

Implementation of the Strict Liability Principle in Combating Marine Pollution in North Nias Sea: A Review of Indonesia's National Interests

Penerapan Prinsip Tanggung Jawab Keamanan dalam Penanggulangan Pencemaran Maritim di Laut Nias Utara: Tinjauan Kepentingan Nasional Indonesia

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Abstract

This study analyzes the application of the strict liability principle in addressing marine pollution caused by ships in the North Nias Waters, focusing on the MT AASHI asphalt spill incident and its implications for Indonesia's national interests. Employing a normative legal research design with a qualitative approach, the study investigates legal responses, regulatory frameworks, and international obligations through document analysis and field-based data. The research highlights that the Indonesian government responded by forming a joint investigative team and demanding accountability from the foreign-flagged vessel, which operated under a flag of convenience without clear insurance protection. The study identifies Indonesia's key national interests in this case: environmental security, economic sovereignty, and jurisdictional authority over its Exclusive Economic Zone. As a party to MARPOL and UNCLOS, Indonesia upholds international obligations to prevent marine pollution, while domestically enforcing the strict liability principle under Law No. 32/2009. This legal mechanism enables the state to pursue environmental accountability without proving negligence, thereby strengthening enforcement against polluters and securing compensation for material and immaterial losses. Overall, this study offers insight into how Indonesia can integrate international maritime conventions with national legal instruments to defend marine ecosystems and uphold state sovereignty in maritime governance.

Keywords

Marine Pollution; Nias Sea; National Interest; Strict Liability

Abstrak

Studi ini menganalisis penerapan prinsip tanggung jawab ketat dalam mengatasi pencemaran laut yang disebabkan oleh kapal di Perairan Nias Utara, dengan fokus pada insiden tumpahan aspal MT AASHI dan implikasinya terhadap kepentingan nasional Indonesia. Menggunakan desain penelitian hukum normatif dengan pendekatan kualitatif, penelitian ini menyelidiki tanggapan hukum, kerangka peraturan, dan kewajiban internasional melalui analisis dokumen dan data berbasis lapangan. Penelitian ini menyoroti bahwa pemerintah Indonesia menanggapi dengan membentuk tim investigasi gabungan dan menuntut pertanggungjawaban dari kapal berbendera asing, yang beroperasi di bawah bendera kenyamanan tanpa perlindungan asuransi yang jelas. Studi ini mengidentifikasi kepentingan nasional utama Indonesia dalam kasus ini: keamanan lingkungan, kedaulatan ekonomi, dan otoritas yurisdiksi atas Zona Ekonomi Eksklusifnya. Sebagai pihak MARPOL dan UNCLOS, Indonesia menjunjung tinggi kewajiban internasional untuk mencegah pencemaran laut, sekaligus menegakkan prinsip tanggung jawab ketat di dalam negeri berdasarkan UU No. 32/2009. Mekanisme hukum ini memungkinkan negara untuk mengejar akuntabilitas lingkungan tanpa membuktikan kelalaian, sehingga memperkuat penegakan hukum terhadap pencemar dan mengamankan kompensasi atas kerugian material dan immaterial. Secara keseluruhan, studi ini menawarkan wawasan tentang bagaimana Indonesia dapat mengintegrasikan konvensi maritim internasional dengan instrumen hukum nasional untuk mempertahankan ekosistem laut dan menegakkan kedaulatan negara dalam tata kelola maritim.



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Kata Kunci

Pencemaran Laut; Laut Nias; Kepentingan Nasional; Tanggung Jawab Ketat

1. Introduction

Indonesia is a maritime country that has potential resources in the sea area ([United Nation, 1982](#); [Tinov, M., & Handoko, 2017](#)) both in the fields of fisheries and oil and gas. Especially in the coastal areas of Indonesia, fisheries are a source of sufficient income to support the economy of people in coastal areas ([Food and Agriculture Organization \(FAO\), 2020](#)). Indonesia's outermost seas, which have great fisheries potential, sometimes become a source of conflict because many foreign vessels catch fish in the Indonesian sea and do not cover up the pollution that crosses the country's borders, as there are many natural resources in Indonesia's outermost areas ([Supriyono, & Prakasa, 2021](#)) ([Wisudo, 2014](#)). The Indonesian people who live on the outermost coast have livelihoods that are not much different from other coasts in Indonesia.

In relation to the state of nature or the environment, everyone needs a healthy environment ([Apriyani, 2023](#)) and this is a human right for every citizen, which is guaranteed by law by the state ([Rahman et al., 2024](#)). Coastal communities have the right to a healthy environment, considering that the average livelihood of coastal communities is inseparable from marine products, such as fishermen, seaweed farmers, shrimp farmers, and others ([Amriana et al., 2022](#)).

On February 11, 2023, MT AASHI, a Gabon-flagged tanker, experienced a leak in North Nias Regency, North Sumatra. As a result, the 1900 tons of asphalt carried by the ship polluted the ocean within a radius of 70 kilometers ([Sinaga, 2023](#)). The asphalt that was originally only gathered around the ship has now spread, polluting an area up to a radius of 70 kilometers. Its presence has had a negative impact on the lives of local fishermen, who are now hesitant to go to sea. The sticky asphalt layer not only sticks to their boats and equipment, but also causes fish in the area to disappear, as if emptying the sea that was once rich in resources. To understand and handle this situation, a team from the Ministry of Marine Affairs and Fisheries (KKP) has come to the location, monitoring and assessing the condition of the affected sea since February 23, as explained by Syukur Zebua from the North Nias Communication and Information Service ([Rahyuni, n.d.](#)). They checked the location of the MV AASHI ship that was stranded in Faekhunaa Village, Afulu District. Motor Tanker (MT) AASHI is a Gabon-flagged ship. Reporting from the official Marine Traffic page, MT AASHI was built in 2008.

In handling marine pollution due to asphalt spills from the MT AASHI ship, the government has formed and deployed a Joint Team. The Joint Team consists of the Ministry of Marine Affairs and Fisheries/KKP, the Ministry of Environment and Forestry, and the Ministry of Marine Affairs and Fisheries. Transportation, the Indonesian Navy/TNI AL, the National Search and Rescue Agency/BASARNAS, and local governments). Through the manuscript, IOJI provides a conclusion that the Indonesian government must be more careful and vigilant in handling MT AASHI. Given the length of time needed to resolve this issue, the Indonesian government must communicate directly with the ship owner and its representatives. This is necessary so that the ship owner remains responsible until all procedures are completed ([Indonesia Ocean Justice Initiative, 2023b](#)).

So that there are several procedural considerations in resolving the ship and environment cases that occur, which can also be considered from the aspect of national interest and strict liability theory. Strict liability emphasizes the aspect of responsibility for damage due to marine environmental pollution, with a focus on general obligations developed primarily based on maritime law ([Pyć, 2024](#)). Strict liability requires the State to take action to prevent, reduce, and control marine environmental pollution. The application of strict liability or the principle of strict liability is appropriate and relevant to use in marine pollution, liability for damage in the North Nias Sea on an international scale that can be used as a basis for

compensation. While in the concept of national interest or based on national interests (Dermawan, 2019 ;Albintani, 2017), it emphasizes two important things, namely the study of port state control and the responsibility of the flag state. National interest is the interest of a country, determined by the government of the country, and as a policy policy (Metea, 2020) (Finnemore, 1996). The interests of a nation as a whole, considered as an independent entity separate from the interests of its regions or subordinate groups and also the interests of other countries or supranational groups and used to characterize and regulate foreign policy.

Marine environmental issues are very important because they have a very strategic role in human survival and the interests of a country. Aquatic ecosystems are interconnected with the terrestrial environment, therefore, changes in one system have an impact on other systems. In addition to providing important information about the marine environment, this study also focuses on ship conditions that allow serious pollution of seawater in the North Nias Sea and how to apply the principle of strict liability in managing marine pollution based on Indonesia's national interest.

In the research of Rasyidi, et al. (2023) focused on the importance of legal principles in Indonesia, which focus on rigid rules without considering issues that need to be resolved, especially in the context of development that can harm the environment. The principle of Strict Liability is regulated in Article 88 of Law No. 32 of 2009 concerning Environmental Protection and Management, encouraging the prosecution of environmental crimes by Corporations (Rasyidi et al., 2023). In the article by Fallo et al. (2023), marine pollution caused by the entry of energy materials into the marine environment has a negative impact on biological wealth, human health, and seawater quality (Adyasari et al., 2021 ;Yusri, 2017). The regulation of marine protection in the 1982 Law of the Sea Convention and the responsibility of the Kupang PLTU regarding coal pollution in Kupang Bay require the state to take action to address pollution, but until now, the Kupang PLTU has not been responsible for the damage to the marine environment caused by the coal spill (Fallo et al., 2023). Another study on marine environmental pollution control was also conducted by Lambonan (2020), marine pollution is caused by activities from land, sea, and air, both from within and outside the jurisdiction of Indonesia. Pollution can result in marine disasters, and dispute resolution is carried out based on the principle of polluter pays and caution. Marine pollution control is carried out by the government through mitigation policies (Khotami, 2020), early warning systems, emergency response planning for oil spills, and controlling the impact of damage to marine ecosystems (Lambonan, 2020). Research on the Principle of Strict Liability was conducted by Nisa (2022). The application of this principle is often opposed because crimes require an inner attitude from the perpetrator, which cannot be applied to corporations. However, the principle of absolute responsibility is imposed on companies that make mistakes in environmental management (Al Fikri, 2022) (Isril, 2017), so that proof becomes simpler and does not require an element of error from the perpetrator. Thus, corporations are more responsible for environmental crimes (Nisa, 2022). Further research by Rofiq and Pujiono in 2022, that the criminal law policy related to the principle of strict liability in several laws in Indonesia and foreign countries, with various formulation models. In the RKUHP, the principle of strict liability as a counterbalance to the principle of fault does not provide complete regulations regarding the limits of criminal acts that can be imposed. In addition, there are no regulations regarding defense, which is a characteristic of this principle. The results of a comparative study show that the application of the principle of strict liability in the RKUHP requires limitations, measurements, and regulations regarding defense to determine acts that can be

subject to this principle, considering the importance of the principle of "no crime without fault." (Rofiq & Pujiyono, 2022).

From the above studies, this study focuses on the condition of ships that allow serious pollution of sea water in the North Nias Sea and the application of the principle of strict liability in managing marine pollution based on Indonesia's national interest; (1) Specific Context of Pollution by Ships, this study will further explore the specific conditions of ships operating in the North Nias Sea, including the type of ship, the activities carried out, and how these factors contribute to marine pollution. While other articles more generally discuss marine pollution without focusing on certain types of pollution sources; (2) Application of the Principle of Strict Liability, this study will analyze in depth the application of the principle of strict liability in the context of Indonesian national law, especially in cases of pollution caused by ships. Other articles discuss this principle in general or in an international context, but do not focus on its implementation in Indonesia and its impact on national policy; (3) National Policy Analysis, how Indonesian national policies related to marine pollution management can be strengthened through the application of the principle of strict liability. This is different from other articles that emphasize more on international aspects or comparative law without linking it to local policies; (4) Case Study of Pollution in North Nias Sea, this research will use a specific case study regarding pollution in North Nias Sea, providing an in-depth analysis of a particular incident, which may not be discussed in other articles that are more theoretical or general in nature; (5) Implications for Environmental Sustainability; this research can highlight how the application of strict liability can contribute to environmental sustainability in the region, taking into account Indonesia's national interests. This research adopts a normative legal approach combined with qualitative analysis to examine the application of the strict liability principle in marine pollution cases, specifically the MT AASHI incident in North Nias. By analyzing statutory regulations, international legal instruments, and relevant case precedents, this study provides a new perspective on how the law can be used to protect the local environment from the negative impacts of maritime activities. The analysis focuses on legal obligations of flag states, port states, and Indonesia's jurisdiction as a coastal state, while also incorporating elements of national interest and environmental justice. By focusing on these aspects, this research offers a unique contribution to the understanding of marine pollution governance and legal responsibility in Indonesia, particularly within the specific socio-environmental and legal context of the North Nias Sea.

2. Methods

This study uses a normative legal design with a qualitative approach (Noor, 2022). This study aims to analyze the application of the principle of strict liability in the context of marine pollution caused by ships in the North Nias Waters, as well as its implications for Indonesia's national interests (Sudini et al., 2020). The subjects of the study were law enforcement officers, environmental managers, and representatives of shipping companies operating in the North Nias Waters. While the object of the study is the application of the principle of strict liability in cases of marine pollution and policies and regulations governing marine pollution in Indonesia. This study focuses on a specific case of marine pollution in North Nias Waters, namely the incident of a liquid asphalt spill from the vessel MT AASHI, which contaminated approximately 70 square kilometers of sea area. Data collection was carried out using two main techniques. First, a literature study was conducted by collecting secondary data from literature, scholarly journals, and legal documents related to the principle of strict liability and marine pollution. Second, field observations were conducted by directly observing ship conditions and maritime

activities in the North Nias Waters that have the potential to cause pollution. Data analysis was conducted qualitatively in two stages. The first stage involved regulatory analysis, which examined national and international legal provisions related to the application of strict liability in marine pollution cases. The second stage focused on policy analysis, assessing the impact of government policies on the management of marine pollution, particularly in terms of legal accountability for polluters. The analysis was carried out descriptively and qualitatively, emphasizing the consistency of regulations and the effectiveness of policies in protecting national interests in the maritime environmental sector.

3. Results and Discussion

Pollution in international environmental law can be interpreted as a form of environmental impairment, the presence of disturbance, change or destruction or even the presence of foreign objects in it which causes environmental elements to be unable to function properly (reasonable function) (Adyasari et al., 2021; Sands et al., 2012). In international law, pollution can be classified into several groups; 1) Transboundary Pollution, namely pollution that occurs in the territory of a country and crosses the border with another country and then causes detrimental effects in the territory of another country; 2) Pollution against common property (pollution against *res communis*), namely pollution that harms objects located outside the national jurisdiction of a country or is jointly owned by all countries; 3) Pollution against the world or cultural heritage, for example pollution that results in the extinction of rare animals or natural resources that cannot be replaced; 4) Although in international law there is no legal definition of what is meant by transboundary environmental pollution (Transboundary Environment Damage), there are already several criteria to explain this definition, namely; (1) Disturbances that damage the environment are the result of human activities (the harm must result from human activity). In this case, it does not include disturbances caused by natural factors (the environment) itself, such as diseases caused by the spread of viruses. This is not included in the definition of environmental disturbance as defined by international law; (2) The effects caused by human activities cross national boundaries; (3) Disturbances to the environment have exceeded the threshold.

The provisions that are progressive developments in the 1982 law of the sea are straits used for international shipping, archipelagic states, exclusive economic zones, closed or semi-closed seas, protection and preservation of the marine environment (including prevention of pollution), scientific research and marine technology experts and resolution of marine disputes. However, before discussing the protection and preservation of the marine environment. In the (United Nations Convention Law Of The Sea) 1982 or commonly called the 1982 Convention on the Law of the Sea, Article 1 paragraph (4) reads: "Pollution of the marine environment means the introduction by man directly, of substances of energy into the marine environment, including estuaries, which results or is likely to result in such deleterious effects as harm to living resources and marine life, hazard to human health, hindrance to marine activities, including fishing and other illegitimate uses of the sea, impairment of quality for use of sea water and of arms." (United Nations Convention on the Law of the Sea, 1982)

The over arrangements state that a contaminated marine environment can be translated as the truth that there are substances and vitality entering the marine environment, counting estuaries by human exercises, which result in harm to organic assets and marine life, debilitate human wellbeing, disturb marine exercises, counting angling and other authentic employments of the ocean and diminish the quality of ocean water for different needs. Hence, marine contamination could be a frame of marine natural harm within the sense of pulverization, unsettling influence,

and changes that cause the marine environment to not work appropriately ([Maljean-Dubois & Mayer, 2020](#)).

The activities that a nation must take to avoid, decrease and overcome contamination of its marine environment are contained in Article 194 of the 1982 Law of the Ocean Tradition. The arrangements of Article 194 passage (1) of the 1982 Law of the Ocean Tradition stipulate those nations are obliged to require all fundamental measures to anticipate, diminish and overcome contamination of the marine environment starting from any source in understanding with the destinations of Article 192 of the 1982 Law of the Ocean Tradition. Agreeing to the arrangements of Article 194 section (2) of the 1982 Law of the Ocean Tradition, countries are too obliged to require all vital measures to guarantee that activities taking put beneath their ward or supervision don't cause contamination to other nations or to zones beneath their purview ([Sodik, 2012](#)). The provisions of Article 194 paragraph (3) of the maritime law convention stipulate that the actions or measures that can be taken by the above countries will cover all sources of pollution, namely:

1. *"The release of toxic, harmful or noxious substances, especially those which are persistent, from land-based sources, from or through the atmosphere or by dumping"*
2. *"Pollution from vessels, in particular measures for preventing accidents and dealing with emergencies, ensuring the safety of operations at sea, preventing intentional and unintentional discharges, and regulating the design, construction, equipment, operation, manning of vessels"*
3. *"Pollution from installations and device used in exploration or exploitation of the natural of the sea-bed and subsoil, in particular measures for preventing accidents and dealing with emergencies, ensuring the safety of operations at sea, regulating the design, construction equipment, operation and manning of such installations or device"*
4. *"Pollution from other installations and devices operating in marine environment, in particular measures for preventing accidents and dealing with emergencies, ensuring the safety of operations at the sea, and regulating the design, construction, equipment, operation, and manning of such installations of device."*([United Nations Convention on the Law of the Sea, 1982](#))

In taking the above-mentioned activities, it is essential to pay consideration to marine contamination which is separated into a few primary categories, specifically due to the discharge of harmful and unsafe substances, the transfer of squander and trash, dispatch exercises, the utilize of establishments and hardware for investigation and abuse of characteristic assets from the seabed and the arrive underneath it and other establishments and hardware worked within the marine environment.

3.1. Corporate Liability

The principles of international responsibility stipulate that a state that commits an act that violates international law must be held internationally responsible. According to the draft of state responsibility, an internationally wrong act is an act or omission that is legally attributable to a state and constitutes a breach of an international obligation as stated in article 3 of the draft ILC ([United Nations General Assembly, 2019](#) ;[Van Genugten, 2015](#)). So, an action can be said to violate if the action is determined internationally. Even though the ILC does not explicitly include loss as an element of responsibility, the ILC does not intend to view it as an inseparable element on the grounds that the objective element of a wrongful act is a

violation of an obligation by a state with the idea of handicapping the rights of another state because the element of loss is an implicit element of responsibility. According to the ILC, the element of loss is a natural element of responsibility (Fatahillah, 2021). Thus, the elements that must be present in state responsibility are:

- a. There is an action.
- b. The action taken is an act that violates international obligations.
- c. The action taken has an impact that results in damage to certain

The elements of an act against international law are the existence of an action or omission, violating international obligations and harming other countries. If a country fulfills an act against international law, then the country must be responsible internationally. Are these elements fulfilled in the case of marine pollution of the Nias Sea by MT. AASHI. In the 1982 United Nations Convention on the Law of the Sea concerning the responsibility of Foreign Shipping Companies Due to Marine Environmental Pollution that occurs in the Indonesian Exclusive Economic Zone. This includes the ratification of the 1982 United Nations Convention on the Law of the Sea which contains the provision of witnesses or compensation to perpetrators of pollution (Yulia, 2024).

In the case of MT AASHI, the elements of international responsibility are indeed fulfilled. There was a clear omission in ensuring the vessel's seaworthiness by the flag state (Gabon), and the resulting pollution caused direct harm to Indonesia's marine environment and economic activities, especially for local fishermen. Field reports from the Indonesia Ocean Justice Initiative (IOJI) show that no preventive measures were taken by the ship owner prior to the incident, and as of ten months after the spill, no compensation had been provided to affected communities (Indonesia Ocean Justice Initiative, 2023b; Sinaga, 2023)

In addition, local fishermen in Faekhuna'a and Afulu villages reported a drastic decline in catch, asphalt residue on their nets and boats, and longer travel distances to find clean waters, indicating a tangible economic and environmental loss. These facts on the ground strongly reinforce the applicability of international responsibility and corporate liability in this case.

The condition of the vessel itself also raises legal concerns: MT AASHI, flagged in Gabon, was classified as a flag of convenience vessel, with inadequate inspection and no valid evidence of recent safety certification. Indonesian authorities later declared the ship unseaworthy, and it had no registered insurance coverage known to the local government (Maritim Executive, 2023; Rainforest Rescue, n.d.). This supports the urgent need for stronger international liability schemes, particularly to protect coastal states like Indonesia, when legal enforcement against foreign corporate actors is hampered by jurisdictional and administrative gaps.

Oil pollution from tankers is specifically regulated, while other ships such as chemical carriers or non-tankers carrying oil do not have specific liability rules. This increases the risk for coastal states such as Indonesia regarding compensation and additional claims. In addition, these ships are generally not required to have insurance, and the financial responsibility of ship owners is often limited and varies between countries. So that an international liability scheme is needed to protect coastal states, namely Indonesia, in cases of oil pollution by tankers, which is considered a reasonable state decision. Although, the criteria for reasonableness are still uncertain and will depend heavily on the national laws of each country, with the latest IMO guidelines expected to help (Locke, 2025; Røsæg & Ringbom, 2004).

3.2. Jurisdiction and State Responsibility in Marine Pollution

The legal accountability for marine pollution incidents, such as the MT AASHI spill, involves not only the shipowner but also the flag state, port state, and the coastal state where the incident occurs. Each state holds specific obligations under international law, particularly UNCLOS and MARPOL. According to the 1982 United Nations Convention on the Law of the Sea (UNCLOS), the flag state bears primary responsibility for ensuring that vessels flying its flag comply with international rules and standards, including environmental protection (Tirtamulia, 2020). In the case of MT AASHI, which was flagged in Gabon, significant concerns arise regarding whether Gabon exercised effective control over the ship's seaworthiness, as Gabon is known for its "flag of convenience" practices (Indonesia Ocean Justice Initiative, 2023).

Meanwhile, port states have the authority to enforce environmental laws and inspect foreign vessels in their ports to ensure compliance with international conventions, especially when there are clear grounds to suspect violations of MARPOL (Chairunnisa, 2024). Indonesia, as the coastal and port state, possesses legal jurisdiction to investigate the incident and demand liability from the shipowner under both UNCLOS Articles 218 and 220 and its own national laws. In this context, Indonesia's jurisdiction is multifold. It acts as a coastal state, suffering environmental and economic damages; a port state, with enforcement powers upon vessel entry; and a flag state surrogate, in cases where the flag state fails to fulfill its international obligations. This multi-layered jurisdiction allows Indonesia to invoke both international claims (under MARPOL and UNCLOS) and national prosecution, especially under its environmental framework.

Indonesia's Law No. 32 of 2009 on Environmental Protection and Management explicitly codifies the principle of strict liability in Article 88, stating that:

"Every person whose actions, business, and/or activities use hazardous and toxic materials, produce and/or manage hazardous and toxic waste, and/or pose a serious threat to the environment shall be absolutely liable for the damages caused without the need to prove fault."

This provision establishes absolute liability, meaning that no element of negligence or intent needs to be proven by the authorities or victims. The principle of strict liability has also been applied in various international and domestic cases involving marine environmental damage. For instance, in the Erika oil spill (1999) off the coast of France, French courts applied strict liability despite the complexities of corporate ownership, emphasizing environmental protection over procedural technicalities. Similarly, Indonesia was involved in the Montara oil spill (2009), which originated in the Timor Sea and caused transboundary environmental harm. Affected Indonesian communities pursued compensation through civil suits based on strict liability principles (Pak, 2019). These cases underscore how the doctrine of strict liability can facilitate legal enforcement in environmental cases, especially where scientific or evidentiary uncertainty might otherwise hinder accountability (Rasyidi et al., 2023).

This shifts the burden of proof entirely onto the polluter, in this case the shipowner of MT AASHI. The legal rationale is to facilitate enforcement and ensure that corporations engaging in inherently dangerous activities are fully responsible for environmental harm (Nisa, 2022; Rasyidi et al., 2023). However, while Article 88 provides a solid legal foundation, the practical application of this strict liability principle in cases involving foreign-flagged vessels presents complex jurisdictional challenges, particularly in cross-border claims, enforcement of financial compensation, and verification of ship registration legitimacy (Putri Faizal, 2021). Despite the clarity of liability under Indonesian law, the article does not explore the procedural implications for legal actors, such as prosecutors, environmental

agencies, or international tribunals. Future legal research should address how these actors coordinate, particularly in claims against foreign corporations or state-flagged ships operating under flags of convenience.

3.3. Chronology of Nias Sea Pollution by MT. AASHI

On Saturday, February 11, 2023, there was a spill of raw asphalt (bitumen) belonging to PT AASHI in the waters of North Nias, Hemene Sihene'asi Village, Tugala Oyo District, North Nias Regency, North Sumatra Province. The cause of this raw asphalt spill was the grounding of the Gabon-flagged MT AASHI Tanker with an estimated 3595 metric tons of raw asphalt cargo from the Arab Emirates bound for Padang. Bad weather and leaks in the ship's hull resulted in the asphalt cargo spilling into the sea and coastal waters with a radius of approximately 70 kilometers. This pollution has an impact on the maritime environment and marine biota that live in the waters and disrupts the activities of the surrounding community and fishermen. The asphalt that pollutes the waters of North Nias has had a severe impact on marine life there. Turtles and various other marine biota were seen experiencing disturbances due to the presence of hazardous substances in the asphalt. In a report by Kompas (Sinaga, 2023), one local fisherman expressed, "the sea feels empty now; we return with nothing." This highlights the immediate economic and emotional toll experienced by the coastal community. Local fishermen also chose not to go to sea, due to the increasing environmental risks. The ship carrying the asphalt sank on February 11, 2023, and the local community immediately reported the incident to the local government and the Indonesian Navy Base. According to the (Indonesia Ocean Justice Initiative, 2023a), preliminary assessments indicated that the spill caused significant disruptions to local fishing activities, with fishermen reporting damage to their nets, boats, and reduced catches over several weeks. After checking, it was discovered that the ship named MT. AASHI was flying the Gabon flag and sailing from Guinea to Padang and Sibolga, as explained by Syukur Zebua, Head of Communication and Information Technology for North Nias Regency (Utomo, 2023). The cause of the leak was in the ship's hull, the joint team then stepped in to save the ship's crew.

The crew of the ship numbered 20 people, all of whom were Indian citizens. After the incident, the local government immediately evacuated them to a village hall in North Nias Regency for their safety and comfort. Currently, the North Nias Regional Government is actively addressing the pollution caused by the ship. They have also contacted the ship owner and sent letters to related parties, including the Ministry of Environment and Forestry, the Ministry of Maritime Affairs and Fisheries, and the Ministry of State-Owned Enterprises, to urge swift action in addressing this pollution, as explained by Syukur Zebua (Utomo, 2023). The ship was corroded and damaged by the powerful waves in the Indian Ocean. Since then, the asphalt has leaked and polluted the sea and the surrounding coastline. The crew was rescued and accommodated by the local community. However, the ship owner has not taken action, after ten months, the ship has still not been rescued and no action has been taken to clean up the spill (Rainforest Rescue, n.d.).

Aashi is a 5,000 dwt bitumen tanker built in 2008. The vessel was sold in June 2022, and is currently owned in Liberia, managed in the UAE, and flagged in Gabon (The Maritime Executive, 2023). So it is necessary to clarify whether the flag state of the ship, in this case Gabon, has implemented effective control over the seaworthiness of MT AASHI. According to IOJI records (2023), Gabon is one of the flag of convenience countries because this country does not strictly control ships that carry its flag. The administration of Gabon's state ship registration is even carried out by a private third party, namely Intershipping Services LLC (Maritim Executive, 2023). With all these facts, it is important to ensure the authenticity of the ship's

registration certificate. Indonesian authorities consider Aashi unseaworthy due to the condition of the ship. Director General of Marine Resources and Fisheries Supervision of the Ministry of Marine Affairs and Fisheries, Rear Admiral TNI Dr. Adin Nurawaluddin, M.Han on February 27, 2023 mentioned four follow-up actions that would be taken after visiting the location of the sinking and pollution of MT AASHI (Indonesia Ocean Justice Initiative, 2023a). The four steps are cleaning the area contaminated with asphalt, taking samples, calculating losses due to damage to fish resources and the environment, and conducting an investigation to hold the ship owner accountable in the form of financial compensation. Appointing PT Nusantara Salvage Indonesia to carry out the cleaning activities. It should be noted that in addition to lifting the sunken ship hull, the ship owner is also responsible for the environmental pollution that occurs.

The following is the location of the Sawo-Lawehan Marine Conservation Area and the surrounding waters with a distance of 35 km from the location where MT AASHI sank:

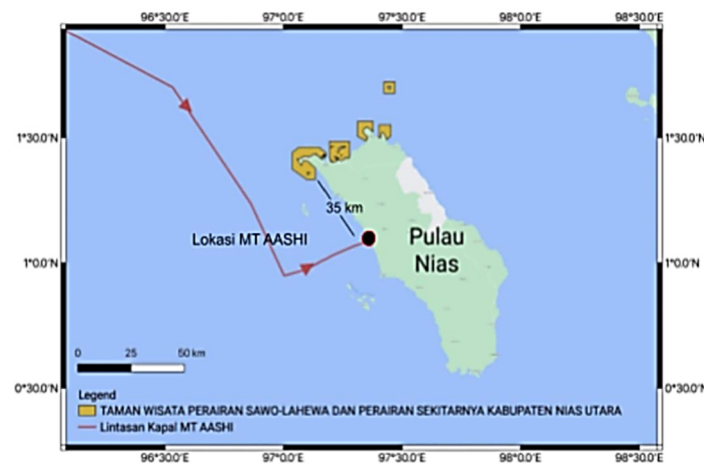


Figure 1. Locations affected by the sinking of MT AASHI

Source: Indonesia Ocean Justice Initiative, 2023



Figure 2. Map of MT AASHI Sinking and Asphalt Spill Spread in North Nias Coastal Waters

Source: Adapted and visualized based on data from (Indonesia Ocean Justice Initiative, 2023b; Rainforest Rescue, n.d.; Sinaga, 2023)

Figure 1 illustrates the proximity of the Sawo-Lawehan Marine Conservation Area to the site of the MT AASHI sinking, highlighting the potential ecological risk to protected marine habitats located approximately 35 kilometers from the incident. In contrast, Figure 2 provides a more comprehensive depiction of the asphalt spill's impact by showing the exact location of the vessel's grounding, the estimated 70 km radius of pollutant dispersion, and the coastal fishing villages most affected, such as Faekhuna'a, Afulu, and Lahewa. While Figure 1 emphasizes the environmental threat to biodiversity and conservation zones, Table 1 complements it by focusing on the socio-environmental consequences of the spill, particularly for local communities. Together, these visuals enhance the narrative by presenting both ecological and human-centered dimensions of the disaster.

Table 1. Estimated Socio-Economic Impact of the MT AASHI Spill on North Nias Coastal Communities

Impact Category	Description	Estimated Effect
Affected Area	Spread of asphalt across North Nias coastal waters	±70 km ² (radius of 70 km)
Fish Catch Volume	Decline due to pollution and fish migration	Estimated 40–60% drop
Fishing Distance	Fishermen must travel farther to uncontaminated zones	6–10 km farther than usual
Equipment Damage	Boats, nets, and engines affected by sticky asphalt	30+ small-scale fishing units impacted
Income Loss	Many fishermen temporarily stop going to sea	Significant daily income reduction
Marine Biodiversity	Decline in species like turtles and reef fish due to chemical exposure	Observed in Faekhuna'a and Lahewa

Source: Indonesia Ocean Justice Initiative, 2023

Following the incident, the Indonesian government planned to conduct a cleanup operation, and Nusantara Salvage Indonesia was selected as the pollution response contractor. After the government authorities calculated the environmental impact of the spill, they planned to seek compensation from the shipowner. The ship accident resulted in a terrible environmental disaster: Thousands of tons of asphalt polluted the coast, coral reefs, and mangrove forests. The mangrove ecosystem was affected by asphalt pollution, and small fishermen suffered huge economic losses because their catches decreased, and fishermen had to go out to sea further, requiring more fuel.

3.4. Analysis of Indonesian Government National Interest and Strict Liability MT. AASHI

The concept of national interest in international relations is one of the important concepts that has been debated and modified over time. It refers to the desires and wishes of a sovereign state in relation to other states that are considered important to its survival, security and prosperity. The concept is closely related to state sovereignty and plays an important role in influencing foreign policy. National interest in shaping foreign policy (Navari, 2016). National interest should be the primary consideration in determining a nation's actions in the international arena. The concept of national interest is based on realism, which emphasizes the importance of states as key actors in international relations. Realists argue that states are motivated by self-interest and that their actions are guided by the desire to defend and advance their own interests, often at the expense of other states.

The concept of national interest is based on realism, which emphasizes the importance of the state as a key actor in international relations. The state is seen as

a single and rational entity, with the main goal of defending and developing its national interests (Finnemore, 1996). Realists argue that states are motivated by self-interest and that their actions are guided by the desire to defend and advance their own interests, often at the expense of other states. Therefore, to defend themselves and advance their national interests, states must behave aggressively and seek to achieve optimal power and security (Burchill, 2005). The concept of national interest in international relations is a complex and comprehensive term that has been debated and modified over time. It is closely related to the concept of state sovereignty and is often considered an important aspect in the formulation of a country's foreign policy. Despite its shortcomings, the concept remains a basic paradigm in the study of international relations and continues to influence the activities of states in the international system.

Referring to the concept of a country's national interest, the Indonesian government acts as a single and rational state actor in processing the handling of MT AASHI and the ship owner to take full responsibility until the entire process is complete. According to Hans J. Morgenthau, national interest is not only a political necessity, but also a moral obligation for a country to participate in its relations with other countries in foreign policy behavior to become one guide, one standard of thought, one rule for action (Donnelly, 2000). This basis of national interest can be used as a strategy in maintaining state security in the international arena in its interaction with other countries. The MT AASHI case in the study of national interests, the state must think and act based on Indonesia's national interests. This interest is resolved with a strict liability study.

In this case, Indonesia's national interests can be categorized into three primary dimensions. First, environmental security, as the spill severely impacted coastal ecosystems, coral reefs, and marine biodiversity—resources essential to long-term ecological sustainability and the well-being of coastal communities (Indonesia Ocean Justice Initiative, 2023b). Second, economic sovereignty, particularly the protection of local fishermen's livelihoods, as the pollution disrupted fishing activities, decreased catch yields, and caused economic losses in several affected villages (Sinaga, 2023). Third, jurisdictional and maritime enforcement, since the case tests Indonesia's ability to assert its sovereign rights over its Exclusive Economic Zone (EEZ) against foreign vessels operating under flags of convenience (Rainforest Rescue, n.d.; Yulia, 2024). These interests are defended through the application of the strict liability principle, which enables Indonesia to seek accountability and compensation from the polluting party without the burden of proving negligence (Putri Faizal, 2021; Rasyidi et al., 2023). Thus, legal action in this case is not merely administrative, but a strategic expression of Indonesia's core national interests in maritime environmental governance (Rasyidi et al., 2023).

The concept of national interest, although often associated with classical realism, has evolved in international relations literature. For example, Joseph Nye's conception of "smart power" (2004) incorporates both hard and soft power as a way of achieving national interest, showing that state behavior may also be influenced by normative and institutional factors (Greg, 2024; Kuimova et al., 2021). Meanwhile, Alexander Wendt's (1992) constructivist view posits that national interests are not fixed but constructed through intersubjective processes among states (Freundlieb, 2019; Wei, 2024). This theoretical development implies that Indonesia's handling of the MT AASHI case must be understood not merely in terms of securing material interests but also in maintaining its identity as a responsible maritime nation committed to international norms.

In defending national interests in the international arena over the case of the Gabon-flagged MT AASHI ship, Indonesia can conduct an investigation to ask for accountability from the ship owner in the form of financial compensation. This basis

can also be based on the International Convention, allowing compensation to be paid to those affected by oil spills from ships in countries that have signed the applicable convention and where the convention applies (Pak, 2019). A comparable case is the Kupang Bay coal spill, where pollution led to a 60% decline in fishermen's income (Fallo et al., 2023). While data on MT AASHI's exact economic impact is still limited, similar consequences can reasonably be expected given the scale and nature of the spill. These conventions provide a uniform set of rules governing liability and claims. In addition, countries may also have different national arrangements regarding compensation, either as a substitute for, or as a complement to, the International Convention. States parties to the 1982 Law of the Sea Convention have an obligation to comply with all provisions of the Convention regarding the protection and preservation of the marine environment. Both international compensation based on the results of the convention and national arrangements should be integrated in the national interest to continue to compensate for material and immaterial losses due to the sinking and pollution of the MT AASHI ship.

In strict liability as direct responsibility, absolute responsibility, no-fault liability/liability based on no fault/liability without fault, and liability based on risk (Putri Faizal, 2021). The MT AASHI case caused incredible hurt to the maintainability of the marine environment from contamination beginning from dispatch operations. Indonesia is an critical part of the IMO (Universal Oceanic Organization), and confirmed the Universal Tradition on the Avoidance of Contamination from Ships delivered by IMO in 1973 and its convention in 1978, specifically the Universal Tradition for the Anticipation of Contamination from Ships 73/78 known as Sea Contamination (MARPOL). MARPOL contains commitments for each part state to comply with and execute arrangements in arrange to ensure the marine environment from contamination. The obligations and specialists of MARPOL part states as alluded to within the arrangements of the Universal Law of the Ocean (UNCLOS) (Tirtamulia, 2020). Moreover, within the consider of the Worldwide the Law of the Ocean Tradition (UNCLOS), the MT AASHI Transport can be a procedural step in law enforcement carried out by Indonesia against the avoidance of marine contamination by remote ships controlled by a few laws and their actualizing controls. Based on the controls of the universal oceanic tradition and the national interface of Indonesia, MT AASHI is responsible for endeavors and/or exercises that result in marine contamination and/or pulverization and is required to bear the costs of taking care of marine contamination and/or devastation and the costs of recuperation.

In response to the MT AASHI incident, the Indonesian government—through the Ministry of Environment and Forestry (KLHK), the Ministry of Transportation, and the North Sumatra provincial government—took a series of coordinated actions. The North Sumatra Environmental Agency initiated an on-site investigation and sample collection to assess water contamination levels. Simultaneously, the Indonesian Navy (TNI AL) and the KSOP (Harbormaster's Office) monitored the vessel and its remaining cargo. Although legal proceedings and compensation demands are still ongoing, the Indonesia Ocean Justice Initiative (IOJI) has published a report urging the central government to adopt a litigation strategy under the strict liability principle and to ensure environmental recovery and community compensation (Indonesia Ocean Justice Initiative, 2023b). However, to date, no direct compensation has been disbursed to affected communities, indicating the need for stronger legal enforcement and cross-ministerial coordination in addressing transboundary maritime pollution.

4. Conclusion

The conclusion of this study affirms that the application of the strict liability principle in the case of marine pollution in the North Nias Waters, specifically the MT AASHI incident is not only aligned with Indonesia's national interests, but also strategically vital in defending environmental, economic, and sovereign rights. The Indonesian government's response, including the formation of a joint investigative team, involvement of the Environmental Agency, and monitoring by the Navy and Harbormaster, demonstrates a concrete commitment to protecting national marine assets. Although compensation has yet to be realized, the deployment of strict liability provides a strong legal foundation for demanding accountability without the burden of proving negligence, especially in dealing with foreign-flagged vessels that operate under flags of convenience.

From an international legal perspective, Indonesia's actions reflect compliance with its obligations under UNCLOS and MARPOL, particularly as a port state, coastal state, and party to multilateral conventions on marine environmental protection. The case also underscores the urgency for a more integrated liability framework, both domestically and globally to address pollution by non-tanker ships. Furthermore, by systematically linking national interest theory with the legal strategy applied, this research contributes to a deeper understanding of how environmental disasters challenge state responsibility and sovereignty in maritime governance. Ultimately, the use of strict liability in this case not only strengthens Indonesia's position in the international legal order but also reinforces its commitment to the sustainability of marine ecosystems and the welfare of affected coastal communities.

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