



Slavery of Indonesian Migrant Fishers: a Review of Regulation and Its Implementation

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Abstract

According to the 2018 Global Slavery Index, migrant workers in the maritime and fisheries industry are as the second-ranked sector with the worst modern slavery practices among other work sectors in the world. This article aimed to analyze why many cases of modern slavery experienced by migrant fishers from Indonesia, and what stakeholders should do to improve the protection system for migrant fishers from Indonesia. The author uses normative juridical research methods. The data collection method used is the literature study. The results of this study found that the high number of cases affecting migrant fishers from Indonesia is caused by various governance weaknesses that have occurred so far. These weaknesses occur both at home and abroad. These weaknesses start from policy to implementation in the field and has resulted in cases of violations against migrant fishers that continue to this day. This paper provides some protection model and recommendations for improving the governance of placement and protection for the migrant fishers, namely: 1. Supervision System Improvement; 2. Improvement of the data collection system for Indonesian migrant fishers; 3. Increasing and developing foreign cooperation; 4. Increasing socio-economic reintegration programs; 5. Ratification of the Work in Fishing Convention 2007.

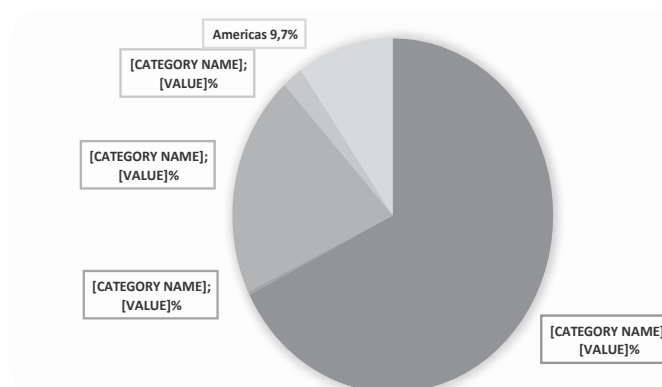
I. Introduction

Based on the report from the International Labor Organization (ILO), commercial fishing is considered a dangerous job with a severe accident and death rate in the world, when compared to other types of work ([Kolawole & Bolobilwe, 2018](#)). The shipping channel for fishing vessels is not like the shipping channel for commercial ships ([Nakamura, 2018](#)), because the fishing vessel shipping channel has to adjust the fishing area which frequently moves, so that the working area will be very wide, even

beyond the territorial boundaries of a country, to the high seas ([Greenpeace & Serikat Buruh Migran Indonesia, 2019](#)). The International Labor Organization categorizes the nature of this work as dangerous, difficult, and dirty. It is dangerous because fishing far into the high seas with unpredictable weather conditions with a huge risk. It is difficult due to not everyone can work using various types of fishing gear, and not everyone is comfortable living in the sea for weeks or even months ([Nur, 2018](#)).

A large number of fisheries crew needs is influenced by the increasing trend of global fish consumption, where according to data from the Food and Agriculture Organization (FAO), the average world demand for fish has increased by 3.2% per year. Suppose we compare the increase in world population, only 1.6% per year ([Food and Agriculture Organization, 2020](#)). It means that the increase in consumption of fishery products exceeds the percentage increase in the world population. The Food and Agriculture Organization also released the average global fish consumption at 20.5 kg/per capita/year in 2018. The great demand for this fish then makes fisheries production continue to increase. The total world fishery production until 2018 is around 179 million tonnes/year, and 52% of this production is still fulfilled from capture fisheries business ([Food and Agriculture Organization, 2020](#)). The fishing vessel fleet has continued to grow, although the numbers have tended to be relatively stable in recent years due to the fairly rapid development of aquaculture ([Bharathi et al., 2019](#)).

Chart 1. Distribution of Motorized and Non-Motorized Fishing Vessels by Region, 2018.



Source: FAO, 2020.

Based on FAO data as shown in Chart 1, until 2018, there were around 4.6 million fishing vessels of various sizes worldwide. A total of 3.1 million units or 67,6% of them are in Asian countries ([Food and Agriculture Organization, 2020](#)), especially in Eastern Asian countries, including Southeast Asian countries. It is becoming the background of the great need for fisheries workers in the world. About 85% of all fisheries workers in the world come from Asia (Bharathi et al., 2019; United Nations Office on Drugs and Crime, 2011). However, capture fisheries entrepreneurs in various countries find

it difficult to find crew members in their own countries, because the workforce in these countries are starting to realize that the work of fishers is very risky. This reason then triggers the great demand for migrant fishers abroad, especially fishing vessel owners in countries such as China, Korea and Taiwan ([Hamilton, et al., 2011](#)).

According to FAO data, to meet the needs of migrant fishers in Asia, more than 70% of the crew members are recruited from Southeast Asian countries, especially Indonesia, Myanmar, Cambodia, Laos, the Philippines and Vietnam (International Labour Organization, 2014a; International Labour Organization, 2014b). The question is, why Southeast Asia? First, Southeast Asian countries are known as seafaring barns because they are geographically surrounded by oceans so that many works as fishermen. Second, workers from Southeast Asia are willing to be paid cheaply ([Hamilton, et al., 2011](#)), and this is in line with the poverty and lack of employment in these countries. And third, many of the crew members in Southeast Asia have a low level of education so that they easily become victims of this fishing business.

The increase in the recruitment of migrant fishers has subsequently gone hand in hand with the increasing number of cases of violence, abuse, bad working conditions and slavery that befall them ([Verité, 2016](#); [Global Slavery Index, 2018](#)). Data released by the Global Slavery Index places migrant workers in the maritime and fisheries sector as the third sector with the worst modern slavery practices among other work sectors ([Global Slavery Index, 2018](#)). Migrant fishers hugely experience these cases from Indonesia on various ships in the world. One of the most recent cases that made headlines in Indonesia was the case of the Long Xing 629 Ship, which was a Chinese-flagged fishing vessel, which was revealed in May 2020. The case went viral after being covered by one of South Korea's national television media after the ship docked at a port in South Korea. In this case, the Indonesian Minister of Foreign Affairs extracted information from several victims who claimed to have experienced acts of violence, very long working hours, unpaid wages, insufficient food needs and various other bad working conditions ([Kumparan, 2020](#)).

The state of the art of this research is taken from several examples of previous research as a guide or an example for current research. Examples taken are journals on the protection of migrant fishers from Indonesia. One of them is Lukman Adam's research entitled "The Protection of Worker Capture Fisheries Policy in Indonesia" which explains the resistance factors that cause a lack of effective protection of capture fisheries workers are that sectoral policies, the duration of implementation rules, weakness dissemination, data collection and certification, policy enforcement, and the lack of government attention. However, the research has not elaborated further regarding the weaknesses during the placement on the ship. The suggestions given are also too general and do not yet offer a concrete protection model to be applied in the field. So, this current paper explains why many cases of modern slavery experienced by migrant fishers from Indonesia, and what should stakeholders do to improve the protection system for migrant fishers from Indonesia. In this paper, the authors also offer a protection model that can be applied in the field.

II. Research Methods

The types of data used in this research are secondary data sourced from primary legal materials in the form of national law and international law as well as secondary legal material in the form of research results, textbooks, scientific journals, newspapers, and news from the internet relevant to this study. Data collection techniques used are literature studies, which are collecting, identifying, clarifying and analyzing data for understanding, recording or quoting data. In addition, data was also collected from the results of interviews with several related sources. Data obtained through literature studies will be analyzed qualitatively then presented descriptively.

III. Research Result and Discussion

A. Why Many Cases of Modern Slavery Experienced by Migrant Fishers from Indonesia?

Various cases experienced by migrant fishers from Indonesia are caused by various weaknesses in the governance of the placement and protection of these workers both at home and abroad, starting from weaknesses in regulations ([Parhusip, 2018](#)), weaknesses in the phase before placement to post-placement. The number of cases of migrant crew members handled by the Ministry of Foreign Affairs of the Republic of Indonesia can be seen in Table 1 below.

Table 1. Number of Cases of Migrant Crew Members and Seaman of Indonesia as of May 11, 2020.

| Type of Ship | Number of Cases |
|--------------|-----------------|
| Fishing ship | 2782 |
| Cargo ship | 300 |
| Tanker ship | 73 |
| Cruise ship | 72 |

| Types of Cases Based on Rank | |
|---------------------------------|-----------------|
| Rank | Number of Cases |
| The crew of a fishing boat | 2515 |
| Commercial ship crew | 529 |
| The crew of non-fishing vessels | 320 |
| Fishing ship captain | 36 |
| Commercial ship captain | 31 |

Source: Ministry of Foreign Affairs of the Republic of Indonesia, 2020 ([Trisiana, 2020](#)).

The large number of cases of violations experienced by migrant fishers from Indonesia shows that there are weaknesses in the legal protection provided by the government. Regarding the theory of legal protection, there are several experts who explain this discussion, one of which is Fitzgerald. Fitzgerald cites the term legal protection theory from Salmond that law aims at integrating and coordinating various interests in society because in a traffic of interests, protection of certain interests can be done by limiting various interests on the

other side. The interest of law is to take care of human rights and interests, so that the law has the highest authority to determine human interests that need to be regulated and protected. Legal protection must look at the stages, namely legal protection born from a legal provision and all legal regulations provided by the community which are basically an agreement of the community to regulate the behavioral relationship between community members and between individuals and the government which is considered to represent the interests of the community ([Rahardjo, 2000](#)). In addition, according to Satjipto Rahardjo, legal protection is to provide protection for human rights that have been harmed by others and that protection is given to the community so that they can enjoy all the rights provided by law ([Rahardjo, 2000](#)).

From the theoretical description of the experts above, it provides an understanding that legal protection is a picture of the functioning of the legal function to realize legal objectives, namely justice, benefit and legal certainty. Legal protection is a protection provided to legal subjects in accordance with the rule of law, both preventive and repressive in nature, both written and unwritten in the framework of enforcing legal regulations. To explain the weaknesses of this protection, the following is a description of some of these weaknesses.

1. Weaknesses of Regulation

There are weaknesses related to regulations governing migrant fishers from Indonesia ([Sutton & Siciliano, 2016](#)). First, the profession as a fishing vessel crew is included in jobs that require special regulation in the form of a Government Regulation as mandated in Article 64 of Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers. However, until now, this Government Regulation has not been issued by the Government of Indonesia.

Second, Article 49 of Law Number 18 of 2017 stipulates that apart from the Government, the implementer of the placement of migrant workers abroad is through the Indonesian Migrant Worker Placement Company or P3MI. However, in Law Number 17 of 2008 concerning Shipping which is followed up by Regulation of the Minister of Transportation Number 84 of 2013, it is stipulated that the implementer of the placement of fishery migrant workers to work on ships owned by foreign companies abroad is carried out by ship manning agencies. In practice, the regulation regarding the existence of P3MI and the ship manning agency has created a legal dualism. There are two different rules governing P3MI and ship manning agencies in Indonesia so that the dualism of these rules confuses the sending companies for fishery migrant workers regarding which regulations should be followed (International Organization for Migration, 2016). On the one hand, the Ministry of Transportation requires SIUPPAK for companies that deploy crew members to be stationed on foreign fishing vessels (Article 4 of Minister of Transportation Regulation Number 84 of 2013 concerning the Placement and Protection of Indonesian Workers Abroad), while the Ministry of Manpower requires SIP3MI (Article 51 of Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers).

Third, regulations in Indonesia have not provided clarity for the main operator institutions in the management of the placement and protection of migrant fishers. So far, there are at least 5 ministries/agencies involved in the process of placing migrant fishers, namely the Ministry of Manpower, the Indonesian Migrant Workers Protection Agency (BP2MI), the Ministry of Transportation, the Ministry of Marine Affairs and Fisheries, and the Ministry of Foreign Affairs, where these ministries/agencies rarely coordinate and have an impact on sectoral ego ([Nur, 2018](#)).

Table 2. Authority of Institutions related to the Placement of Indonesia Crew of Fishing Vessels Abroad.

| Authority | Ministry of Marine Affairs and Fisheries | Ministry of Transportation | Ministry of Manpower | BP2MI |
|---|--|----------------------------|----------------------|-------|
| Registration and license for fishing vessel crew agency companies | √ | √ | √ | √ |
| Establishment of a fishing vessel crew agency branch office | | √ | | √ |
| Port administrator appointment | √ | √ | | |
| Monitoring ship activities at sea | √ | √ | | |
| Operation license for fishing vessel | √ | √ | | |
| Documents required for crew | | √ | | √ |
| Determine the ship crew recruitment system | √ | √ | | √ |
| Sea working agreement | √ | √ | | √ |

Source: [International Organization for Migration, 2016](#).

2. Weaknesses in the Pre-Work Phase

The pre-work phase is the whole activity to provide services from registration to departure. Based on the author's research, several weaknesses occur in this phase.

a. Data Weaknesses

There is no accurate data regarding the total crew of Indonesian migrant fishing vessels who work on various fishing vessels around the world ([California Environmental Associates, 2018](#)). The data available in the Ministry of Manpower, the Indonesian Migrant Workers Protection Agency (BP2MI), the Ministry of Marine Affairs and Fisheries and the Ministry of Foreign Affairs are different and generally only records

the crew of migrant fishing vessels departing through legal channels, while the data on the number of the crew of migrant fishing vessels departing through illegal channels is not known at all. So, the Indonesian government will undoubtedly find it difficult to protect and supervise if their data cannot be verified with facts on the ground.

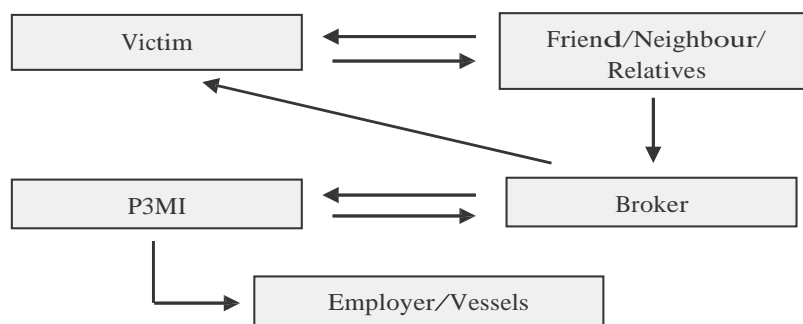
b. Weaknesses at the Recruitment Stage

Article 59 Paragraph (4) of Law Number 18 of 2017 strictly prohibits P3MI from recruiting prospective migrant fishers if they do not have a Job Order (JO) from an employer in the destination country of work. This job order itself was born from the existence of a Placement Cooperation Agreement between P3MI and business partners in the destination country. The results of the authors' search found that many P3MIs did not have this agreement but had already made recruitments. According to the provisions of Article 59 Paragraph (4) of the Law Number 18 of 2017, the requirements for the issuance of SIP2MI as the basis for recruitment permits for P3MI must have a Job Order and a Placement Cooperation Agreement. Many prospective workers recruited by P3MI who did not have a Job Order were transferred to P3MI who already had a JO with the motive of buying and selling prospective workers.

The next problem is, although the Law Number 18 of 2017 states that there is a prohibition on charging fees for the recruitment process, in reality, prospective migrant fishing vessel crew members are often required to pay recruitment fees requested by P3MI ([Greenpeace & Serikat Buruh Migran Indonesia, 2019](#)). Another problem then arose when the prospective crew members were unable to pay the fees requested by P3MI. This condition is widely used by P3MI to exploit prospective workers by offering high-interest debt to prospective workers with an agreement to reduce the worker's salary when they are placed.

Besides, P3MI in this sector generally relies heavily on the role of sponsors or brokers to recruit prospective migrant fishers from coastal areas.

Chart 2. Recruitment Patterns by Broker



The sponsor or broker will be given a commission for each prospective worker they recruit. However, because these sponsors or

brokers were not bound by an exclusive contract with just one P3MI, they then had the right to transfer the prospective migrant fishers they had recruited to another P3MI who dared to pay more.

c. Weaknesses at the Education and Job Training Stage

The regulations in the Law Number 18 of 2017 require prospective migrant fishers to have a certificate of competence and basic safety training. The problem is that Indonesia still lacks specialized educational and training institutions to train migrant fishers. This condition becomes one of the considerations for prospective migrant fishers to take shortcuts that violate the rules, for example by buying basic safety training certificates without participating in training sold by certain individuals. On the other hand, many of the technology and training tools used in educational and training institutions in Indonesia are still left behind with the fishing gear used in fishing vessels in the country of placement. Besides, the Government of Indonesia ratified the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F) in 2019. Still, the provisions of the convention have not been fully integrated or harmonized with the education and training curriculum for the fishing crew throughout the education and training institutions in Indonesia.

d. Weaknesses of Sea Working Agreements

Implementation in the field found that many Sea Work Agreements were not made in Bahasa and the contents were not explained to prospective crew members, so they did not understand the contents of the Sea Work Agreement they signed. In some cases, there were even prospective crew members who were asked to sign the Sea Work Agreement at the airport before leaving and were only given a few minutes to read the contents. The contents of Sea Work Agreements that are not up to standard are also widespread. The problem is, who controls and oversees the contents of the Sea Work Agreement to comply with standards so far it is unclear.

e. Weaknesses of Law Enforcement

Law Number 18 of 2017 clearly regulates the sanctions that can be imposed on violations committed by P3MI during the pre-placement activities of prospective migrant workers. The real problem in Indonesia is law enforcement. There have been many reports of violations committed by P3MI that have been reported by workers to the authorities, but there are many of these reports that the follow-up is not clear ([Subasinghe, 2014](#)). Various organizations, such as the Indonesian Migrant Workers Union, the Indonesian Seafarers' Union, Migrant Care, and others, have often helped advocate for ship crew cases so that they can be processed immediately and the resolution

is clear. On the other hand, the sanctions that have been imposed on perpetrators have tended to provide relief by imposing administrative sanctions. It is very rare for violations committed by P3MI, which have fulfilled the elements of a crime, receive sanctions in accordance with the criminal act.

3. Weakness in Phase During Work

The working phase is the whole activity to provide services while Indonesian Migrant Workers and their family members are abroad. There are several problems most often experienced by Indonesian migrant fishers, especially when onboard fishing vessels, namely:

a. Hours of Work and Rest Time

Cases of violations of working hours and rest periods have occurred a lot ([Environmental Justice Foundation, 2020](#)), and also happened in the Long Xing Ship case which shocked the people of Indonesia in last May 2019 ([Pearl, 2020](#)). In other cases, some confessions from former migrant fishers have even worked up to 26 hours non-stop. They admitted that they were only given time to eat, while the time for worship was not given at all. If we refer to ILO Convention 188, the minimum rest period should not be less than ten hours a day.

b. Physical, Psychic, and Verbal Violence

The records of cases of physical, psychological and verbal violence experienced by the crew of migrant fishing vessels (Advocates for Public Interest Law and International Organization for Migration Republic of Korea, 2017) are already held by the Ministry of Foreign Affairs, BP2MI, and Migrant Care, which have opened reporting services for these cases. In the case of the Oyang 70 Ship that occurred in New Zealand waters, the crew from Indonesia were called monkeys or dogs ([Stringer et al., 2011](#)). Many cases of the death of migrant fishers onboard stem from the violence they had previously received.

c. Wages

Law Number 18 of 2017 regulates wage standards based on the applicable standards in the country of placement, or agreements between countries and or work agreements. There is no standard figure set by the Indonesian government that regulates a specific wage standard for migrant fishers. If we refer to the ILO's recommendations, the wage standards for crews are set by the Joint Maritime Commission, where the recommended monthly wage for each seaman in 2019 is around US\$ 600 per month. However, many crew members of migrant fishing vessels from Indonesia are not even paid any wages ([United Nations Office on Drugs and Crime, 2013](#)), or their wages are cut, or experience

wage discrimination where the wages given to crew members from other countries are higher than those of crew members from Indonesia, even though their jobs and the same position ([Human Rights Network for Migrant Fishermen, 2020](#)).

d. Facilities Onboard

The facilities onboard fishing vessels where the crew of Indonesian migrant fishing vessels are placed are also a lot of concern ([Human Rights Network for Migrant Fishermen, 2020](#)). They have to sleep tightly together, and some even can only sleep sitting up because of the narrow space. Work security facilities are also very minimal so that many are injured during work. Meeting the need for food and drink is also very sad and discriminatory. The crew of a fishing vessel from Indonesia are given minimal food, even only fed with rotting fish bait. Meanwhile, the crew members from the flag of the ship's state are treated better. In addition, the crew of fishing vessels from Indonesia must bathe and drink from seawater, and they do not get clean water rations. So far, P3MI and the government have rarely monitored the condition of ships that will be occupied by migrant workers in the field.

e. Retention of Important Documents

Data from the Environmental Justice Foundation (EJF), the detention of identity documents and important documents as well as the closure of access to communication are very common among migrant fishers from Indonesia (Environmental Justice Foundation, 2020; Arisman & Jaya, 2020). In contrast, the guarantee of the right to control important documents for the crew members and guarantees of access to communication have been regulated in ILO Convention 188 and also regulated in Article 6 Law Number 18 of 2017.

f. Incident Handlers on the Vessel

Various incidents that befell the crew of the ship such as crushed fingers on conveyor belts, being hit by fish preservatives, injuries and others in some reports are only treated with wound plaster or medicine that has expired or even without treatment at all. Many times these accidents are not recorded in the ship's logbook and are not reported to marine officers. When they died, as was the case on the Long Xing Ship, the bodies were simply thrown overboard. When arriving at the port, the injured crew members were prohibited from disembarking the ship so that port officials did not see their condition. One example of this case was revealed by port officials on board a South Korean fishing vessel operating near New Zealand waters ([Stringer et al., 2011](#)).

4. Weaknesses in the After Work Phase

After Work Protection is all activities to provide protection from the time Indonesian Migrant Workers and their family members arrive at the

debarkation in Indonesia until they return to their home areas, including further services to become productive workers. There are several problems most often experienced by Indonesian migrant fishers, especially related to repatriation and arrival in Indonesia, namely:

a. Repatriation Responsibilities

Article 21 Work in Fishing Convention 2007 stipulates that members shall ensure that fishers on a fishing vessel that flies their flag and that enters a foreign port are entitled to repatriation in the event that the fisher's work agreement has expired or has been terminated for justified reasons by the fisher or by the fishing vessel owner, or the fisher is no longer able to carry out the duties required under the work agreement or cannot be expected to carry them out in the specific circumstances. This also applies to fishers from that vessel who are transferred for the same reasons from the vessel to the foreign port.

The return fee is also regulated shall be borne by the fishing vessel owner, except where the fisher has been found, in accordance with national laws, regulations or other measures, to be in serious default of his or her work agreement obligations. However, in cases that occurred in the field, there were some migrant workers who had completed their work contracts but were only returned to the closest ports in the flag countries of the ship, after which they handled their own matters of return. In fact, some are abandoned in other countries ([Azis & Wahyudi, 2020](#)).

b. Extortion at the Airport

After returning from their country of placement, migrant workers at airports are often the object of extortion and are treated discriminatively. According to Migrant Care's records, the practice of extortion against migrant workers has occurred since 1986. According to Migrant Care, there are ten modes of extortion, namely: (1) There is manipulation of money exchanges, (2) transportation rates to areas of origin, (3) illegal payments of porters of goods, (4) forced purchase of pulse vouchers, (5) delivery of goods via cargo, (6) There is also disbursement of insurance, (7) cashing of checks, (8) charges for an independent return via terminal 2 of Soekarno Hatta Airport, (9) illegal transportation, (10) and extend their stay at the airport ([Susilo et al., 2015](#)).

B. What Should Stakeholders Do to Improve the Protection System for Migrant Fishers from Indonesia?

Various weaknesses in the governance of the placement and protection of migrant fishers from Indonesia, both domestically and abroad, require a way out and be followed up by stakeholders as soon as possible. Resolving these various weaknesses is very urgent to do immediately, because various cases

of violations of the human rights of migrant fishers from Indonesia continue to occur until now. In accordance with Satjipto Rahardjo's theory of legal protection, the interest of law is to manage human rights and interests, so that the law has the highest authority to determine human interests that need to be regulated and protected. Therefore, the author tries to provide some input and model regarding what to do in an effort to solve this problem.

1. Supervision System Improvement

To overcome various problems in each phase of the placement of migrant fishing vessel crew, the most important thing to improve is the Supervision System. In terms of substance, Indonesia's labour migration laws and policies are currently still focused on facilitating the flow of migrant workers rather than creating protection mechanisms for workers. In the pre-work phase, the supervisory system must be focused on monitoring compliance with laws and regulations that have been violated by P3MI, public elements and government officials in the field. Supervision of the implementation of the placement and protection of every Indonesian migrant worker based on Article 76 Paragraph (1) Law Number 18 of 2017 is carried out by the Central Government and Regional Governments. In addition, in Article 2 Paragraph (3) Government Regulation Number 4 of 2015 concerning the Implementation of Supervision of the Placement and Protection of Indonesian Workers Abroad, it is stipulated that supervision of the implementation of placement and protection of migrant workers abroad during pre-placement and post-placement is carried out by the government agency responsible for manpower affairs at the Central Government, Provincial Governments and Regency/City Governments.

In the pre-work and post-work stages, the main problem is the weakness of the periodic supervision system as a preventive measure from the Regional Government and supervisors from the local manpower office. So far, the monitoring system has only been waiting for reports from the public, and even then there are still many that have not been followed up. Therefore, a periodic monitoring system is needed that is carried out by the Regional Government and the Supervisors of the Manpower Office to every P3MI in their area. This monitoring mechanism must be followed by the enforcement of strict sanctions for offenders. The Indonesian government has so far been constrained by the insufficient number of labour inspectors in the field, and the budgeted supervision funds so far are still insufficient and not proportional to the large number of companies that must be supervised. Therefore, there must be a commitment from the government to increase support for facilities, budget and the adequate number of supervisors in each region.

Supervision of migrant fishers is most difficult during their time of work. The government must understand that monitoring migrant fishers is complicated because their working areas are always changing. Therefore

a special mechanism must be created to protect them. Supervision of the implementation of placement and protection of Indonesian migrant workers abroad is carried out by representatives of the Republic of Indonesia in the destination country, one of which is the responsibility of the Labor Attaché and the Technical Staff of Labor. However, currently, the Indonesian government only has 13 Labor Attaches in placement countries. Based on Article 6 of the Regulation of the Minister of Manpower and Transmigration of the Republic of Indonesia Number Per.12/Men/X/2011 concerning Manpower Attaché and Technical Staff of Manpower at Representatives of the Republic of Indonesia Abroad, Labor Attaché and Technical Staff of Manpower have the task of assisting the Head of Representative in the field of the workforce based on statutory provisions. However, the number of Manpower Attaches and Technical Staff of Manpower is minimal, making the supervision of Indonesian migrant fishers on various foreign vessels abroad unable to run effectively.

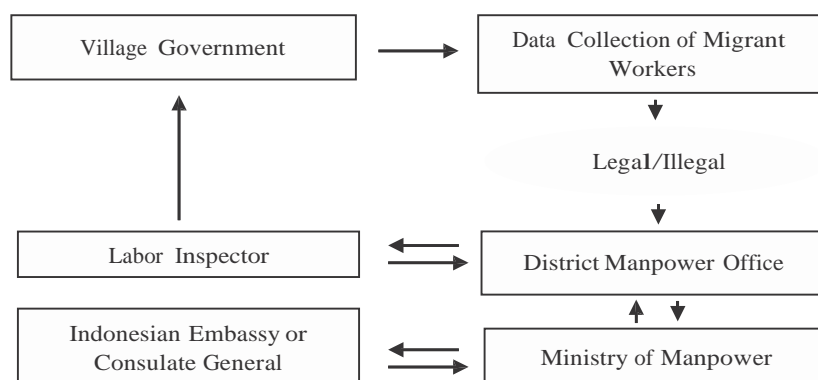
Realizing that the government is still having difficulty conducting direct supervision, the solution is to make a regulation that requires P3MI and BP2MI to report the condition of the migrant fishers they place, where the data is obtained in collaboration with user companies. The report must be forwarded to the manpower office and the family of the crew on a periodic basis every month or every few months. The rights of migrant workers' families to information regarding the conditions of their families who work abroad are clearly regulated in Law Number 18 of 2017. So far, many families of migrant fishers have complained and asked for clarity on the conditions of their families to P3MI and BP2MI but have not been responded to, even for years. With this regulation, P3MI and BP2MI are forced to monitor the working conditions of the crew members of the vessel they have placed and provide information for the needs of the parties concerned.

2. Improvement of the Data Collection System for Indonesian Migrant Fishing Vessels Crew

Improving data collection on the number, location of placement, and the presence of Indonesian migrant fishers abroad is very important to be done as soon as possible. The government is unlikely to be able to successfully carry out supervision and protection for migrant workers if there is no clarity on their number and location. This poses a particular challenge for developing countries, where the ability to collect, manage, analyze and report on data on mobility, migration and other areas is often limited ([Gallagher & McAuliffe, 2016](#)). The government must involve various parties, including village governments throughout Indonesia. This has been regulated in Law Number 18 of 2017, where the village government has expanded its involvement in the protection of migrant workers, but so far this role has not been maximally implemented. Chart 3 below are recommendations for a data collection system involving the Village Government, the Manpower

Office, the Labor Inspector, the Ministry of Manpower, and Overseas Government Representatives.

Chart 3. Coordinating Pattern for Migrant Fishing Vessels Crew Data Collection.



Article 42 of Law Number 18 of 2017 stipulates that the Village Government is in charge of verifying data and records of Prospective Migrant Workers, so the Village Government should have valid records and data. Some of the documents required to become migrant workers are also obtained from the Village Government, so ideally they understand very well how many of their residents are crew members of migrant fishing vessels. If the government only relies on data from ministries or government agencies at this time, generally the only data recorded are migrant fishers who are officially placed, while those who go through illegal channels are not yet clear. Whereas according to the constitution, this country has an obligation to protect migrant workers regardless of whether they work through legal or illegal channels. If we examine further, the crew of these migrant fishing vessels have to work abroad because of compulsion, due to the failure of the state to guarantee a decent job and livelihood for them in their own country according to the mandate contained in the constitution.

3. Increasing and developing foreign cooperation

The next thing that the government should do is increase cooperation with the government and port authorities of various countries. The government can collaborate in the supervision and transmit data on fishing vessels employing migrant fishers from Indonesia to port authorities of other countries and strengthen commitments to collaborate in the supervision and control of working conditions on these vessels. So, if there is a problem that occurs in the territory of these countries, they can immediately transfer information and the Indonesian government can immediately know and take action as soon as possible.

4. Increasing socio-economic reintegration programs

Many migrant fishers experience social and economic problems during reintegration, even though the benefits of working abroad and the salaries

they earn can be increased if the handling of migrant workers in Indonesia is also accompanied by financial education to manage their income from abroad. So that the benefits of the experience of working abroad and the salaries that migrant fishers earn do not just run out, the government is expected to create socio-economic reintegration programs in the form of financial education to manage their income and entrepreneurship training programs. The process of socio-economic reintegration is an important part of the protection of migrant fishers and efforts to improve the welfare of them and their families. The hope is that with these reintegration programs, they can become independent and no longer need to become migrant workers abroad.

In addition, many migrant fishers dare to report their cases after returning home, including reporting individuals from P3MI who cut wages and issue insurance claims. However, so far many have had difficulty accessing conflict resolution assistance so that in the end, the case was left unresolved. This must be immediately addressed by the government by carrying out bureaucratic reform and implementing strict sanctions for P3MI who commit violations in accordance with statutory regulations.

5. Ratification of the Work in Fishing Convention 2007

An essential convention related to the protection of migrant workers in fisheries that have not been ratified by Indonesia is the Work in Fishing Convention 2007. So, from a perspective of legal protection for Indonesian workers on foreign fishing vessels, it is currently very weak and limited. As a consequence, the standards of protection for crew members of migrant fishing vessels from Indonesia abroad have not been adjusted to the standards of the convention so that these crew members often experience exploitation and become victims of various labour problems at every stage of the placement process for migrant fishers from Indonesia.

IV. Conclusion

According to the findings of this study, the high number of cases affecting migrant fishers from Indonesia is due to several governance weaknesses that have occurred in the stages of before, during, and after work. Because numerous examples of abuses of the human rights of migrant fishers from Indonesia continue to occur, it is critical to address these various flaws as soon as possible. The interest of law, according to Satjipto Rahardjo's idea of legal protection, is to govern human rights and interests, hence the law has the highest authority to choose which human interests need to be controlled and protected.

The results of this study found that the high number of cases affecting migrant fishers from Indonesia is caused by various governance weaknesses that have occurred so far. These weaknesses occur both at home and abroad. These flaws run from policy to field implementation. According to the author's analysis, this flaw has existed at every stage of migrant fisher placement so far, from regulatory flaws to flaws in the pre-placement phase to post-placement phase. As a result of this flaw, migrant fishermen have been subjected to breaches that have persisted to this day.

This paper provides some protection model and recommendations for improving the governance of placement and protection for the migrant fishers, namely: 1. Supervision System Improvement; 2. Improvement of the data collection system for Indonesian migrant fishers; 3. Increasing and developing foreign cooperation; 4. Increasing socio-economic reintegration programs; 5. Ratification of the Work in Fishing Convention 2007.

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