to strengthen the competitiveness of Indonesia's shipping industry in the global maritime ecosystem and support the Global Maritime Fulcrum vision.

Keywords: legal construction, ship chartering, maritime fulcrum

INTRODUCTION

Indonesia as the largest archipelagic country in the world with more than 17,000 islands has a very high dependence on sea transportation (Narwadan et al., 2024). Sea transportation is the backbone of the national economy by contributing significantly to the distribution of goods and services between islands and international trade. Data from the Ministry of Transportation shows that more than 90% of Indonesia's international trade is carried out via sea routes, while domestic trade reaches 70% (Hidayah, 2023). These figures underline the importance of the maritime and shipping sector in supporting national economic growth. In maritime transportation operations, legal instruments that regulate the relationship between ship owners and ship charterers are crucial components to ensure legal certainty and justice for the parties (Herawati & Nurmayanti, 2022). Ship chartering is a common practice in the shipping industry that involves complex agreements and requires comprehensive legal construction. In Indonesia, the legal framework for ship chartering is regulated in various laws and regulations, including the Commercial Code (KUHD), Law Number 17

of 2008 concerning Shipping, and Government Regulation Number 20 of 2010 concerning Transportation in Waters.

Meanwhile, in international shipping business practices, standard agreements developed by the Baltic and International Maritime Council (BIMCO) have become a global reference adopted by many countries and shipping companies (Pt et al., 2020). BIMCO agreement forms such as BARECON (for bare boat charter), BALTIME (for time charter), and GENCON (for voyage charter) are known to have comprehensive legal construction and have been tested in the resolution of international maritime disputes. Indonesia as a maritime country with a growing shipping industry has its own characteristics and needs that may not be fully accommodated in the BIMCO standard agreement (Sulistiyono, 2016). The Indonesian Maritime Transport Agreement developed based on national law has its own uniqueness that needs to be studied, especially related to legal construction, protection of the parties, and its effectiveness in resolving disputes. Therefore, a comparative analysis between the legal construction in the BIMCO agreement and the Indonesian Maritime Transport Agreement is important to identify the advantages and disadvantages of each, as well as to formulate recommendations for the development of better legal instruments for ship leasing in Indonesia.

This research becomes increasingly relevant in the context of the implementation of the Global Maritime Axis policy and the government's efforts to strengthen national maritime infrastructure (Nainggolan, 2015). Strong and effective legal construction in ship charter agreements will support legal certainty and in turn encourage investment in the Indonesian maritime sector. The development of the global shipping industry and the increasing complexity of maritime business transactions have driven the evolution of legal instruments in ship charter agreements (Febriyanti & Kurnia, 2025). As a country with the second longest coastline in the world, Indonesia is faced with the challenge of harmonizing national maritime law with international standards without sacrificing national interests. This phenomenon is further emphasized by the increasing activity of trade through sea routes in the era of globalization, where Indonesia needs to ensure that its legal instruments are able to accommodate the dynamics of the contemporary shipping business.

The disparity between the legal construction in the BIMCO standard agreement and the Indonesian Maritime Transport Agreement not only impacts the theoretical aspect, but also has direct implications for legal certainty and efficiency of maritime business (Science et al., 2023). In practice, many shipping business actors in Indonesia face a dilemma when dealing with international partners who want to use BIMCO standards, while national regulations have their own characteristics. This inconsistency often causes ambiguity in the interpretation of agreement clauses, especially when there is a dispute involving different jurisdictions (Revelation & Adi, 2020). Another important aspect is the fundamental difference in the approach to legal protection for the parties between the two types of agreements (Rights & Obligations, 2019). The BIMCO Standards developed by international shipping associations tend to emphasize the balance of interests between shipowners and charterers, taking into account global business practices and legal precedents from major maritime nations. In contrast, the Indonesian Maritime Transport Agreement, influenced by the national legal system, has characteristics that reflect the values and priorities of Indonesian maritime policy, such as the protection of national interests and the development of the domestic shipping industry.

The economic dimension of the legal construction of ship leasing also cannot be ignored in the context of global competition (Mardalena et al., 2020). Countries with comprehensive, efficient, and internationally aligned maritime legal systems have a competitive advantage in attracting investment in the shipping sector. Singapore and Malaysia, for example, have successfully developed regional maritime hubs by adopting legal frameworks that are compatible with international business practices. Indonesia, with its strategic geographical position, has the potential to become a leading

maritime hub if it is able to develop a legal construction of ship chartering that combines international standards with national needs. The digital transformation in the global shipping industry also poses new challenges in the legal construction of ship chartering agreements (Winfernando, 2023). The use of blockchain for smart contracts, electronic documentation, and automation in shipping operations requires legal recognition that has not been fully accommodated in either the BIMCO standard or the Indonesian Maritime Transport Agreement. This development emphasizes the urgency of comprehensive research to analyze the legal construction of both types of agreements and formulate a model that is adaptive to technological innovation in the maritime industry, so that Indonesia can maintain the relevance of its maritime law in the digital economy era.

This study focuses on four main interrelated problem formulations. First, this study examines how the legal construction of a vessel charter agreement based on the BIMCO standard is constructed and applied in an international context, including the legal principles, structure, and core clauses that form the framework of the global standard. Second, this study explores the legal construction of the Indonesian Maritime Transport Agreement as regulated in national laws and regulations, taking into account the specific characteristics, philosophical foundations, and technical aspects of the agreement developed based on the Indonesian legal system. Third, this study analyzes the similarities and differences between the legal construction of a vessel charter agreement based on the BIMCO standard and the Indonesian Maritime Transport Agreement, as well as their impact on legal certainty and protection of the parties, by considering substantive aspects such as risk allocation, responsibilities, rights and obligations, and dispute resolution mechanisms. Fourth, this study explores how an ideal model of the legal construction of a vessel charter agreement that can be applied in Indonesia can be formulated by combining the advantages of the BIMCO standard and the Indonesian Maritime Transport Agreement, while considering the characteristics of the national shipping industry, the interests of Indonesia's maritime economy, and developments in international maritime law.

This research was conducted to achieve four main objectives in line with the formulation of the problems that have been set. The first objective is to analyze in depth the legal construction in a ship charter agreement based on the BIMCO standard which has become a global reference, by examining the historical background, evolution, basic principles, and its effectiveness in regulating the legal relations of the parties in the context of international shipping business. The second objective is to conduct a comprehensive study of the legal construction in the Indonesian Sea Transportation Agreement, by considering the historical, philosophical, and legal aspects of the national maritime legal system, and identifying special characteristics that reflect the values and interests of Indonesia as an archipelagic country. The third objective is to identify and analyze the similarities and differences between the two legal constructions, with a focus on their implications for legal certainty, protection of the parties, efficiency of business transactions, and dispute resolution in the shipping industry. The fourth objective is to formulate an ideal model of the legal construction of a ship charter agreement that can be implemented in Indonesia, which not only accommodates international standards but also protects national interests and supports the growth of the domestic shipping industry, by considering aspects of technological innovation, developments in global maritime business practices, and the specific needs of Indonesia's maritime economy.

This research is projected to provide significant benefits in both theoretical and practical dimensions for various stakeholders in the Indonesian maritime ecosystem. From a theoretical perspective, this research contributes to the development of Indonesian maritime law by providing a comprehensive analysis of the legal construction of ship charter agreements that have not been widely explored in national legal literature, while enriching academic perspectives through a comparative approach between international standards and national practices, and paving the way for further

research on the harmonization of Indonesian maritime law with global standards without sacrificing national sovereignty and interests. From a practical perspective, this research is useful for various stakeholders: for regulators and policy makers, the research results serve as scientific references in improving maritime legislation to strengthen the competitiveness of the national shipping industry; for shipping industry players, the research provides an in-depth understanding of a more comprehensive legal construction for drafting agreements that protect their business interests; for legal practitioners, the research provides an analytical framework in handling maritime disputes related to ship charters; for academics and law students, the research broadens insight into the legal dimensions of the maritime industry; and for the general public, the research raises awareness of the importance of legal aspects in supporting Indonesia's vision as the world's maritime axis, which in turn contributes to sustainable and globally competitive national economic development.

RESEARCH METHODS

A. Types of Research

This study uses a normative legal method that focuses on the analysis of legal norms in laws and regulations, standard agreements, and legal literature related to ship leasing. The normative legal approach was chosen because this study aims to examine the legal construction of ship leasing agreements, both those contained in the BIMCO standard and the Indonesian Sea Transportation Agreement, through a statute approach, a conceptual approach, and a comparative approach. This method allows researchers to conduct an in-depth analysis of legal principles, legal systematics, the level of vertical and horizontal synchronization between laws and regulations, and a comparison of legal constructions between international and national standard agreements in the context of ship leasing. Through normative legal research, the study is not only limited to the normative text of the regulations, but also includes the philosophical, sociological, and historical backgrounds that shape the legal construction, so that it can produce a comprehensive understanding of the similarities, differences, and implications of the two types of agreements that are the object of the study.

B. Research Approach

This study integrates three main approaches to obtain comprehensive and in-depth analysis results. First, the statute approach is used to analyze various laws and regulations that form the legal basis for ship chartering in Indonesia, including but not limited to the Commercial Code (KUHD), Law Number 17 of 2008 concerning Shipping, Government Regulation Number 20 of 2010 concerning Transportation in Waters, and other technical regulations, by hierarchizing and synchronizing norms to identify the legal principles underlying the construction of the Indonesian Sea Transportation Agreement. Second, the conceptual approach is applied to understand the fundamental legal concepts in ship chartering agreements, such as the concept of legal responsibility, risk allocation, obligations of the parties, force majeure, and dispute resolution mechanisms, which form the theoretical framework of this study and form the basis for analyzing the legal construction of the BIMCO standard agreement and the Indonesian Sea Transportation Agreement. Third, a comparative approach is used to identify, analyze, and evaluate the similarities and differences in legal construction between the BIMCO standard agreements (BARECON, BALTIME, GENCON) and the Indonesian Maritime Transport Agreement, taking into account the context of the legal system, legal traditions, and values that influence the formation of the two types of agreements.

C. Source of Legal Material

This study uses three comprehensive categories of legal materials to ensure an in-depth and accurate analysis. Primary legal materials include all national laws and regulations relating to ship chartering and maritime transportation, including the Commercial Code, especially Book II on Rights and Obligations Arising from Shipping, Law Number 17 of 2008 concerning Shipping, Government Regulation Number 20 of 2010 concerning Transportation in Waters and its amendments, Regulation of the Minister of Transportation concerning shipping and maritime transportation, and standard forms of BIMCO agreements such as BARECON for bareboat charter, BALTIME for time charter, and GENCON for voyage charter which have been internationally recognized as legal instruments in the global shipping industry. Secondary legal materials include scientific publications in the form of books, national and international legal journals, dissertations, theses, and other research results relating to the legal construction of ship chartering agreements, maritime law, and contract law, as well as reports from national and international maritime institutions that provide information and analysis on shipping business practices and their legal implications. Tertiary legal materials used include legal dictionaries, maritime terminology dictionaries, legal encyclopedias, and other reference sources that provide definitions, explanations, and context for the legal and shipping terminology used in the research, thus ensuring the accuracy of the use of technical terms in the comparative analysis of legal constructions.

D. Legal Material Collection Techniques

The process of collecting legal materials in this study was carried out through a series of systematic activities to ensure the completeness and relevance of the data. Library research was carried out by collecting, reviewing, and categorizing laws and regulations, books, journal articles, research reports, and other scientific publications related to the legal construction of ship charter agreements, both from physical libraries and electronic databases such as he in online, JStor, LexisNexis, and national law journal repositories. Searching for standard agreement documents was carried out by officially accessing BIMCO forms through institutional membership or cooperation with maritime associations, as well as collecting examples of Indonesian Sea Transportation Agreements that have been used in national shipping business practices, while maintaining the confidentiality of the identities of the parties. Limited interviews with maritime law experts, shipping industry practitioners, and academics who have expertise in the field of maritime law were conducted to obtain perspectives and interpretations of the legal construction of ship charter agreements, especially aspects that require clarification or deeper understanding of maritime business practices and jurisprudence.

E. Legal Material Analysis Techniques

The analysis of legal materials in this study uses a qualitative approach with several systematic and comprehensive stages. First, descriptive analysis is used to describe in detail the legal construction in the BIMCO standard agreement and the Indonesian Sea Transportation Agreement, focusing on the agreement structure, essential clauses, and underlying legal principles, thus providing a clear and in-depth picture of the characteristics of each type of agreement. Second, interpretive analysis is applied to understand the meaning, purpose, and context of the legal norms in both types of agreements, considering grammatical, systematic, historical, and teleological interpretations, which allows researchers to reveal not only the textual aspects but also the values and philosophies contained in the legal construction. Third, comparative analysis is used to systematically compare the similarities and differences in the

legal construction between the BIMCO standard agreement and the Indonesian Sea Transportation Agreement, by identifying the advantages and disadvantages of each in the context of legal protection, legal certainty, and the effectiveness of dispute resolution. Fourth, an evaluative-prescriptive analysis is conducted to assess the implications of these similarities and differences on the interests of the parties and the Indonesian shipping industry, as well as to formulate an ideal model of legal construction of ship charter agreements that can be applied in Indonesia by considering the harmonization of international standards and national legal characteristics, which will be the basis for recommendations for the development of more comprehensive and adaptive ship charter legal instruments to the dynamics of the global shipping business and the specific needs of the Indonesian maritime industry.

RESULTS AND DISCUSSION

A. Legal Construction of Ship Charter Agreement Based on BIMCO Standard

The BIMCO (Baltic and International Maritime Council) standard has become the global reference in ship chartering agreements with comprehensive legal construction. The BARECON standard form for bareboat charter provides a legal construction that allows the charterer to have full control over the vessel, including technical and commercial operations, with the consequence of greater responsibility. This construction places the charterer in a quasi-owner position with the obligation to cover the operational costs, insurance and maintenance of the vessel (Aprilia et al., 2019). The indemnification clause in BARECON is designed to provide balanced protection for both parties, providing that the owner is protected from third party claims arising during the charter period, while the charterer is protected from claims relating to the condition of the vessel prior to delivery. BALTIME for time charter constructs a legal relationship in which the shipowner retains operational and technical control of the vessel, while the charterer directs its commercial use (Djaja, 2015). This construction provides a clear demarcation of the owner's responsibility to ensure the seaworthiness of the vessel throughout the charter period, as well as the charterer's obligation to pay hire on time as an absolute obligation. BALTIME also developed an off-hire mechanism that occurs when the vessel is out of service, with the provision that hire payments are suspended during that period without automatically terminating the contract, creating a balance between the owner's right to receive payment and the charterer's right to obtain commercial benefits from the vessel.

GENCON for voyage charter constructs an agreement focusing on a specific carriage from one port to another, with a relatively short duration (Noon et al., 2019). The GENCON construction places responsibility on the shipowner for all operational aspects and includes lay time and demurrage clauses that regulate in detail the time allowed for loading and unloading of cargo, as well as compensation in case of exceeding the deadline (Kesaulya & Angwarmasse, 2023). The risk allocation system in GENCON is distributed based on the principle of "sphere of control" with the owner responsible for navigational risks and the charterer for cargo-related risks. All three BIMCO standard forms incorporate arbitration clauses referring to an agreed jurisdiction and law (usually London, New York or Singapore), providing legal certainty and efficiency in dispute resolution in an international context. BIMCO also periodically updates its standard forms to respond to developments in global maritime technology and regulations, such as the addition of clauses related to compliance with the ISM Code, ISPS Code and environmental regulations such as MARPOL and the Ballast Water Management Convention.

B. Legal Construction of Indonesian Maritime Transportation Agreement

The legal construction of the Indonesian Maritime Transport Agreement is based on a plurality of legal sources, with the Commercial Code (especially Book II) as the main foundation which is strongly influenced by the civil law tradition (F. Law et al., 2023). This characteristic is seen from a more prescriptive approach by regulating in detail the rights and obligations of the parties. Law No. 17 of 2008 concerning Shipping and PP No. 20 of 2010 concerning Transportation in

Waters strengthen the construction by adding a public dimension through administrative requirements that must be met before the agreement can be executed, such as the requirement to have a shipping business license and safety certification. The Indonesian Maritime Transportation Agreement adopts a charter party classification similar to international standards, but with its own nuances (Agus & Tira, 2021). For bareboat charter, the legal construction emphasizes the obligation of the charterer to have a Sea Transportation Company Business License (SIUPAL) and employ Indonesian crew members in accordance with Article 13 of PP No. 20 of 2010, reflecting the policy of protection for the shipping industry and national workforce. In time charter, there is a provision that foreign-flagged vessels chartered for time by national sea transportation companies must obtain an operating permit from the Ministry of Transportation, with additional procedural implications not found in the BIMCO standard.

The construction of voyage charters in the Indonesian context is strongly influenced by the principle of "Carrier's Responsibility" as stipulated in Articles 468-480 of the Commercial Code, which stipulates the carrier's responsibility for goods from loading to unloading. The Indonesian Maritime Transport Agreement for voyage charters also integrates the provisions of the Minister of Transportation Regulation on Procedures and Requirements for Granting Fixed Route and Non-Fixed Route Permits, which adds a layer of administrative regulation to the construction of the agreement (Travel, 2024). The dispute resolution aspect of the Indonesian Maritime Transport Agreement shows a preference for national forums, with national commercial or arbitration courts as the primary venue. (Commerce, 2023). Article 222 of Law No. 17 of 2008 stipulates that dispute resolution in the shipping sector can be carried out through the courts or out of court, but with a tendency to use Indonesian law as the governing law and Indonesian as the language of the agreement, creating a more domestically oriented construction compared to the more international BIMCO standard.

- C. Comparison of Legal Construction of BIMCO and Indonesian Maritime Transport Agreement
- Comparative analysis shows significant convergences and divergences between the two legal constructs (Trade et al., 2013). In terms of similarities, both adopt similar classifications (bareboat, time, and voyage charter) with parallel underlying principles such as seaworthiness obligations, deferral of payments during off-hire, and due diligence obligations. Both legal constructions also recognize the importance of supporting documentation such as certificates of delivery and acceptance as formal evidence of the handover of the vessel (Sulaiman & Ginting, 2023). The fundamental difference lies in the orientation and objectives. The BIMCO Standard is designed with a global-commercial orientation that prioritizes transaction efficiency and flexibility, while the Indonesian Maritime Transport Agreement has a regulatory-national orientation with an emphasis on compliance with domestic maritime policies and protection of national interests. This is manifested in the cabotage provisions in the Shipping Law which limit the use of foreign vessels for domestic shipping, while BIMCO does not contain similar restrictions.

Significant differences are seen in the regulation of responsibility and risk allocation. BIMCO adopts a more balanced approach with risk distribution based on the principle of "sphere of control", while the Indonesian Maritime Transport Agreement tends to apply strict liability to carriers according to the Commercial Code. In the context of dispute resolution, BIMCO offers an international arbitration mechanism with multi-jurisdictional options (London, New York, Singapore), while the Indonesian Maritime Transport Agreement directs resolution through a national forum with Indonesian law as the governing law (Tutuhatunewa et al., 2021). The practical implications of this distinction are seen in the complexity of cross-border transactions (Julianti et al., 2024). Indonesian shipping business actors who use BIMCO standards in international transactions often face challenges in harmonizing with domestic provisions, while foreign companies operating in Indonesia must adapt to additional layers of administrative regulations that are not familiar in BIMCO standards. This creates legal uncertainty and increases

transaction costs, especially in the context of dispute resolution where potential conflicts of jurisdiction and applicable law become more complex.

D. Ideal Model of Legal Construction of Ship Charter Agreement for Indonesia

The ideal legal construction for the Indonesian context must combine the advantages of international standards with specific national needs (Widyastuti et al., 2020). The proposed model adopts a selective harmonization approach with three main pillars: commercial adaptability, protection of national interests, and legal certainty. Commercial adaptability is realized through the adoption of BIMCO's globally tested standard structure and terminology, facilitating transactions with international partners without creating ambiguity of interpretation. Protection of national interests is realized through the incorporation of provisions that reflect Indonesia's maritime policy priorities, such as the development of a national fleet and the protection of domestic maritime workers (Khumairok, 2023). However, these provisions are formulated with sufficient clarity to avoid legal uncertainty for foreign parties, for example by setting specific percentages for Indonesian crew and transparent compensation mechanisms.

Legal certainty is strengthened through a dispute resolution clause that allows for flexibility in the arbitration venue (including international options such as SIAC in Singapore) while maintaining substantive Indonesian law as the governing law for aspects directly related to the national public interest. This model also adopts a dual language approach with the Indonesian and English versions having equal legal force, accompanied by a clear interpretation clause to resolve potential language conflicts (Keliata & Trinaila, 2023). For technology adaptation, the ideal model includes smart contract clauses and electronic documentation that accommodate the digital transformation in the shipping industry, with explicit recognition of the validity of electronic signatures and blockchain-based documentation (Triana Wati, 2023). This is combined with provisions that anticipate increasingly stringent environmental regulations such as the IMO 2023 carbon emission provisions and ballast water management regulations. The model also proposes standardization of mandatory clauses that bridge BIMCO standards with Indonesian regulatory needs, thereby creating a legal framework that is not only internationally recognized but also fully compatible with the national legal system. This standardization has the potential to reduce transaction costs and increase efficiency in negotiating vessel charter agreements involving Indonesian and foreign parties.

E. Implications of Legal Construction on Legal Certainty and Efficiency of Maritime Business

The fundamental differences between the BIMCO standards and the Indonesian Maritime Transport Agreement create significant implications for legal certainty (Asas et al., 2024). Inconsistencies in terminology and interpretation of clauses complicate the process of negotiating and implementing agreements, especially when involving foreign parties who are not familiar with the nuances of Indonesian maritime regulations (Septiani et al., 2024). Case studies of dispute resolution show that international arbitration tends to interpret BIMCO standard clauses consistently based on global precedents, while Indonesian national courts place more emphasis on domestic regulatory and public interest aspects, creating the potential for different outcomes for similar disputes. From a business efficiency perspective, the disharmony of legal construction has an impact on increasing transaction costs. Indonesian shipping companies operating internationally often face dual compliance costs to meet the provisions of BIMCO standards and domestic regulations simultaneously. Empirical studies show that the preparation and negotiation of agreements involving both standards takes 30-40% longer than transactions that use only one standard, with significant financial implications.

Technology adoption in the global shipping industry is also affected by the divergence of legal constructions (DJ Law et al., 2025). While the BIMCO standard has incorporated provisions for blockchain, smart contracts, and automated vessels, the Indonesian Maritime Transport Agreement is still predominantly paper-based documentation with limited recognition of electronic transactions. This gap hampers the integration of Indonesian shipping companies into

the global digital maritime ecosystem, potentially reducing competitiveness in the era of the Industrial Revolution 4.0 (Cerdas et al., 2024). Influential maritime countries such as Singapore and Malaysia have successfully harmonized national legal construction with international standards through selective adoption, creating a legal framework that is familiar to global investors but still protects national interests. This experience offers valuable lessons for Indonesia in formulating a legal construction model that is adaptive to the dynamics of global maritime business without sacrificing regulatory sovereignty.

F. The Role of Legal Construction in Supporting the Vision of the World Maritime Axis

The vision of the World Maritime Axis initiated by the Indonesian government requires the support of a strong legal infrastructure that is in harmony with global standards (Ramadhani & Hanafi, 2025). The legal construction of ship leasing agreements is an integral component in realizing the pillars of maritime connectivity and the development of the national shipping industry. Empirical analysis shows a positive correlation between legal certainty in maritime instruments and increased investment in the shipping sector, referring to the experience of countries such as Singapore which has succeeded in attracting significant investment after its maritime law reform (Triana et al., 2024). Increasing the competitiveness of national shipping in a global context requires a legal construction that is not only protective but also adaptive to international business practices. The "national treatment with international standards" approach can be a strategic solution, where Indonesian shipping business actors receive special treatment in certain aspects but must still meet internationally recognized operational and documentation standards. This kind of legal construction encourages upgrading of domestic company capabilities while maintaining a path of protection for the industry that is still developing.

Harmonization of legal construction also has implications for Indonesia's position in the global maritime value chain. Sector analysis shows that countries with a maritime legal framework that is more integrated with international standards tend to have higher participation in the value chain with a more advantageous position, not only as a provider of transportation services but also in high value-added activities such as ship management, ship finance, and maritime arbitration (Arjakusuma et al., 2013). Progressive legal construction can encourage diversification and improvement of Indonesia's position in the spectrum of global maritime activities. In the context of maritime diplomacy, legal construction that is harmonious with international standards but still reflects national characteristics strengthens Indonesia's bargaining position in global maritime forums such as IMO, BIMCO, and the ASEAN Maritime Forum. The development of a model agreement that integrates local wisdom with international best practices allows Indonesia to offer substantive contributions to the evolution of global maritime law, strengthening the vision as the World Maritime Axis not only in operational aspects but also in the formation of international maritime norms (Attamimi, 2024).

CONCLUSION

A comparative analysis of the legal construction of vessel charter agreements based on the BIMCO standard and the Indonesian Maritime Transport Agreement reveals fundamental divergences that have significant implications for the legal certainty and efficiency of national maritime businesses. The BIMCO standard with its commercial-global orientation provides a flexible and efficient framework for international transactions, while the Indonesian Maritime Transport Agreement with its regulatory-national approach places greater emphasis on compliance with domestic maritime policies and protection of national interests. This disparity creates harmonization challenges for shipping business actors operating in a cross-border context, which is reflected in increased transaction costs and the complexity of dispute resolution. Through a selective harmonization approach, an ideal model of legal construction for Indonesia can be formulated by combining the advantages of the BIMCO standard and the essential characteristics of national

maritime law. This model is based on three main pillars: commercial adaptability through the adoption of globally recognized structures and terminology, protection of national interests that are articulated transparently, and legal certainty through flexible but predictable dispute resolution mechanisms. The implementation of this model will not only strengthen the competitiveness of the Indonesian shipping industry in the global maritime ecosystem, but also support the vision of the World Maritime Axis through the development of progressive and adaptive legal infrastructure for digital transformation in the maritime industry. Harmonization of legal construction also has the potential to improve Indonesia's position in the global maritime value chain, facilitating a shift from basic transportation activities to high value-added maritime services, while strengthening Indonesia's role in the formation of international maritime legal norms.

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chain, (3) technical assistance or currently better known as big data and (4) namely autonomous [9]. The goal of the Industry 4.0 initiative strategy originating from Germany is the transformation of industrial manufacturing through digitalization and exploitation of the potential of new technologies [10]. Germany is very interested because Industry 4.0 is part of its development plan policy called High-Tech Strategy 2020. The policy aims to keep Germany at the forefront of world manufacturing. In Germany.... 8(1).

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