
Indonesian Policy for Ratify Ilo Convention 188 on Workers Indonesian Migrants on Ships Foreign

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Abstract: In study This researcher try explain how Indonesia's policy in protection worker Indonesian migrants working on ships foreigners and Indonesia's readiness to ratify ILO convention 188 in particular related worker catcher fish. Indonesian Migrant Workers (PMI), formerly known as Indonesian Migrant Workers (TKI), are looking for jobs abroad as daily jobs due to the lack of job opportunities in their own country. Indonesian migrant workers working as ship crew aim to receive higher salaries than working domestically. examining legal principles and norms. From the research results can be recommended that by ratifying ILO Convention 188, there is a post-ratification obligation in the form of reporting to the ILO regarding Other facts show that crew members who work on domestic and foreign vessels often become victims of human trafficking in the fishing industry. They are very vulnerable to exploitation and become victims of human rights violations and sexual violence. Crews also face difficulties in many ways due to low wages, gender discrimination, workplace violence, forced wage deductions. This is due to weak agreed maritime employment contracts and a lack of government oversight. The method used in this research is normative legal research method. This method is carried out to examine literary sources, namely by the implementation of instruments and decisions taken by the government so as to strengthen the protection of the rights of fishing crews.

Keywords: Policy, Worker Migrant, Boat Foreign, Ratification

1. Introduction

Indonesia is an archipelagic country with the largest and most numerous islands in the world, consisting of 17,508 islands with a coastline of 81,000 km² and an area of around 3:1 million km². [1-3] Because of the vast territorial waters, Indonesia has a lot of marine wealth potential. While the catch potential of the fisheries sector is 6. million tonnes/year, the total catch potential is 305,650 tonnes/year and the marine potential is around \$ 4 billion/year. This is what people use as a place to live. Many people go fishing as fishermen or just work as ship crew (hereinafter referred to as crew members), both on domestic and foreign vessels. [4]

The facts show that the Indonesian state is included in the category of the largest archipelagic country in the world which also has a wide territorial sea, so it is undeniable that the majority of Indonesian people make a living as fishermen. or sailor. Placement of Indonesian migrant workers in 2019 there were 276,553 people consisting of 133,993 formal Indonesian migrant workers and 142,560 informal

Indonesian migrant workers. From the percentage it can be seen that the placement rate for informal Indonesian migrant workers exceeds 50%, specifically For worker working migrants as child fruit boat as many as 2,872 people [5]. Some of these sailors or fishermen are also looking for work in the country, some are looking for work abroad for their daily needs, most Indonesian seafarers prefer to look for work abroad or work on ships, because they feel their income is much higher than their income from working in the countryside. A sailor whose job is primarily on board a ship can also be called a crew member. Most of the crew members on average work on foreign ships and some in for eign companies, especially in the fishing industry. [6]

Opportunities for migrant workers in the fishing industry, especially crew members on foreign fishing vessels. In 2000, the Food and Agriculture Organization (hereinafter abbreviated as FAO) estimated that 36 million people participated in fishing and aquaculture, of which 15 million participated in sea fishing. [7, 8] States do this in the context of the utilization, exploration, management and conservation

of marine natural resources, as well as in economic activities such as commercial fishing by fishing vessels.

Indonesian crew members include all Indonesian citizens who are, are being or are employed on foreign ships. [9] In its development, the number of requests for crew members continues to increase every year, and this increase in demand offsets the growth in the capture fisheries sector, as well as the possibility of population growth at home and abroad. Most Indonesian people who work in the marine and fisheries industry are trying to find work and a decent living on foreign ships to make ends meet. [10]

Other facts show that crew members who work on domestic and foreign vessels often become victims of human trafficking in the fishing industry. [11] This is because they are highly vulnerable to exploitation and victims of human rights violations and gender based violence. In some sectors of the Asian fishing industry, such as Indonesia, many crew members struggle with low wages, gender discrimination, workplace harassment, pay cuts, and forced and child labour. [12]

The crew problems above are caused by weak agreed maritime work contracts and government oversight. For example, departure documents such as seamen's books are often falsified, but still receive Foreign Worker Cards (KTKLN). In fact, the officer issuing the card must check the validity of the document before issuing the KTKLN. Also, many team members don't know how maps work. Therefore, the country where the crew members work and the port state are responsible for the legal protection of the crew members. Provisions in national laws and regulations regarding the protection of ship crews are regulated in Law Number 39 of 2004 concerning Placement and Protection of Indonesian Migrant Workers Overseas. The preamble also stated that migrant workers abroad are often targeted for human trafficking and other violations and crimes. Unfortunately, the law does not clearly define state protection for seafarers, because the law generally only describes the work of migrant workers abroad, although special arrangements are needed for these seafarers. [13] this intended that Not yet There is protection to working Indonesian citizens (WNI). As child fruit ships on ships fishing, trade, and tourism around the world. In fact, Indonesian citizens are working with profession the number outside Indonesia estimated reached 18,400 people. [14] So problem protection for crew members abroad must Yes, because crew members are working without State protection, potentially fell in slavery on ships. because That Indonesian government soon ratify ILO (*International Labor Organization*) Convention 188 of 2007 (KILO 188).

Studies policy the public at large intended for dig action taken by the government covers Why action That done, with ways and mechanisms What done, and how result as well as impact. Study policy This expected can find road effective exit from existing problem. Problem This research is how the problem of legal protection for Indonesian migrant workers who work on foreign ships and how ready is Indonesia to ratify ILO convention 188 the. The purpose of this research is to find out how far the legal protection is for Indonesian migrant workers who work on foreign ships by the

Indonesian government and how ready is Indonesia to ratify ILO convention 188 the. Meanwhile, the practical benefits are used as material for consideration for stakeholders, especially the Ministry of Manpower in making policies and regulations in the field of Indonesian migrant workers.

2. Legal Protection for Indonesian Migrant Workers Working on Foreign Ships

Indonesia is a developing country. Every year Indonesia experiences a significant increase in population so that it affects the addition of labor. The additional workforce cannot be channeled properly because the available jobs are limited, so this creates another problem, namely unemployment which also increases. The large number of unemployed people in Indonesia causes these job seekers to migrate, both migrating from one area to another, as well as migrating abroad, hereinafter referred to as Indonesian migrant workers. [15] In Article 1 point (2) of Law no. 18 of 2017 concerning the Protection of Indonesian Migrant Workers, Indonesian Migrant Workers are any Indonesian citizen who will, is doing, or has been doing work for which he receives wages outside the territory of the Republic of Indonesia. Soerjono Soekanto (1984) Legal protection is an effort to protect someone's interests by allocating a human right of power to him to act in the framework of his interests. [16]

Migrant workers or often referred to as migrant workers are "a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national" [17]. Meanwhile, according to the ILO Convention on Migrant Workers in 1949 No. 97 in article 11 are people who migrate from one country to another for the purpose of working. [18] This means that migrant workers are people who move to another area, both within and outside the country (legally or illegally), to work for a certain period of time.

The number of migrant workers in various parts of the world will continue to grow rapidly until their countries of origin are unable to provide jobs with decent wages. At the same time, other countries (receiving countries) offer higher paying jobs that differ from the countries of sending or origin of migrant workers. It has been claimed that in 2005 there were more than 150 million migrant workers worldwide. There are workers migrant sector economy They play an important role in economic growth both in the home country and in the workplace. [19]

Indonesian Migrant Workers (PMI), previously known as Indonesian Migrant Workers (TKI), do not have job opportunities in their home countries and are looking for work abroad. [20] Work abroad with the goal of getting a good, high-paying job, and eventually a stable life. However, the reality is that Indonesian migrant workers face many unexpected obstacles when working as crew members on foreign ships. [21] For example regarding the substance of the work contract, one of the former Indonesian crew members shared his experience through a news source in Indonesia who

signed a work contract to work as a crew member, and all of the work contracts were in Mandarin, this former crew member had to sign a work contract which the intent of the contents was not understood the work contract. [22]

Another problem that causes unclear legal protection for crew members is the different mechanisms for sending crew members, from an institutional perspective to applicable regulations. The many mechanisms for sending crew members to work on foreign ships are a major problem because it is not clear what the institution overseeing the actions of both crew members and employers is. These institutions are also divided into 2 groups, namely legal institutions and illegal institutions. According to Indonesia's National Coordinator for National Destructive Fishing (DFW), M. Abdi Suhufan, the mechanism for sending crew members abroad is carried out through 5 (five) channels, namely: 1. the ministry of transportation; 2. the ministry of manpower; 3. BNP2TIK; 4. local government; and 5. independent pathways through cooperation/business mechanisms. Besides that there is the legal mechanism for sending crew members abroad, the proliferation of illegal crew agency businesses is also a cause of unclear legal protection for crew members. [23]

In addition, destination countries are unable to apply legal protections and other forms of protection to ensure the rights of migrant workers are respected. The reason is that the country does not have adequate legal measures to protect migrant workers. In addition, migrant workers are seen as a group of people who can be exploited, sacrificed, a source of cheap labor, weak and ready to accept three-dimensional working conditions: dirty, dangerous and degrading. The country to which they move is unwilling and/or unwilling to accept migrant workers. [24, 25]

Under Indonesian law, the profession has been regulated in several laws and regulations including Law Number 13 of 2003 concerning Manpower, Law Number 17 of 2008 concerning Shipping, Government Regulation Number 7 of 2000 concerning Maritime Affairs, and Minister of Maritime Affairs and Fisheries Regulation Number 42/Permenkep/2016 concerning Sea Work Agreements for Fishing Ship Crews. Furthermore, bearing in mind that the profession of crew members with regard to job placements is mostly not in the territorial zone of the Republic of Indonesia, the Ministry of Manpower specifically provides protection for placement governance through Law Number 28 of 2017 concerning Protection of Indonesian Migrant Workers. [26]

Opportunities for migrant workers in the fishing industry, particularly foreign fishing vessel crew members who fish at sea, the Food and Agriculture Organization (hereinafter FAO) estimated 36 million people in fishing and aquaculture activities in 2000, and 15 million of them were involved in fishing fish by the sea. [27]

Based on data from the Indonesian Migrant Worker Protection Agency (BP2MI), the number of migrant workers from Indonesia tends to increase, from 2017 there were 262,899 people to 283,640 people in 2018 to 2019 to 276,553 people. [28]

Government The Republic of Indonesia has ratify a number of supporting convention Work worthy for worker migrants, kindly special, deep framework carry out decent job For all, government has ratify 8 (eight) conventions main ILO, where eight convention main body of the ILO are: Convention Work Force No. 29 of 1930, Convention Freedom Association and Protection Right Association No. 87 of 1948, Convention Right Organizing and Collective Bargaining No. 98 of 1949, Convention Remuneration Equivalent No. 100 of 1951, Abolition convention Work force No. 105 of 1957, Convention Discrimination (Employment and Occupation) No. 111 of 1958, Convention Minimum Age No. 138 of 1973, Convention No. 182 of 1999 concerning Forms Work Worst For Children and the United Nations Convention on Protection Worker Migrant.

Constitution Number 39 of 200 4 concerning Placement and Protection of Migrant Workers in Indonesia and related Ministerial Regulations stipulate several types of protection for migrant workers. In addition, various policies and programs have been implemented, including awareness of migrant workers about their rights and organizing training programs to support the empowerment of migrant workers.

In addition, the ILO has five specific agreements related to migrant workers which have not been ratified by the government. The agreements are: ILO Convention no. 97 Year 19 49 concerning Work-Based Immigration; ILO Convention No. 1 4 3 of 1975 concerning Migrant Workers (Additional Provisions); ILO Convention No. 181/1997 concerning Private Employment Agencies; ILO Convention No. 118 of 1962 concerning Equal Treatment (Social Security); ILO Convention No. 157 of 1982 concerning Preservation of Social Security Rights.

In general, there are three stages in the migration cycle related to migrant workers [29] namely departure, placement and return to the country of origin. There are three common problems that employees often face in the pre-departure period. First, there is a lack of information from reliable sources about safe immigration and the risks of working abroad, which creates challenges and increases the vulnerability of workers. Therefore, recruiters (brokers) can mislead potential migrant workers in their villages.

Second, there are several cases where migrant workers are paid but do not receive proper training from private Indonesian Migrant Worker Apprentice Managers (PPTKIS). In addition, migrant workers may not receive information about the type of work, the terms of the contract, or the laws and regulations of the destination country. This causes migrant workers to be unprepared for the tasks they have to do. In addition, they may not be able to communicate effectively with employers because they are not aware of their rights.

The third is the level of monitoring of PPTKIS, especially regarding the training provided to prospective TKI (routine supervision, field inspections, regional inspections) and the amount of fees paid by prospective TKI (mandatory and optional fees). These things put prospective TKI participants in training organized by PPTKIS into a dangerous condition

and must receive disproportionate training compensation. Such a situation can lead prospective migrant workers to enter into debt bondage.

Migrant workers face various challenges related to decent work during their apprenticeship, such as timely payment of wages, physical, verbal and mental abuse by employers and arrest, especially for workers in the informal sector. Migrant workers face challenges in realizing their rights because embassies and consulates have limited resources to provide services needed by migrant workers abroad (legal assistance, assistance, housing, job training, etc.). As a result, embassies find it difficult to assist migrant workers, and this limited protection allows employers and agents to continue to take advantage. To address this situation, the government prioritized complaint handling and established regulations on mediation services. Better coordination and responsive services are needed to promote decent work for overseas migrant workers.

After returning home, integration assistance was deemed insufficient. Although the numbers are relatively reduced, many Indonesian workers face security and exploitation problems when they return to Indonesia. Assistance for returning refugees and their families is also seen as insufficient, especially in the productive investment of remittances. The government has offered financial literacy training to workers and their families to help migrant workers return home, but the scope of this assistance is still limited.

According to Agustina Merdekawati et al, [30] one of the sectors for the placement of migrant workers which causes many violations of human rights and employment is the fishing seafarers sector or what is called the Migrant Fishing Boat Crew (AKPI Migran) and based on data released by the Directorate of Sea Transportation of the Ministry of Transportation per [31] 8 January 2023, the number of Indonesian sailors reached 1,350,282 people, but there is no clear data regarding the number of AKPI migrants working on foreign ships. [32]

With regard to marine Indonesian migrant workers, overlapping is evident in the authority to issue permits for companies sending Indonesian migrant workers. The Ministry of Trade and the Trade Service can issue a trading business permit (SIUP) for the placement of crew members by crew agents. The Ministry of Transportation can issue a crew recruitment and placement business license (SIUPPAK). The Ministry of Manpower can issue permits for Indonesian migrant worker placement companies (SIP3MI) to Indonesian migrant worker placement companies (P3MI). SIUP, SIUPPAK, and SIP3MI can both be used as permits to send Indonesian migrant workers to sea. There are too many institutions that can issue permits for sending Indonesian migrant workers in the maritime sector, so supervision becomes difficult. As a result, illegal sending of migrant workers occurs. So that the Ministry of Foreign Affairs, BP2MI and Migrant Care received reports of problems with these Indonesian migrant workers.

3. Indonesia's Readiness in Ratifying ILO Convention 188

The fishing industry is often referred to as a job that is very dangerous and difficult to monitor because fishing is carried out deep in the middle of the sea or often called *deep sea fishing*, this can be seen in Frantzeskou, [33] Marche and Vandergeest, [34] Camping and Colas; [35] Tell Shirts; [36] Paul ly; [37] Marschke. [38]

The International Labor Organization, or better known as the ILO, is one of the organizations under the United Nations which was founded in 1919 or after the completion of the first world war. Then the ILO introduced ILO Convention 188 in 2007 concerning Work in Fishing. Until currently only 18 countries have ratified the International Labor Organization convention, 2007. The position of ILO Convention 188 is important in the dynamics of standards international because it encourages the state to lead good governance. This can be seen in the concept of *good governance* as a form of respect to right basic human and legal principles, ensure the strengthening of democracy, encourage transparency and the capacity of state administration. [39] Besides it, deep framework Sustainable Development Goals (SDG) 8.7, governments across the world asked for participate active in end user child labor by 2025 and end user forced labor by 2030. Via Alliance 8.7, the ILO is coordinating intensively with multiple organizations to ensure it is achieved objective the.

The debate over the ratification of ILO Convention 188 resurfaced in 2020 when South Korean broadcaster Munhwa announced it would ban Indonesian crew members from working on Chinese-flagged fishing vessels.

Friend Earth Asia Pacific [40] reported that in addition to prohibition, Indonesian fishing vessel crew members were subjected to slavery, which was characterized by excessive working hours, limited access to proper food and clean water, verbal and physical abuse, deductions from wages, deductions and unpaid wages, and poor sanitation. bad. Chinese ships using Indonesian crew members in South Korean waters were also proven to have committed illegal fishing (IUU/IUU fishing).

Responding to prostitution and modern slavery on ships, the Indonesian government announced in 2020 through the Ministry of Shipping and Investment (Kemenko Marves) that it has decided to accelerate the ratification of ILO Convention 188 to manage the protection of Indonesian citizens, a group of fishermen. In 2021, the plan will be repeated again, said Basilio Dias Araujo, Maritime Sovereignty and Energy Coordinating Officer at the Ministry of Maritime Affairs and Fisheries, urging the Ministry of Manpower of the Republic of Indonesia (Kemenaker) and other relevant ministries / authorities to ratify it soon. [41]

The Ministry of Foreign Affairs of the Republic of Indonesia (Kemenlu) announced that Indonesia is preparing an action plan for the ratification of ILO Convention 188, because the protection of Indonesian crew members is a government priority. This effort is in line with demands for

approval by many parties, from civil society organizations to academics. [42]

However, the government's plan has yet to be ratified implemented until 2020-2021 or after. Minister of Manpower 2014-2019 Hanif Dhakiri said that in 2017 his party was preparing for ratification to guarantee legal certainty for the fishing industry that is guaranteed internationally. Dhakiri also hopes that the ratification of ILO Convention 188 can seek to improve the provisions and main responsibilities and tasks (Tupoksi) that overlap between ministries and related institutions. [43]

The Minister of Maritime Affairs and Fisheries for the 2015-2019 period, Susi Pudjiastuti, also encouraged and supported the government's plan to ratify the ILO Convention 188 of 2017. Pudjiastuti emphasized that the benefit of ratification is legal certainty to guarantee decent working conditions for Indonesian crew members. [44]

If you see the difference between 2015 and the year 2020 as well as in 2023, it can be seen that the ratification of ILO Convention 188 is still in the form of debate, even though there are violations of human rights and pressure on Indonesian migrant ship crew. To speed up ratification continue to come from different political parties. This certainly raises the question of the extent of the Indonesian government's intention to join the 188 member countries of the ILO Convention and adapt these standards to national regulations.

In addition, ILO Convention 188 does not specifically deal with forced labour, human trafficking or slavery, as these three concepts do not appear in the articles of this convention. [45] However, the debate around this agreement is synonymous with slavery and human trafficking as one of the international norms that can offer a solution. [46]

Over the last 10 years, media reports and news about these two practices have spread to places such as Thailand, New Zealand, and Taiwan. Most of the exploited workers are migrant workers, especially from Southeast Asian countries. [47] In Southeast Asia, Thailand is the only country that has ratified ILO Convention 188. [48] Vandergeest and Marchke [49] explores that Thailand's decision to ratify in 2019 came as a result of a strong push to reform regulations on fishing workers following revelations of the ship slavery scandal. These scandals created international pressure Where the United States (US) placed Thailand at Level 3 (three) at the lowest level in the US TIP report 2016 and the European Union (EU) issued a "yellow card" as a stark warning in 2015. [50] As a result of this commitment and form of ratification, in addition to strengthening the Regulation on the Protection of Thai Fishing Vessels, the 2018 US TIP Report will be upgraded to Level 2 and the EU Yellow Card will be revoked in 2019. [51]

In Indonesia, the response of non-state actors to the need to ratify ILO Convention 188 is also based on slavery and human trafficking scandals among fishing boat crews such as Trinidad and Tobago 2012, Cape Town 2013 and Benjima. [52]

In 2012, the Ministry of Foreign Affairs of the Republic of Indonesia (Kemenlu) repatriated 203 crew members from Indonesia in Port of Spain, Trinidad and Tobago. The Trinidad

and Tobago government discovered that Indonesian crew members were working illegally after the company they worked for went bankrupt. However, the facts show that these crew members became victims of forced labor and human trafficking because they worked with fake sea books and passports. PT Karlwei Multi Global (Kartigo) and PT Bahana Samudera Atlantik (Bahana) illegally placed crew members to work for Taiwanese companies. [53] The spokesperson for the Indonesian Overseas Workers' Union (SPILN), Imam Syafi'i, asked the government to immediately ratify ILO Convention 188 so that the incident in Trinidad and Tobago would not happen again. ILO Convention 188 directs the government to guarantee legal certainty and good arrangements for crew members. [54]

Given that Indonesia has not ratified the International Labor Organization Convention (Fishing Convention 2007 (No. 188)). The International Labor Organization Convention (Work in Fishing 2007) focuses on four aspects, namely the minimum age requirement for fishing workers (Article 9) in regulations concerning labor standards for migrant workers working on foreign vessels in the fishing sector. Standard wages for migrant workers in the fishing industry on foreign fishing vessels (Articles 23 and 2). Normal hours of work and rest for fishing vessels (Article 13). Responsibilities of every worker on a fishing vessel (Articles 25-28).

Therefore, in the case of ratification, there are two obligations for the state before deciding to ratify it. First, the government must ensure the alignment of international agreements or convention norms with the 1945 Constitution. In the first obligation it is important to see the similarity of government and public perceptions before carrying out ratification. The government must also ensure that international norms are aligned with Indonesia's national interests, not just being a member of other countries' hidden interests. Second, the government is obliged to transform international agreements or international conventions into national law. This transformation is carried out in conventions that require the implementation of international norms in national legislation. [55]

Regarding matters which form the basis of this Convention, ILO Convention No. 185 of 2003 concerning the 1958 Congressional Study of Seafarers' Identity. Indonesia ratified this convention with Law No. 1 Ratification of ILO Convention No. 185 of 2008 concerning Changes to Seafarers' Identity Documents, 1958. This Convention is further regulated in accordance with international identity document standards issued to seafarers. However, in practice, so far this has not been realized. This further complicates the work of seafarers who work as sailors on foreign fishing vessels in various countries. [56]

The problems faced by Indonesian workers on transport ships or foreign traders are mostly related to labor disputes, which can be resolved by the Indonesian Seafarers' Union (KPI). However, workers on foreign fishing vessels have to face much bigger problems including: comparatively low wages (compared to other types of sea-based work) most of which are paid irregularly; exploitative work contracts; and coercive involvement in illegal fishing activities. [57]

Meanwhile, migrant workers on foreign fishing vessels often experience violence and exploitation. As well as the exploitation of laborers in ship-owning countries, which leads to violence and high work pressure among migrant workers, which leads to depression and death of migrant workers. The countries where the incident occurred were: Australia, Somalia, Malaysia, South Korea, Mozambique, South Africa, America, Angola, Asia Pacific, Fiji, Mauritius, Italy, Taiwan, Thailand, Spain, Papua New Guinea, Philippines, Argentina, Russia, England, Togo, Peru, Japan, Hawaii and Colombo etc. [58]

Greenpeace Southeast Asia analyzed 62 cases out of a total of 118 complaint documents between May 2019 and June 2020 using SBMI data. The analysis identified forced labor against team members using 11 International Labor Organization (ILO) indicators. The 11 indicators are: abuse of vulnerability, deception, restrictions on movement, exclusion, physical and sexual violence, intimidation and threats, withholding of identity documents, withholding of wages, debt bondage, poor working and living conditions and excessive working hours. Greenpeace also found that the 5 ships experiencing difficulties were from China, Hong Kong, Taiwan, Ivory Coast and Nauru. [59]

Related to the concept of localization, it appears that non-state actors are imposing human rights and the management of crew members is chaotic due to the urgency of ratifying ILO Convention 188. As a result, there is no guarantee and legal certainty. The law only regulates matters of a general nature. If the technical aspects are not regulated, protection will be difficult to implement.

This look where is Law No. 39 Years 2004 already replaced by Law no. 18 Year 2017 meanwhile There has never been a Ministerial Regulation on the Protection of Migrant Workers (PPMI). If in article 28 it is stated that the placement of research and development activities for the implementation of certain tasks or assignments is regulated by a ministerial regulation, Menteri is the minister of manpower. Based on Article 28, it is called TKI in certain jobs or positions, including sailors. this mentioned twice. Meanwhile, the Ministerial Order, which is mandated by Article 28 of Law 39 of 2004, was not implemented until there was a legal vacuum and it became an iceberg. UUPPMI gives authority to the Government to issue Government Regulations regarding the placement and protection of sailors and fishermen as well as supervision of the implementation of placement and protection. It is hoped that the PP will be issued two years after UUPPMI was issued - but the PP will not be issued before the allotted deadline. [60]

IOJI [61] explained that there are three types of permits to place Indonesian crew members on foreign fishing vessels: First, *manning agencies* that have Business Permits for Recruitment and Placement of Crew Crews (SIUPPAK) from the Ministry of Transportation. Based on data from the Directorate General of Sea Transportation, Ministry of Transportation, the number of companies that already have Crew Recruitment and Placement Business Permits (SIUPPAK) in the period 2014 to 2017 is 101 companies;

Second, *manning agencies* that have a Company Permit for the Placement of Indonesian Migrant Workers (SIP3MI) from the Ministry Employment and Permits for the Recruitment of Indonesian Migrant Workers (SIP2MI) from BP2MI, where the number of companies that have Permits for Placement of Indonesian Migrant Workers (SIP3MI) is 438 companies. Third, *the manning agency* that has a Trade Business License (SIUP) from the Ministry of Trade or the Department of Trade in the Regional Government. Surprisingly, there were also *manning agencies* that carried out non-procedural placements. In practice, this non-procedural placement of crew members is often referred to as a *letter of guarantee* (LG). LG crew members are not listed as workers by the Government of Indonesia or the country of placement, this is because The LG crew did not have work visas, sailor's books or sea skills and were dispatched by a *manning agency* that did not have a permit and only armed with LG from a recruiting agency in Taiwan. [62]

Minister of Manpower Ida Fauziyah launched the Draft Law (RPP) Law no. 18 of 2017 was harmonized and submitted to the State Secretariat. Fauziyah also said that one RPP is related to ILO Convention 188. [63] Thus, Fauziyah's statement emphasized that state and non-state actors frame issues that are not much different, namely the chaotic management of conservation and the deployment of fishing teams. Government and non-government actors also use ILO Convention 188 as a reference, although there are no media reports or official statements from the government that they are ready to ratify ILO Convention 188. However, this line of debate shows its weakness in the face of government action. The government's consideration in ratifying it looks at two main perceptions, namely the costs and benefits obtained. To date, most human rights violations have occurred outside the jurisdiction of Indonesia or have been committed by fishing vessels with foreign flags. At the same time, local actors see placement dualism as a major problem. If Indonesia becomes a party to ILO Convention 188, the government must comply with all contents of the standard except for the location issue. Thus, the burden or cost that must be borne increases.

Thus, Fauziyah's statement emphasized that state and non-state actors frame issues that are not much different, namely the chaotic management of conservation and the deployment of fishing teams. Government and non-government actors also use ILO Convention 188 as a reference, although there are no media reports or official statements from governments that they are ready to ratify ILO Convention 188.

Consolidation and localization of norms occur when local actors see political legitimacy in international norms and reinforce local norms. Localization has a legislative effect, so that countries carrying out this process adapt their national regulations to international standards. Related to ratification, two state obligations are explained before deciding to ratify. First, the government must ensure that international treaty standards or conventions are in line with the 1945 Constitution. For the first commitment, it is important to look at the common perceptions of the government and the public before ratifying it. The government must also ensure that

international standards are in line with Indonesia's national interests, not just the hidden interests of other countries. Second, the government must change international agreements or conventions into domestic law. These changes were made in agreements that required the application of international standards in domestic law.

In other words, validation ILO Convention 188 is government political decisions. Referring to the localization [64] concept, the government has the political power to become a member of ILO Convention 188 or simply comply with national regulations. This choice is also reflected in how the government sees the possibility of forming ILO Convention 188 according to domestic needs and perceptions about the advantages and disadvantages of congress membership.

As previously explained, open data tracking in online media shows that the government is responding to pressure from non-state actors to ratify ILO Convention 188 in 2017. According to Dhakir and Pudjiastut, Indonesia must immediately ratify ILO Convention 188 to protect Indonesian migrant crews. [65]

Ministry Maritime Affairs and Fisheries with KP Ministerial Regulation No. 35, trying to graft the ILO

standard and put it in place in policy. Adam [66] comparing 14 norms discussed in ILO Convention 188 with the KP Ministerial Regulation. The study shows that there are two things that form the basis for Ministerial Regulation No. KP. 35, including regulatory issues for investment institutions which are the main framework for regulatory issues for migrant crews in Indonesia. (See table 1).

KP Regulation No. 35 basically directs domestic fishery operators to apply for fishermen's human rights certificates, which are assessed by the Fisheries Human Rights Group. This decision is also Indonesia's response to the cases of slavery in Benjina and Ambon. Internationally, with the existence of the Ministerial Decree, Indonesia is seen to be serious in promoting fishermen's human rights and achieving a better image for importing countries, unlike Thailand. The MMAF's motivation to adopt the standard ILO Convention 188 was again due to political and economic factors rather than the desire to push more seriously to ratify the 188th Convention. This pointed out that the CTF does not seek ratification of ILO Convention 188 as its primary interest, but use ILO Convention 188 to gain national legitimacy to issue KP Ministerial Decree and get an international reputation.

Table 1. Convention ILO 188 Norms and KP Ministerial Regulation No. 35.

ILO Convention Issues 1988	KP Regulation No. 35
The responsibility of fishing vessel owners and captains for the safety of seafarers and their vessels	√
Minimum age to work on fishing vessels	√
Regular health checks for those working on fishing vessels	√
Adequately and efficiently manned and under the constant supervision of a qualified skipper	√
Adequate rest time	√
You have a list of members crew and contracts Work maritime	√
Right For return after ending contract Work	√
Avoid pay anything for _ secure your job or blacklisted __ Because reason whatever _	√
Obliging every company recruitment and placement private and agents placement private regulated and supervised with Good	√
Discuss how fishermen are paid	√
Establishes detailed minimum requirements for accommodation and meals on board	√
Minimum requirements for occupational safety and health are established	√
The need for medical attention is emphasized on fishing vessels	√
Use Guarantee Social	√

Source: Lukman Adam, "Policy for the Protection of Indonesian Capture Fisheries Workers," *Journal of Studies* 21, No. 4 (2016): 321–338, <https://jurnal.dpr.go.id/index.php/kajian/article/view/782> .

A similar pattern can be seen in the debates on the ratification of ILO Convention 188 that took place in the following years, especially in efforts to localize rather than ratify. In several discussions held by representatives of ministries and agencies, views on Indonesia's costs and

benefits are the determining factors for ratification decisions (see Table 2). Regarding the burden, the harmonization of national regulations and multidisciplinary communication is still a consideration before the ratification steps.

Table 2. Costs and benefits of ratification of ILO Convention 188.

Cost	Benefit
Compliance and Implementation Reporting	Strengthen Indonesia's image as a maritime country, especially in ILO, IMO and FAO
Possibility to submit a complaint to the ILO because there are still cases involving workers in the fisheries sector	Increase employment opportunities for fishing vessels, especially in countries that have ratified C. 188
ILO convention 188 also applies to the management of domestic helpers	Increasing the selling value of Indonesian fish products internationally
The need for strengthening coordination in controlling and enforcing regulations, especially related to direct inspections at ports and fishing vessels	Accelerate regulatory synchronization and good coordination between stakeholders in the Indonesian fishery sector
Synchronization of labor regulations and MMAF regulations and work practices in the fishing industry - such as recruitment, employment, employment relations, social security and other aspects.	

Source: [http://repository.paramadina.ac.id/262/1/04KILO_Ratifikasi Paper 188.pdf](http://repository.paramadina.ac.id/262/1/04KILO_Ratifikasi%20Paper%20188.pdf)

Considering the benefits of ratification shown in table 2 above, the priority of the Ministry of Manpower and other ministries and agencies is an international reputation and better opportunities to access international fish markets. However, the ratification of ILO Convention 188 can be said to increase Indonesia's negotiating power in signing agreements with other countries. Then with ratification this can also be adjusted to international defense standards, not only for the crew boat us on the outside, but also for the crew boat foreign inside.

From all the description above regarding Indonesia's readiness to ratify the ILO Convention 188, there are two benefits that may not be comparable to the burden that must be borne by the government. It can be seen that most of the crew Indonesian migrant boats work in flag countries such as China. To benefit from ILO Convention 188, flag states controlling global fish markets must first ratify it and harmonize it with their respective national regulations.

4. Conclusion

Indonesian Migrant Workers (PMI), formerly known as Indonesian Migrant Workers (TKI), are looking for jobs abroad as daily jobs due to the lack of job opportunities in their own country. Worker Migrant Indonesia faces many obstacles when working as a crew member on a foreign ship. Child fruit Indonesian ships also experience slavery which manifests as excessive working hours, limited access to proper food and clean water, verbal and physical violence, detention, deducted and unpaid wages, and poor sanitation. The Indonesian Ocean Justice Initiative (IOJI) report found violations such as maritime labor contracts, administrative fees deducted from wages, falsification of employment documents, withholding of personal documents by labor agents, exploitation, team members, number of staff on board, detention costs and weak protections law for crew members who claim their rights. In terms of authority, there appears to be an overlap in the issuance of permits for companies sending Indonesian migrant workers. The Ministry of Trade and the Trade Service can issue a trading business permit (SIUP) for the placement of crew members by crew agents. The Ministry of Transportation can issue a crew recruitment and placement business license (SIUPPAK). The Ministry of Manpower can issue permits for Indonesian migrant worker placement companies (SIP3MI) to Indonesian migrant worker placement companies (P3MI). SIUP, SIUPPAK, and SIP3MI can both be used as permits to send Indonesian migrant workers to sea. There are too many institutions that can issue permits for sending Indonesian migrant workers in the maritime sector, so supervision becomes difficult. As a result, illegal sending of migrant workers occurs. For that need one door. In terms of settings like Law No. 18 of 2017 concerning Protection of Indonesian Migrant Workers has provided legal protection for fishing crews on foreign vessels with the passing of Government Regulation no. 22 of 2022 concerning the Placement and Protection of Migrant Commercial Ship Crews and Migrant Fishing Ship Crews in

mid-2022. Prior to the enactment of the PP, there was a legal vacuum in 2017 until PP No. 22 year 2022 set. Government Regulation no. 22 of 2022 provides protection for crew members starting before, while, and after work by setting the minimum standards that must be in the Sea Work Agreement (PKL), including working time and rest time and the existence of a Collective Labor Agreement (KKB) obligation. Government regulations have also regulated the sole authority to issue placement company permits under the Ministry of Manpower, namely the Indonesian Migrant Worker Placement Company Permit (SIP3MI). However, protection for crew members on foreign fishing vessels has not run optimally considering the many cases of irregularities that have occurred with crew members. Therefore, other efforts are needed other than just establishing a PP, namely by law enforcement in the form of cooperation between government agencies in overseeing the condition of crew members who work outside the territory of Indonesia, especially crew members on fishing boats.

In 2015 ratification of ILO Convention 188 already moot, then 2020 was up for debate again when South Korean broadcaster Munhwa announced it would ban Indonesian fishing vessel crews from working on Chinese-flagged fishing vessels. The Ministry of Foreign Affairs of the Republic of Indonesia (Kemenlu) announced that Indonesia is preparing a roadmap for the ratification of ILO Convention 188, because the protection of Indonesian crew members is a government priority. However, the government's plan has yet to be ratified implemented until 2020-2021 or thereafter. because The Ministry of Manpower is preparing for ratification to ensure legal certainty for the fishing industry that is guaranteed internationally. By ratifying the existence of a post-ratification obligation in the form of reporting to the ILO regarding the application of instruments and decisions taken by the government so as to strengthen the protection of the rights of fishing crews.

Compliance with Ethical Standards

Conflict of Interest

The Author declares he has conflict of interest.

Ethical Approval

This article does not contain any studies with human participants by any of the authors.

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