



# Legal Protection for Indonesian Ship Crews in the Free Seas

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## Abstract

This study aims to indentify and analyze the efforts of the Indonesian Government in providing protection to Indonesian crew members on the high seas and to identify and analyze the constraints faced by the Indonesian government in providing protection to Indonesian crew members on the high seas. This type of research is normative legal research because it operates simultaneously on legal principles, legal norms, rules of legislation, and doctrine. By researching library materials that use the object of the study in the form of existing libraries, both sourced from books, magazinez, and regulations that have a correlation to the discussion of the problem, so this writing is also library research. The results of this study indicate that the laws and regulations overlap

between one regulation and another, causing legal uncertainty which results in protection for crew members which is difficult to guarantee.

**Keywords: Protection; Law; Crew members;**

**Abstrak**

Penelitian ini bertujuan untuk mengetahui dan menganalisis Upaya Pemerintah Indonesia dalam memberikan perlindungan kepada Anak Buah Kapal Indonesia di laut bebas dan untuk mengetahui dan menganalisis Kendala-kendala yang dihadapi oleh Pemerintah Indonesia dalam pemberian perlindungan terhadap Anak Buah Kapal Indonesia di laut bebas. Jenis Penelitian ini adalah penelitian hukum normatif karena dengan mengoperasikan secara bersamaan asas-asas hukum, norma hukum, kaidah dari perundang-undangan, dan doktrin. Dengan cara meneliti bahan pustaka yang menggunakan objek kajian berupa pustaka yang ada, baik bersumber dari buku, majalah, dan peraturan-peraturan yang memiliki korelasi terhadap pembahasan masalah, sehingga penulisan ini juga bersifat penelitian pustaka (Library Research). Hasil penelitian ini menunjukkan bahwa peraturan perundang-undangan mengalami tumpang tindih antara peraturan yang satu dengan yang lainnya sehingga menimbulkan ketidakpastian hukum yang berakibat kepada perlindungan bagi anak buah kapal yang sulit untuk dijamin.

**Kata kunci: Perlindungan; Hukum; Anak Buah Kapal;**

## **A. Introduction**

Humans have the nature of being social creatures, who also have a developed mind and can also be developed. With his mind, humans can live their daily lives. Humans always live together with other humans and will need each other to fulfill their respective needs. In relation to human nature as social creatures, humans will always have the urge and need to interact with other humans. With the help of other humans, humans can communicate or talk, and can also develop all their human potential. Working is one of the things a person can do to survive in order to meet their needs. In modern times, many people leave their country to other countries to find work. This could be because he did not get a job in his home country, the wages offered if he worked in another country were higher and other reasons. As is known, more than 70 percent of the earth is covered by water/oceans, this means that waters have great potential that humans can process.<sup>1</sup> This large natural resource potential also has a big impact or influence in opening up employment opportunities for humans and can also cause problems.<sup>2</sup> This great potential (maritime sector) has made many people establish or create companies operating in the maritime sector (maritime and fisheries sector). Therefore, large human resources are also needed to advance the company.

Indonesia is a maritime country because it is an archipelago with a land area that is almost as large as its sea and water areas. Therefore, quite a few people work in companies operating in the maritime or fisheries sector, whether in domestic companies or foreign companies. Sailors who work on ships are usually also referred to as crew or ship's crew. Many Indonesian crew members who work on foreign ships have sufficient knowledge and skills. They work on foreign ships for various reasons, such as the wages offered are relatively high and so on. However, unfortunately, there are also those who do not have sufficient skills and knowledge and there are also

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<sup>1</sup> Zaynur Ridwan. (2011). *Indonesia Incorporated: Konspirasi Penjarahan Kekayaan Alam Indonesia Melalui Isu Pemanasan Global*. Perpustakaan Al Kautsar, Banjarmasin, p, 242.

<sup>2</sup> Arfiati, D. (2015). *Pengelolaan Sumber Daya Ikan di Perairan Umum*. Gunung Samudera Publishers (PT Book Mart Indonesia Publishing Group), p, 65.

ship crew members who do not have official and complete documents. Both of these things can cause problems for Indonesian crew members. However, the state has an obligation to protect its citizens abroad.

This refers to the 4th paragraph of the 1945 Preamble to the Constitution of the Republic of Indonesia which reads "after that to form a government of the Republic of Indonesia which protects the entire Indonesian nation and all of Indonesia's bloodshed" and in Article 28D of the Law The 1945 Constitution of the Republic of Indonesia states "that every citizen has the right to recognition, guarantees, protection and fair legal certainty as well as equal treatment before the law". Indonesian ship crew were often enslaved or trafficked on the foreign ships where they worked. Because they do not have official documents from their country of origin. It is often very difficult for Indonesian crew members to protect Indonesian crew members because even though the Indonesian government has ratified the 2006 Maritime Labor Convention, the convention is not yet effective. The Indonesian government ratified the 2006 Maritime Labor Convention in 2016, but until now there are still many cases of human rights violations that befell Indonesian crew members who work abroad, especially those who work on foreign ships. Legal protection for ship crew members is the responsibility of the crew's country of origin and the country where the crew works, and also provides responsibility in several matters to the port country. The responsibilities of the country of origin and the country where the crew members work are outlined in a work agreement made before the crew members work on the foreign ship, between the crew members and the ship owner, which is called the crew work agreement. This agreement is made in accordance with the laws and regulations in force in the crew's home country and the ship's flag country. The many problems that befell crew members from Indonesia are also due to the lack of optimal action against various violations which are very common. And there is no certainty for Indonesian crew members who work on foreign-flagged ships abroad to get a protection package according to standards. International and meeting minimum requirements when working. So there needs to be special attention from the Indonesian Government to pay more attention to

the protection of Indonesian ship crew, especially those working abroad on foreign-flagged ships. From the summary of the aspects of the problem above, these are the reasons for the author to write this legal writing.

## **B. Method**

The type of research used to conduct this research is the normative legal research method (legal study research). Normative legal research is a type of research that aims to study the application of legal norms or rules as written in legislation, especially in this case, how to regulate the protection of crew members on the high seas using library materials as a source of research data (Library Research). can be seen the impact of noma in protecting crew members against cases of violations from foreign countries.

## **C. Result & Discussion**

### **a) Indonesian Government's Efforts to Provide Legal Protection to Indonesian Ship Crews.**

The Indonesian government is responsible for providing protection to its workforce. The Indonesian government continues to strive to provide protection for Indonesian ship crew through regulations and policies taken to overcome the problems of Indonesian ship crew working abroad. One of them is that Indonesia joined the International Labor Organization (ILO) in 1950. In 2018 there were 17 conventions that Indonesia had ratified, consisting of 8 core conventions. The 8 core conventions include:<sup>3</sup>

- a) ILO Convention Number 29 of 1930 concerning Forced Labor;
- b) ILO Convention Number 98 of 1949 concerning the Right to Organize and Bargain Collectively;
- c) ILO Convention Number 100 of 1951 concerning Equality of Wages;
- d) ILO Convention Number 87 of 1948 concerning Freedom of Association and Protection of the Right to Organize;

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<sup>3</sup> Putri, V., Mahesa, G., Fauzy, I., Sudagung, A., Arni Pertiwi, J. E., Safitri, M., & Anggraini, M. (2019). *Perjalanan Panjang Perlindungan Pekerja Migran di Asia Tenggara*. Surabaya: PT Scopindo Media Pustaka, p. 14.

- e) ILO Convention Number 105 of 1957 concerning the Elimination of Forced Labor;
- f) ILO Convention Number 111 of 1958 concerning Discrimination (Employment and Occupation);
- g) ILO Convention Number 138 of 1973 concerning Minimum Age;
- h) ILO Convention Number 182 of 1999 concerning the Elimination and Immediate Action to Eliminate the Worst Forms of Child Labor.

There are regulations that have been established by the Indonesian Government regarding the Legal Protection of Indonesian Ship Crew (ABK) in the High Seas. One of them is Law No. 15 of 2016 concerning Ratification of the Maritime Labor Convention of 2006.<sup>4</sup> The 2006 Maritime Labor Convention regulates the basic principles and rights for member countries that ratify the convention must comply with and maintain the matters written in Article 3 of the 2006 Maritime Labor Convention which states that: "Each Member State must ensure that the provisions of the regulations its legislation, in the context of this Convention, respects fundamental rights to:"

- a) Freedom of association and effective recognition of the right to collective bargaining;
- b) Elimination of all forms of forced or compulsory labor;
- c) Effective elimination of child labor;
- d) Elimination of discrimination related to employment and position.

The Convention also regulates the Work and Social Rights for crew members as contained in Article 4 of the 2006 Maritime Labor Convention which states that:

- a) Every crew member has the right to a safe and protected workplace in accordance with safety standards;
- b) Every crew member has the right to fair working conditions;
- c) Every crew member has the right to adequate working and living conditions on board the ship;

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<sup>4</sup> Law no. 15 of 2016 concerning Ratification of the 2006 Maritime Labor Convention.

- d) Every crew member has the right to health protection, medical care, welfare levels and other forms of social protection;
- e) Each Member State must ensure, within the limits of its jurisdiction, that the employment and social rights of seafarers provided for in the previous paragraph of this Article are implemented in full accordance with the provisions of this Convention. Unless otherwise stated in the Convention, such implementation may be achieved through national laws or regulations, through collective labor agreements or through other policies or in accordance with applicable practice.

Apart from the regulations above, the Indonesian Government has a role in providing protection for Indonesian ship crew working on the high seas. There is a need for cooperation between the Ministry of Transportation, Ministry of Foreign Affairs, Ministry of Maritime Affairs and Fisheries, Ministry of Manpower and the Indonesian Migrant Worker Protection Agency (BP2MI) to jointly address the problems of Indonesian ship crew. The following will explain the role of each ministry as follows:

- a) The role of the Ministry of Transportation in protecting Indonesian crew members working on foreign vessels is by carrying out efforts to supervise and protect fishing vessel crews such as:<sup>5</sup>
  1. Improving the quality of Fisheries Human Resources (HR), by carrying out various methods such as Certifying the authority of position maps (endorsement), Developing fishery vessel manning levels (safe manning), Approval of Fisheries Education and Training institution standards for infrastructure, and maintaining the health of seafarers (medical standards);
  2. Carrying out coordination and harmonization of related ministries/institutions, such as: Providing protection for fisheries sailors during pre-employment, in-service and post-employment, granting comprehensive authority to relevant ministries/institutions, Coordinating and harmonizing

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<sup>5</sup> Surianto, D., & Kurnia, I. (2021). Perlindungan Hukum ABK WNI di Kapal Asing Dalam Perspektif Hukum Nasional. *Judicial Law Journal*, 4(1), 1667-1691, p.5

overlapping laws and regulations between ministries / related institutions, Building an integrated information system between related ministries/institutions;

3. Implementing fisheries standards, such as: Requiring sailors' books as travel documents for fisheries sailors, Supervising and checking Maritime Work Agreements (PKL) so that they can be known to authorized government officials, The need to require social security and employment for every sailor who will work, The need to implement standards minimum wage for seafarers working on fishing vessels;
4. Carry out supervision and law enforcement in terms of licensing for crew members who will work on foreign ships, in various ways, namely: Establishing a mechanism for assessing or investigating employment relationship disputes, taking firm action against ship crew agency entrepreneurs who do not have permits, opening a reporting service /one-stop complaints that are integrated with the fisheries seafarers' information system, and carry out annual verification of ship crew agency entrepreneurs.

b) The role of the Ministry of Foreign Affairs of the Republic of Indonesia in improving the governance of ship crew protection abroad. Efforts made by the Ministry of Foreign Affairs of the Republic of Indonesia include:<sup>6</sup>

1. In handling cases that occurred among Indonesian crew members, the Indonesian Ministry of Foreign Affairs has provided protection by appointing Indonesian representatives as first responders by carrying out 3 steps, namely prevention of problems for Indonesian citizens that occur abroad, early detection of problems that arise and responding quickly in resolving cases of Indonesian citizens including guaranteeing their rights.

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<sup>6</sup> Herawan, C. (2020). Peran Kementerian Luar Negeri dalam Meningkatkan Tata Kelola Perlindungan Awak Kapal di Luar Negeri. Webinar Launching Rekomendasi Peningkatan Tata Kelola Perlindungan ABK WNI di Kapal Ikan Asing, Jakarta, p. 3-5 & 7-9.



2. Institutional strengthening carried out by the Indonesian Ministry of Foreign Affairs by making cooperation agreements or memorandums of understanding between ministries and institutions regarding the prevention and handling of Indonesian citizens as victims of criminal acts of human trafficking;
  3. Diplomacy between countries is carried out by the Ministry of Foreign Affairs through Indonesian representatives who are abroad by holding bilateral negotiations between the two countries to discuss cases and resolve cases experienced by Indonesian citizens while working abroad.
- c) The role of the Ministry of Maritime Affairs and Fisheries in providing legal protection for Indonesian migrant workers, especially those working on foreign-flagged vessels such as:<sup>7</sup>
1. Enforcing conditions for entry to work as a crew member on a foreign ship must have certification so that workers receive protection, in this case insurance for ship crew members;
  2. Enforcing regulations for every foreign shipping company to implement human rights protection for the crew of the ship;
  3. Providing legal certainty for entrepreneurs and crew members in the form of Maritime Work Agreements (PKL);
  4. Organizing Human Rights Training for crew members and also conducting assessments of foreign shipping companies;
  5. Ensure that every company registers the crew of foreign ships into insurance; And
  6. Encourage collaboration between the Ministry of Manpower, Ministry of Maritime Affairs and Fisheries, and the Ministry of Transportation (Kemenhub) to ensure working conditions, Maritime Work Agreements and accommodation on board.<sup>8</sup>

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<sup>7</sup>Ambari, M. (2019). Hal ini sebagai upaya pemenuhan hak-hak dasar pekerja perikanan yang selama ini terabaikan. Jakarta: Mogabay. com environmental news site, p. 54.

<sup>8</sup>Fauzan, R. (2020). Ini merupakan terobosan KKP untuk melindungi awak kapal ikan. Jakarta: Business. com, 3, p. 23.

- d) The role and actions of the Ministry of Manpower in providing legal protection for Indonesian migrant workers who work as crew members include:<sup>9</sup>
1. Ratifying the Maritime Labor Convention 2006 (MLC 2006) which has been ratified in the form of Law no. 15 of 2016 concerning Ratification of the 2006 Maritime Labor Convention;
  2. Improving the management of the placement and protection of Indonesian Migrant Workers and ship crew;
  3. Coordinate between ministries and institutions in the preparation of Draft Legislative Regulations (RPP) for ship crews to improve the placement and protection mechanisms for ship crews working on foreign-flagged ships.
  4. Provide guidance and supervision to the Indonesian Migrant Worker Placement Company (P3MI) which places ship crew.
  5. Collaborating with the International Labor Organization (ILO) regarding the implementation of joint inspections on ships between labor inspectors and marine inspectors.
- e) Peran The role and actions of the Indonesian Migrant Worker Protection Agency in efforts to protect Indonesian migrant workers who work as crew members include:<sup>10</sup>
1. Affirmation of authority, duties and functions between institutions that handle implementation management of the placement and protection of crew members;
  2. Building an integrated database between related institutions (Ministry of Transportation, Ministry of Manpower, Ministry of Maritime Affairs and Fisheries, Ministry of Foreign Affairs, and the Indonesian Migrant Worker Protection Agency (BP2MI);
  3. Forming an investigation team (internal BP2MI) and coordinating synergy between ministries and institutions for comprehensive

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<sup>9</sup> Ambari, M. (2019). Hal ini sebagai upaya pemenuhan hak-hak dasar pekerja perikanan yang selama ini terabaikan. Jakarta: Mogabay. com environmental news site, p. 4

<sup>10</sup> *Op. Cit.* p.6

- investigations into alleged human rights violations, employment crimes, human trafficking crimes (TPPO) and other criminal acts;
4. Moratorium/temporary suspension of the sending of ship crew, especially fishing vessel crew working in International Waters (ABK Letter of Guarantee) until the results of the investigation are completed and/or after the issuance of the Government Regulation on the Placement and Protection of Crew Members.

#### **b) Efforts to Prevent Human Rights Violations Experienced by Indonesian Ship Crews in the Free Seas.**

In order to provide legal protection for Indonesian ship crew, several actions and preventive measures are needed before human rights violations are experienced by Indonesian ship crew. When working on foreign ships, it starts with the recruitment and preparation process in the country of origin (Indonesia) as well as protection in the country. goals both formal and informal. The following are several stages and preventive measures before human rights violations occur against Indonesian crew members when working on foreign ships:<sup>11</sup>

- a) Stages Before the Departure of Ship's Crew to a Foreign Ship. Before departure, crew members must work on a foreign ship, the crew members must fulfill several pre-departure preparations organized by the ship's crew supply agent, namely:
  1. Preparation of documents and files as a requirement for working on foreign ships. In the process of recruiting ship crew carried out by fishing vessel crew agents to work on foreign ships, there are several documents and files that are requirements for working on foreign ships, namely: 1) PKL (Sea Work Agreement). 2) Competence. 3) Health. 4) Insurance. 5) Travel (passport). 6) Employment (work visa). Apart from the documents above that must be fulfilled, there are several requirements that must be met

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<sup>11</sup> Mita Noveria, D.K.K. (2021). *Perlindungan Pekerja Migran Indonesia*. Indonesian Torch Library Foundation, pp. 78-86

by every Indonesian migrant worker, including ship crew members, as follows: 1) Be at least 18 (eighteen) years old; 2) Have competence; 3) Physically and spiritually healthy; 4) Registered and have a Social Security membership number and; 5) Have complete required documents.

2. Physical and mental preparation before working on a foreign ship..<sup>12</sup> The physical and mental readiness of ship crew is very necessary, this includes the health condition and mental readiness of prospective Indonesian migrant workers as contained in Law No. 18 of 2017 concerning the Protection of Indonesian Migrant Workers (PPMI) mandates that prospective Indonesian migrant workers who will work must have a document in the form of a health certificate based on the results of a health and psychological examination. This health examination is an examination of the health of prospective Indonesian migrant workers who will work abroad in the form of a complete physical and mental examination as well as supporting examinations, by the doctor in charge of the health facility who carries out the health examination, this is mandatory due to the widespread Covid-19 pandemic in all countries. including Indonesia as a sender of migrant workers and is also supported by the Decree of the Minister of Manpower Number 294 of 2020 concerning the Implementation of the Placement of Indonesian Migrant Workers during the Adaptation Period to New Habits.
3. Non-physical preparation..<sup>13</sup> Indonesian crew members who will work abroad must be prepared in order to understand the type and type of work that will be carried out in accordance with their abilities, competencies, rights and obligations in accordance with the maritime work agreement as well as an understanding of the social conditions, culture and language used. in the destination/receiving country of Indonesian migrant workers.

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<sup>12</sup> *Op.Cit.* hlm.79-82.

<sup>13</sup> *Ibid.*, hlm.82-86.

Non-physical preparation activities must be carried out on a competency basis as stated in Article 5 letter c of Law No. 18 of 2017 concerning the Protection of Indonesian Migrant Workers and Article 45 paragraph (5) of Minister of Maritime Affairs and Fisheries Regulation No. 42 of 2016 concerning Maritime Work Agreements. This competency is intended to adapt to the requests and needs of employers in destination/receiving countries for Indonesian crew members. However, the preparation of this competency depends on the organizer, namely the ship's crew distribution agent, in providing training to Indonesian ship crew. However, the problems faced until now are that the competency-based training provided is limited to general matters and is not based on the work abilities of Indonesian crew members.

- b) Formal Efforts that Can Be Taken to Protect Ship Crew in the Destination Country of Work.<sup>14</sup> In protecting Indonesian ship crew when they arrive at their destination country, the Indonesian state can provide protection by monitoring the whereabouts and conditions of Indonesian ship crew working abroad. The state's obligation to carry out monitoring refers to Law No. 18 of 2017 concerning the Protection of Indonesian Migrant Workers and Regulation of the Minister of Manpower of the Republic of Indonesia No. 9 of 2019 concerning Procedures for Placement of Indonesian Migrant Workers including, name and address of user, suitability of position and place of work, fulfillment of the rights of Indonesian migrant workers, as well as the conditions and problems faced by Indonesian migrant workers. However, the problem in monitoring is that the Indonesian crew's workplace is in the middle of the sea. so for direct monitoring cannot be carried out. However, this monitoring can be carried out by communicating using

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<sup>14</sup> *Ibid.*, hlm.86-91.

communication tools in the form of cellphones or other communication media so that Indonesian crew members remain connected to their country of origin (Indonesia), especially with crew distribution agents, this is because the crew distribution agent company is the spearhead. Indonesian crew members in the process of departure or placement abroad. In general, the problems most often experienced by crew members as Indonesian migrant workers include delayed or unpaid salaries, working hours that exceed work limits, and work that is not in accordance with maritime work agreements. Then Indonesian crew members can make complaints to ship crew distribution agents (partners of companies employing Indonesian workers) abroad.

However, most cases cannot be resolved through agents and sometimes ship crew agents do not respond to complaints regarding rights violations experienced by Indonesian crew members. Therefore, the Indonesian state must be present in order to provide legal protection to all Indonesian ship crew members through diplomatic efforts towards the destination countries of Indonesian ship crew members. Peaceful inter-state diplomacy is an effort by the Indonesian state to protect Indonesian ship crews from detrimental activities so that they do not continue. However, if peaceful methods such as diplomacy are not successful in achieving the desired goals, then diplomacy is used by means of threats or force as a way to achieve the goals. Apart from that, the Indonesian state, in order to protect Indonesian ship crew members, through the Ministry of Foreign Affairs, can provide facilities in the form of forced repatriation if the measures taken to protect Indonesian ship crew members are not achieved.

Indonesia has a very big role in protecting Indonesian crew members on the high seas, especially on foreign ships. The role played by the Indonesian Government so far in protecting Indonesian crew members abroad can be said to be still very inadequate and ineffective. This can be seen from how Indonesia's fisheries policy is considered to have not had a positive impact on the protection of crew members. There is still minimal

government presence in protecting crew members at this time. Many crew members still do not have work contracts or work agreements at sea. So there is uncertainty in work relations. The crew members were also in a weak position, without legal standing. This is because there is no field supervision from the Government regarding maritime work agreements and they are not integrated into licensing. So to date, human rights violations still occur on foreign ships that employ Indonesian crew members.

There are several problems that the Indonesian government has in providing protection for Indonesian crew members, including:

- a) The absence of legal protection for Indonesian crew members on foreign ships and weak government supervision of manning agencies contribute to many labor violations, forced labor practices and human trafficking. Implementing regulations in the form of ministerial regulations regarding the placement and protection of Indonesian crew members on foreign ships have actually been mandated since 2004. However, until Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers (UUPPMI) was promulgated, these ministerial regulations had never been issued. Government regulations mandated by the UUPPMI regarding (i) the placement and protection of ship crew and fisheries sailors and (ii) supervision of the implementation of the placement and protection of PMI have not been completed by a deadline of 2 (two) years after the issuance of the UUPPMI.
- b) The next problem is overlapping authority in issuing agency permits for recruiting companies and placing crew members (manning agencies). Currently, there are 3 (three) types of permits to place Indonesian crew members on foreign fishing vessels: First, a manning agency which has a Ship Crew Recruitment and Placement Business Permit (SIUPPAK) from the Ministry of Transportation; Second, a manning agency that has a Company Permit for Placement of Indonesian Migrant Workers (SIP3MI) from the Ministry of

Manpower and a Letter of Recruitment of Indonesian Migrant Workers (SIP2MI) from BP2MI. Third, a manning agency that has a Trade Business Permit (SIUP) from the Ministry of Trade or Service Trade in Local Government. Surprisingly, it was also found that manning agencies carried out non-procedural placements. In practice, this non-procedural placement of crew members is often referred to as a Letter of Guarantee (LG). These LG crew members are not registered as workers by the Indonesian government or their country of placement.

- c) Regarding the SIUPPAK issued by the Ministry of Transportation based on Law Number 17 of 2008 concerning Shipping ("Sailing Law") and Government Regulation Number 20 of 2010 concerning Transportation in Waterways, it is actually only intended for transportation operations in Indonesian waters. However, according to Minister of Transportation Regulation Number 84 of 2013 concerning the Recruitment and Placement of Ship Crews, it turns out that the Ship Crew Recruitment and Placement Permit (SIUPPAK) is also used as a permit to place Indonesian crew members on foreign-flagged ships operating abroad. It is hoped that the issuance of the UUPPMI will resolve the overlapping authority in granting permits to manning agencies because the UUPPMI emphasizes the authority of the Ministry of Manpower in issuing SIP3MI and the authority of BP2MI in issuing SIP2MI.
- d) Permasalahan The next problem is that there is no single database containing information regarding data on manning agencies at home and abroad, the number of Indonesian crew members on foreign ships, and foreign ship owners. This results in the exact number of Indonesian crew members abroad not being known, making it difficult to protect them.

Based on the explanation above, there are at least 3 (three) root causes of weak protection for Indonesian crew members working on foreign ships. First, the absence of legal instruments to protect crew members from the recruitment process and weak supervision of manning agencies; Second,



the overlapping authority to issue manning agency business permits means that the issuance of permits for the recruitment and placement of crew members is not carried out through one door; and Third, the absence of an integrated database regarding Indonesian crew members on foreign ships which makes it difficult to protect them.

#### **D. Conclusion**

Indonesia has legal consequences to provide legal protection for Indonesian ship crew working on the high seas in the form of preparing national legal instruments that are able to combine several policies and regulations between ministries and related institutions, in order to provide legal protection and justice for violations of human rights experienced by children. Indonesian ship crews, prepare national competency-based training for Indonesian ship crew members so that there are no differences in the training they receive and so that there is synchronization between the needs of foreign ship owners and the competencies possessed by Indonesian ship crew members, prepare an integrated data center aimed at monitoring the whereabouts of Indonesian ship crew, this is due to the presence of Indonesian ship crew in the middle of the sea in the territory of another country. And the suggestion from this research is that the Indonesian government should immediately create legislation that specifically regulates crew members and ratify the Maritime Labor Convention which regulates and provides protection in accordance with international standards for crew members. To provide maximum legal protection and ensure that Indonesian crew members fulfill the minimum requirements when working and during the pre-placement and post-placement phases.

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